

ADOPTED
SIGN TASK FORCE MINUTES
AUGUST 01, 2008

MEMBERS PRESENT: Senator Metsger, Representative Read, Amy Joyce, Chris Zukin, Terry Sandblast, Rich Gaston, Kris Levesque, Dale Clark, Pete Frost, Marcus Lyons and Phil Schradle (via phone)

MEMBERS ABSESNT: Kevin Howard, Chris Colvin

Meeting called to order 1:40pm

Minutes from May 5th meeting approved

Introductions: Marcus Lyons attended for Chris Daugherty

Senator Metsger requested Amy Joyce give an overview on the proposals to date: Penalties, Just Compensation and Segmentation of Scenic Byways

Penalties

Basically there are two levels of violations that could result in penalties and three types of violators, 1st time, repeat, and habitual.

Levels of violations:

1. Violation of technical issues:
Example: Sign on trailer, oversized, not maintained
2. Violation of safety issues:
Example: Cutting vegetation, junkyard, crossing access with out a permit

Penalties could range from \$50 to \$1,000 per day with no maximum for the technical types of violations and \$5,000 to \$10,000 with no maximum including removal of the sign for safety types of violations..

Discussion:

The question was asked “what method is used to determine who is responsible for cutting vegetation”?

Amy Joyce made the assurance that the state would not act without proof of the responsible party.

Representative Read commented that the intent is not to punish without proof.

Chris Zukin suggested that we develop more of a process to obtain a permit to cut vegetation.

Amy Joyce stated that she had not heard that the current process is not working. Chris Zukin said he would look in to how the process was working.

Pete Frost asked what the timing was for fines being assessed.

Amy Joyce explained the violation and fine process as follows:

- 1st. Violation issued and given 30 days to correct
- 2nd. 31st day penalty accrual starts if violation has not been corrected
- 3rd. If a hearing is requested should have a hearing date scheduled within 6 months
- 4th. Decision within 1 month
- 5th. Final Order and decision on amount of penalty

The question was asked if the statute addresses the penalty situation of a “good company” in violation when they purchased the sign in question from a habitual violator. An example would be an acquisition of a company and acquiring their signs that are in violation.

Senator Metsger requested that the statute be looked at to see if this is covered. Suggested disclosure during the sales transaction should be effective way to handle, if not disclosed then they should have a legal case. He also suggested there should be something in the rule to except out vandalism. September’s meeting will be an opportunity to work with the rule process.

Rich Gaston asked for clarification on whether or not a sign could be sold if it had an active violation.

Senator Metsger responded it could be sold but the violation would need to be disclosed.

Representative Read asked for additional comments.

Rich Gaston mentioned that Washington Department of Transportation was going through the same process.

Just Compensation

Amy Joyce stated the State’s proposal is different than the industry’s proposal and had sent it out the members. She did go through and deleted the archaic statues.

Representative Read asked for any comments:

Chris Zukin stated he had submitted a response to the State’s proposal.

Terry Sandblast asked where the task force is regarding a conclusion to the proposals.

Representative Read said we are not at the end but getting close. There is still the opportunity to make suggestions.

Segmentation of Scenic Byways:

Amy Joyce gave a review on the proposal for a process for segmentation of Scenic Byways.

She stated this is the first draft on how to remove a segment of a Scenic Byway and currently Scenic Byways run from point A to point B. The Industry would like to be able to segment “spots” in the Byway that are not “scenic”

Pat Moran who runs the Scenic Byway program for the state was introduced and answered questions concerning Byways.

The question was asked if there were Scenic Byways that were broken up.

Pat responded that there were. He stated that cities have the opportunity to opt out or be part of the Byway process. They have the ability to opt out in segments. He wanted to be clear that this could not be an option on any Scenic Byways that have federal grants.

Pat explained that there are basically 3 ways a portion of an existing Scenic Byway could be segmented.

1. The entity responsible for creating the Scenic Byway could voluntarily remove its designation by coming to ODOT and submitting the request.
2. If the entity responsible for the Scenic Byway disappears then ODOT could pull the Scenic Byway designation.
3. No official entity or inactivity by entity could be reason for ODOT to pursue segmentation or de-designation of the whole Byway.

Representative Read asked “who is an entity”?

Pat Moran responded that it varies, from the Forest Service, cities, city councils to groups or residents along a stretch of highway.

Senator Metsger commented that Scenic Byways are in an existence for many years. What happens when the official proponent of a Byway is no longer there?

Pat Moran stated that the “torch” could be handed to another group.

Pete Frost asked how many Scenic Byways are in the state.

Amy Joyce responded that there are 6 Scenic Byways. 2 of these have federal designations and there are an additional 9 tour routes.

Pete Frost commented that there are currently a lot billboards (OAS) on portions of these scenic byways. And that it would be nice to have a trade off on having billboards

removed from the actual scenic sections of scenic byways and allowing them in commercial or industrial sections of the byway. He would like to see a companion piece to encourage movement of signs from Byways to non-Byways.

Amy Joyce reiterated that any request to segment a portion of a Scenic Byway would be passed on to Pat Moran in the Scenic Byway office. But wanted to make sure it was understood that any federal grants received for the Scenic Byway would need to be paid back to the Federal government.

Chris Zukin asked how it was determined what federal dollars were required to be paid back.

Pat Moran stated it was his understanding that any and all federal funds for the entire Scenic Byway would need to be repaid.

Chris Zukin asked for confirmation, if the Scenic Byway runs for 5 miles and only .5 mile is taken out then all federal funds provided for the complete 5 miles would need to be repaid?

Pat Moran, "It would be a federal determination as I understand it".

Representative Read asked for confirmation from Pat Moran that we are the first to make a process. Pat assured Representative Read that yes; we are the first to propose a process.

Terry Sandblast asked if there are any land use restrictions.

Pat Moran stated that Scenic Byways deal only with billboards.

Phil Schradle asked if it was possible to get an answer from Federal Highway on what dollars would be required to be paid back.

Pat Moran agreed to make that request.

Pat Morn explained the process used to evaluate a proposed addition to the Scenic Byways designation list and that a reverse of this method could be a process to segment. He also stated that the OTC makes the final decision for the state system and Federal Highway when the decision is regarding a Federal Byway or All-American Road.

Senator Metsger asked if it was possible to get a list of OAS on Scenic Byways.

Amy said a list would be made available.

A list of noncomplying signs was also requested.

Representative Read asked if there were any other comments.

Chris Zukin felt that the task force had made “great progress.”

It was mentioned that the sign industry would like to be notified of potential new Scenic Byways.

Representative Read asked how often Scenic Byways have been added recently.

Pat Moran informed the Task Force that they don't happen very often, there have been two in the last few years, Umpqua River Scenic Byway and Vineyard and Valley Scenic Tour Route. He mentioned one being looked at from Philomath to Alsea.

Pat Moran explained the process involved in evaluating a highway as a possible designation to Scenic Byway.

Representative Read asked for any public comments on segmentation of Scenic Byways

None

Representative Read stated he concurred that a lot of progress had been made.

Senator Metsger opened up for general public comment.

Lynn Chiotti of the Oregon State Federation of Garden Clubs, Inc. state they felt strongly that the fine should equal the violation. But that they were most concerned about Scenic Byways. Lynn mentioned that she had just returned from a trip to China and that billboards were rampant there and ruining the beauty of the country. She warned about losing control of regulating billboards.

Pete Frost as follow up mentioned that he felt there was some common ground between the industry and the concerned public.

A member of the public mentioned that the Oregon Roadside Council had given grants for beautification of roads.

Senator Metsger and Representative Read thanked the public for being here and their continued support and caring about Oregon's roadways.

Rich Gaston wanted to know what are the areas of disagreement between the state and the industry regarding just compensation.

Amy Joyce stated that there are a number of areas but the main one is the dollar amount with the industry wanting around one million per sign. The state is closer to fifty to one hundred thousand. The difference is approximately nine hundred and fifty thousand dollars. This is money that won't go for road repair or the building of new roads. This could conceivably impact whether the projects go forward or not.

Senator Metsger and Representative Read asked that the meeting be within the next 30 days. The topics for the next meeting will be LED signs, vegetation. Please let staff know if you have other items for the next meeting.

Someone from the public asked that copies of the handouts to the members also be available to them. Senator Metsger agreed and asked staff to provide copies of materials handed out to the task force also be given to the public.

Meeting was adjourned at 3:00pm.