



NOTICE OF PROPOSED RULEMAKING INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 734 DEPARTMENT OF TRANSPORTATION DELIVERY AND OPERATIONS DIVISION

FILED

09/29/2025 4:48 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Changes to Chapter 734, divisions 59, 60 and 65 re: outdoor advertising signs

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/06/2025 1:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
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HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 11/06/2025

TIME: 9:00 AM

OFFICER: Staff

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 1-971-277-1965

SPECIAL INSTRUCTIONS:

Meeting ID: 297 370 987 565 7

Passcode: 4V9G572r

Phone conference ID: 210 297 23#

NEED FOR THE RULE(S)

734-059-0015: The department has determined upon a review of the definitions for Chapter 734, divisions 59, 60, 65, 66 and 67 that common definition for terms used throughout these existing and proposed rules, including rules amended for changes made to ORS 377.725 and 377.831 by SB 417 (2025) should be added or clarified for consistency among these divisions and to comply with the department's statutory authority.

734-59-0060: Current rules and statutes grant to the department the authorization to cancel, revoke or suspend a permit or license or determine that a license or permit is expired. The intent and purpose of this proposed rule is to adopt a single subject rule setting forth the grounds for these actions and the permittee or the licensee's entitlement to a contested case hearing under the Administrative Procedures Act, ORS Chapter 183 ("APA"). These are not new rights, but are proposed to be added to ensure applicants and permittees and licensees are informed of the grounds on which their permit or license may be negatively impacted and process that attaches to that agency action.

734-059-0220: This rule is proposed to be amended for structural clarification, to reduce redundancy and to move application related information into one rule that will address the application process for all permits for clarity and convenience.

734-060-0000: The current iteration of this rule is intended to explain to the public the process for applying for an outdoor advertising permit, including the correct form and information that must be provided for the department to initiate its review. The department has determined that the rule lacks specificity and clarity and does not reflect actual practices within the agency that have been implemented for decades. Amendments are proposed to this rule to make the process more transparent to the public to assist applicants in selecting the correct form and submitting the required information to avoid delay in the review process. In addition, the proposed amendments are necessary to implement SB 417. SB 417 added specific language to ORS 377.725 regarding acceptable lease documentation and to 377.831, removing a requirement for multiple permits to be surrendered when applying for digital sign permits.

734-060-0002: This rule is proposed to create a single subject rule that explains the department's process for reviewing a completed application, the basis for its decision, and a successful applicant's obligations once a permit is granted with respect to construction and relocation credits. These requirements are currently housed in OAR 734-060-0000 and are proposed to be moved into this single subject rule for clarity and convenience. The proposed rule also sets out an applicant's rights to a contested case hearing consistent with the APA.

734-060-0003: This rule is proposed to create a single subject rule addressing the necessity and application process for obtaining a business license.

734-060-0007: This rule is primarily proposed to comply with the changes to 377.831 made by SB 417 and to clarify the additional requirements for a digital OAS application. Additional amendments relating to the application process have also been moved to the proposed OAR 734-060-0000 which addresses application requirements for all permits generally.

All other changes are made to accommodate these changes and for structural clarity.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

SB 417 (2025) Enrolled version -

<https://olis.oregonlegislature.gov/liz/2025R1/Downloads/MeasureDocument/SB417/Enrolled>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The changes to Chapter 734 are structural and add clarity and will not in any way impact racial equity in Oregon.

FISCAL AND ECONOMIC IMPACT:

There is no expected fiscal or economic impact from these proposed amendments and adoptions. The proposed adoption and amendments to rules are made to clarify and memorialize existing processes, rights and obligations and add changes already made by the legislature in SB 417. These changes do not require additional fees or reporting and do not require applicants and permittees and business license holders to conduct their current business differently than the current rules require. The legislature has also already determined that there was no fiscal impact from SB 417.

COST OF COMPLIANCE:

(1) *Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s).* (2) *Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the*

expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

- (1) There will be no economic impact on state agencies, local governments or members of the public created by the adoption of these rules. These rules only clarify and memorialize existing processes, rights and obligations and add changes already made by the legislature in SB 417.
- (2) Only small businesses within the Oregon outdoor advertising industry are affected by these rules, but there will be no new economic impact. All persons holding an outdoor advertising permit should review and understand the rules as a usual day-to-day business function.
- (2)(a) The number of small businesses in the outdoor advertising sign industry is approximately 60 individual owners, or small businesses, (based on OAS small business licenses).
- (2)(b) The proposed rules do not require any additional reporting, recordkeeping or administrative activities. The proposed changes only clarify and memorialize existing processes and the department's enforcement authority for a permit or license holder's failure to follow existing law. All regulated businesses should already be engaged in these practices as part of their existing permitting and licensing requirements.
- (2)(c) No additional cost is anticipated related to the changes. Many of these changes memorialize the department's practice for acceptance, review and approval of permits that is already in place.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Fourteen groups representing small businesses were notified of the proposed amendments and invited to comment. No responses were received.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The department did not hold a RAC because the proposed changes do not alter any substantive rights other than changes already made in SB 417 (2025) and, as stated above, there is no expected fiscal or economic impact. The proposed adoptions and amendments of Chapter 734, divisions 59, 60 and 65 are to implement SB 417, to remove duplication, to move rules to more appropriate divisions, to add common definitions for terms used throughout these rules, to clarify the program's existing process for accepting, reviewing and making final determinations and to ensure consistency with the APA.

In addition, prior to publishing a first proposed notice of rulemaking, on August 28, 2025, the department invited its permittee and licensing community to provide comment to the rules by emailing a copy of the draft with an informal notice of the department's intent to publish a notice of proposed rulemaking that would be published in the Secretary of State's Oregon Bulletin on September 1, 2025. The department did not receive any comments and moved forward with its September 1 filing. After September 1, the department received written comments and objections and a request to hold a public hearing by the Oregon Outdoor Advertising Association. The department also met informally on September 16th with members of the outdoor advertising sign industry to discuss their comments. All persons entitled to notice of these rules were invited to attend this meeting in person or by electronic means. The department made some changes to the proposed rules based on these comments and reinitiates this proposed rulemaking with a hearing as requested.

RULES PROPOSED:

734-059-0015, 734-059-0060, 734-059-0220, 734-060-0000, 734-060-0002, 734-060-0003, 734-060-0007, 734-065-0055

AMEND: 734-059-0015

RULE SUMMARY: Rule contains definitions and interpretations by the department to administer the statutory

requirements in Oregon Revised Statute Chapter 377 for outdoor advertising signs visible to a state highway and any portion of the NHS in Oregon.

CHANGES TO RULE:

734-059-0015

Definitions¶¶

& Interpretations

Definitions under this rule are applicable to Oregon Administrative Rule Divisions 59, 60, 63, 65, 66 and 657.¶¶

(1) The terms "neat," "clean," "attractive," and "good repair" as used in ORS 377.710(17) and 377.720(7) are defined as follows:¶¶

(a) The terms "neat" and "attractive" mean without rotting or broken parts, having parts that are solid and sound, without chipping or peeling paint, paper, vinyl or plastic, without graffiti, and without faded, washed-out or illegible copy. The terms apply to all component parts of a sign.¶¶

(b) The term "clean" means free of dirt, unsoiled, without grime or soot. The term does not include a minor dust coating that is undetected from the main-traveled way of a state highway. The term applies to all component parts of a sign that are visible to the main-traveled way of a state highway.¶¶

(c) The term "good repair" means having sound and solid parts, without rotting or broken parts, firmly fixed in place so as to be able to withstand a wind pressure of 20 pounds per square foot of exposed surface. The term includes all component parts of a sign.¶¶

(2) In interpreting ORS 377.720(9) to be considered "used in transportation" the owner or operator must demonstrate the vehicle or trailer is regularly used in a manner consistent with its usual purpose. The Department may consider but is not limited to the following factors:¶¶

(a) Whether it is used only for storage;¶¶

(b) Whether it is incapable of being moved in its normal way, such as due to a flat tire or mechanical problems;¶¶

(c) Whether its movement would be illegal such as if its registration has expired;¶¶

(d) Whether its location is compatible with being regularly used in transportation;¶¶

(e) How frequently it is moved;¶¶

(f) How far it is moved;¶¶

(g) Whether any change in location appears to be a mere attempt to qualify a sign structure under the exemption.¶¶

(3) In interpreting ORS 377.773, "abandoned" means any sign that does not have a message on the display surface for a period of six months, a sign for which there is no display surface for a period of six months or a sign whose structure has been removed for a period of six months. For abandoned signs under ORS 377.773 the sign permit may be canceled at the end of the 6-month period.¶¶

(4) In interpreting ORS 377.700 to 377.844 and 377.992 the term "person" includes individuals, joint ventures, partnerships, corporations and associations or their officers, employees, agents, lessees, assignees, trustees or receivers.¶¶

(5) In interpreting ORS 377.700 to 377.844 and 377.992, the Outdoor Advertising Sign Permit owner is the owner of the sign authorized by the permit. An Outdoor Advertising Sign Permit Owner is a single person, or their authorized representative, who holds the right to authorize an activity associated with the permit including sign reconstruction, direct relocation, relocation credit request or the sale of a sign permit or relocation credit. A sign permit or relocation credit can only be owned by a single person or entity, and must be wholly owned by that person or entity. A sign permit or relocation credit may not be divided among multiple parties by percentage ownership, nor may it be issued to multiple parties.¶¶

(6) For a sign to be considered at a place of business or activity open to the public, for the purposes of the outdoor advertising sign program, some portion of regularly used buildings, parking lot, or storage or processing area must be visible from the state highway, with signage placed on, or immediately adjacent to, those portions of the business or activity.¶¶

(7) In interpreting ORS 377.735(1)(b)(C) a residence means a dwelling, grounds and physical areas necessary or customarily incident to the dwelling and may include garages, barns, parking and garden areas, that are arranged to be used in immediate connection with the dwelling and its customary residential uses. Fields used for crops or grazing are not considered a part of the residence for the purposes of the sign program.¶¶

(8) In interpreting ORS 377.710(30): a sign that is a "wall sign" (also termed a 'wallscape') means a sign where the message or content of the display is attached, affixed or otherwise applied to the exterior wall of an existing building. In the case where a wall sign must be removed to cure a violation of the OMIA, or where the wall sign is being removed to request a relocation credit, the physical exterior building wall is not considered a component' of the sign, or a part of the sign structure.¶¶

(9) In interpreting ORS 377.710(34), under sign structure', a wall sign's "display surface" if the sign structure is being used as a permitted outdoor advertising sign, all sign faces must be outdoor advertising signs. A sign

structure may only be used entirely as an outdoor advertising sign, or entirely as other than an outdoor advertising sign.¶

(a) The sign structure' of a wall sign does not include the exterior wall of the building. The sign structure' for a wall sign placed on an exterior building wall includes all parts of the message being displayed, as well as any apparatus used to affix or adhere the message to the exterior wall, and any lighting or illumination used in conjunction with the sign.¶

(b) The sign structure' of a roof-top or roof-mounted sign, includes all parts of the message being displayed, as well as any structure attached to the roof for the purpose of supporting and/or illuminating the sign, but does not include the roof of the building.¶

(10) In interpreting ORS 377.710(20) a non-conforming sign must stay substantially the same as it was on the date it became a legally located non-conforming sign, unless it can be legally reconstructed; and, thereby, be made conforming. To remain substantially the same, the sign may not have any changes to the sign face area, height, length or the structural materials used. All structural material replacements must be like kind replacements (e.g. wood structural members must be replaced with wood; steel structural materials must be replaced with steel, etc.)¶

(11) In interpreting ORS 377.710(17) "maintain" includes the reasonable repair and maintenance necessary to keep the sign structure in a state of good repair, including the replacement in kind of materials in the sign structure.¶

(a) Where the replacement of materials is involved, such replacement may not exceed 50% of the structural materials in the sign within any 24-month period. Structural materials mean all those materials incorporated into the sign as load-bearing parts, including vertical supports, horizontal stringers, braces, bracing wires, brackets, and catwalks.¶

(b) Structural materials do not include the sign face, any skirt, or electrical service, except where such items have been incorporated into the sign as load-bearing parts.¶

(12) In interpreting ORS 377.710(23) "reconstruct" includes, but is not limited to, a modification of the structure, or the type of structure, to add additional sign faces, to increase or decrease the size of the sign face(s), to increase or decrease the sign's height above grade or ground level (HAGL), to add, remove or otherwise reconfigure lighting, or to convert a wood sign structure to a metal structure, or wood elements to steel, or other metal, elements.¶

(13) "Outdoor Advertising Control System" (OACS) is the electronic database and web interface used by the Outdoor Advertising Sign Program to maintain records for the Outdoor Advertising Sign Program. ~~The~~ OACS allows permit holders to access their permit information, submit applications and action requests, and to make online payments.¶

(14) "Action Request" as used in the OACS is a request relating to permits or relocation credits, which does not automatically require Departmental approval. Action Requests include banking a relocation credit, transferring a sign permit or relocation credit from one owner to another, requesting a replacement permit plate, or aggregating relocation credits, as allowed in statute. After receipt, the Department will confirm that the request is valid, meets the applicable legal requirements and that the requester has paid any associated fees.¶

(15) For purposes of determining the spacing between signs in ORS 377.750, the Department shall measure the distances along each highway to which a sign is visible. When a permitted sign is visible to more than one highway, the spacing requirement is applied for all signs on the same side of each highway.¶

(16) ~~For purposes of ORS 377.767, a "Highway Beautification Purchase Site" or "Purchase Site), is a location designated by the ODOT highway number, side of highway, and milepoint, where a legally permitted outdoor advertising sign was previously located; and where the sign permit and the property owner's right to use the location to post an outdoor advertising sign was purchased' under the"~~ refers to an OAS and OAS site that the Department purchased pursuant to Federal Highway Beautification Act of 1965 and subsequent Federal Legislation and ~~th~~. An OAS may not be ~~Oregon Motorist Information Act of 1971. Sign and site owners, who participated were paid just~~cted or maintained on a purchase site. A list of purchase sites identified by ODOT highway number, side of highway, and milepoint may be requested from the Department. A purchase site does not include a site on which an OAS owner was compensated for the permanent removal of the sign and a prohibition from locating any future ~~oa~~ total loss to the OAS due to a highway project under ORS 377.713.¶

(17) Scenic Area has the meaning given in ORS 377.505(2). Outdoor Advertising Signs are prohibited in any area designated by final order as a Scenic Area. Outdoor aAdvertising sSigns within 500 feet of either side of the purchase site. ~~Property owners of the purchase sites may not be erected, maintained or relocated to a Scenic Area. A list of those highways and milepoints that are designated binding agreements with the Sta~~Scenic Areas in Oregon is available upon request.¶

(18) National Highway System of Oregon that act as deed rer NHS refers to the federal-aid highway system designated by the Federal Highway Administriciations against the erection of s part of the NHS under 23 CFR 470.¶

~~(19) "OAS" refers to any outdoor advertising signs for that owner and any successor owner of the property. A list of purchase sites may be requested from the Department.~~^{¶¶}

~~(20) OMIA refers to Oregon Motorist Information Act as defined in Oregon Revised Statute Chapter 377.~~^{¶¶}

~~(21) "Department" refers to the Oregon Department of Transportation.~~^{¶¶}

~~(22) "Director" refers to the Director of the Oregon Department of Transportation.~~^{¶¶}

~~(17) Scenic Area has the meaning given in ORS 377.505(2). Outdoor Adv~~²³~~Sign" means the sign structure, unless other~~^{tw}~~ising Signs are prohibited in any area designated by final order as a Scenic Area. Oe stated in the rule.~~^{¶¶}

~~(24) "Digital Billboard" or "Digital OAS" means an outdoor A~~^{advertising S}~~signs may not be erected, maintained or relocated to a Scenic Area. A list of those highways and milepoi~~^{that displays a static message and changes}~~messages by any electronic process or remote control, provided that the change from one message to another message is no more frequents that are designated Scenic Areas in Oregon is available upon request~~ⁿ~~once every eight seconds and the actual change process is accomplished in two seconds or less.~~

~~Statutory/Other Authority: ORS 184.617, 184.619, 377.710, 377.715, 377.725, 377.759~~

~~Statutes/Other Implemented: ORS 377.505, 377.5710, 377.7105, 377.720, 377.750, 377.76725, 377.735, 377.750, 377.759, 377.767, 377.773~~

ADOPT: 734-059-0060

RULE SUMMARY: Rule sets forth the grounds and process for the department's cancellation of a permit and the cancellation, revocation, suspension or expiration of a business license.

CHANGES TO RULE:

734-059-0060

Cancellation of an Outdoor Advertising Permit; Cancellation, Revocation, Suspension or Expiration of Business License

(1) The Director or its delegate may cancel a permit if it determines or discovers at any time, by any means, that:

(a) The permittee, business licensee, sign owner or property owner has provided false, incomplete or misleading information on an application or any other document required to obtain and maintain a license or permit.

(b) The property where the OAS is located is restricted or encumbered by a deed restriction, lease, easement, or other property restriction such that placement and operation of the OAS is limited or prohibited.

(c) The permitted sign is or has become prohibited by federal, state or local law;

(d) The OAS owner does not have written permission from the property owner to operate on the location site, or that permission has been cancelled, revoked or withdrawn.

(e) The application including all the supporting documentation is no longer accurate or complete or the department discovers that the application should not have been granted when the permit was issued.

(f) The sign is no longer maintained adequately or is abandoned.

(g) The sign owner has not complied with any requirement of the OMIA or OAR Chapter 734, divisions 59, 60 or 65.

(2) The director or its delegate may revoke or suspend a business license pursuant to OAR 734-060-0003.

(3) When the department, director or the director's delegate proposes to cancel a permit or license it will issue to the permittee or licensee a Notice of Violation & Order of Removal, along with a revocation or suspension of business license as applicable.

(4) Upon receipt of notice to cancel or suspend, a person may request a contested case hearing which shall be held pursuant to ORS 183, et. seq. and the Attorney General's Model Rules for contested case hearings as adopted by the department pursuant to OAR 731-001-0005.

(a) The request must be in writing and timely submitted to the department within 30 days after service of the notice. Service occurs 30 days after the notice is mailed. A request submitted by mail is timely if it is postmarked by the 30th day after service. A written answer is required and must specify any information required in the notice. If a timely request is received, the matter will be referred to the Office of Administrative Hearings in accordance with OAR 137-003-0515.

(b) If a timely request for a hearing is not received, the contested case notice will become a final order denying the requested waiver pursuant to OAR 137-003-0672.

(c) In a case where a hearing is requested, proposed orders, exceptions, and final orders will be issued pursuant to the applicable provisions of the Attorney General's Model Rules of Procedure.

(5) Upon a final order cancelling a permit, the OAS owner is not entitled to a relocation credit or relocation benefits.

(6) Business license renewal and renewal fee must be made prior to June 30th of each year. If the business license is not renewed by June 30th, the business license is expired and the former licensee may not conduct any activities that require a business license until a new business license is granted by ODOT.

Statutory/Other Authority: ORS 184.617, 184.619, 377.715, 377.725, 377.729, 377.730, 377.768

Statutes/Other Implemented: ORS 183.310, 183.411, 183.413, 183.415, 183.417, 183.425, 183.430, 183.435, 183.440, 183.445, 183.450, 183.452, 183.457-183.460, 183.462, 183.464, 183.470, 183.471, 183.480, 183.482, 377.725, 377.730, 377.768, 377.773, 377.775

AMEND: 734-059-0220

RULE SUMMARY: Rule describes procedure for requesting to, and aggregating, permits and/or relocation credits of less than 249 square feet. Includes minor updates to increase clarity of rule language and readability.

CHANGES TO RULE:

734-059-0220

Aggregation of Small Relocation Credits¶¶

~~An outdoor advertising sign relocation credit may only be issued to one person' as defined in OAR 734-059-0015(4). The Department will deny any requests to issue a relocation credit to more than one person, or to aggregate credits that belong to more than one person.¶¶~~

~~(1) Upon request from the sign permit owner, or their authorized representative, the Department shall issue a relocation credit for the total square footage of the single, largest sign face of one side of an outdoor advertising sign.¶¶~~

~~(2)(1) As provided in ORS 377.763 the owner of relocation credits may apply to combine (aggregate) them into a single credit. This rule establishes the criteria for aggregation, the procedure to request aggregation, and the procedure the Department will follow to process those requests.¶¶~~

~~(32) To qualify for aggregation:¶¶~~

~~(a) Each relocation credit must be recognized as valid under ORS 377.766. This includes verification by the Department that the sign and structure were removed.¶¶~~

~~(b) Each relocation credit must be 249 square feet in size or less.¶¶~~

~~(c) If the Department is aware of any dispute about the ownership or right to utilize the credit it may not be aggregated until the issue has been resolved.¶¶~~

~~(43) Application for Aggregation of Relocation Credits¶¶~~

~~(a) To aggregate relocation credits, the owner of a relocation credits must submit a written request to the Department of Transportation Outdoor Advertising Sign office Program; or an Action Request through the Outdoor Advertising Control System (OACS). The written request must be dated and must bear the original signature of the owner or owner's authorized representative. The OACS Action Request must be submitted through the OACS Relocation Credits module, by the owner, or their authorized representative.¶¶~~

~~(b) The request must include the relocation credit numbers sought to be aggregated, and the area (described in square feet) the owner calculates for the anticipated single credit.¶¶~~

~~(54) Department Processing of Action Requests for Aggregation of Relocation Credits;¶¶~~

~~(a) The Department will determine whether each relocation credit qualifies for aggregation. If any do not, the Department will advise owner and attempt to reach agreement on the qualification under law. If an agreement is not reached the Department will reject the request to aggregate.¶¶~~

~~(b) If each relocation credit qualifies for aggregation, the Department will determine whether the area of the anticipated credit calculated by the owner is the same as the area calculated by the Department, and whether it is within the statutory maximum for size. If the anticipated sizes are not the same, or if the projected size exceeds the statutory maximum, the Department will advise applicant and attempt to reach agreement on the correct size under the law. If an agreement is not reached the Department will reject the request to aggregate.¶¶~~

~~(c) If each relocation credit qualifies for aggregation and no issue exists as to the size of the anticipated credit, the Department will notify the owner in writing of the cancellation of the smaller credits and the creation of the single larger credit.¶¶~~

(5) Once a relocation credit is surrendered or retired for purposes of aggregating credits and an aggregation credit has been issued, all rights and privileges that may have attached to the surrendered or retired relocation credit are permanently terminated.

Statutory/Other Authority: ORS 184.619~~7~~, 377.763~~184.619~~, 377.715~~9~~, 377.992~~725~~

Statutes/Other Implemented: ORS 377.725~~184.619~~, 377.759, 377.763

RULE SUMMARY: This is the procedure for submitting the permit application process for an outdoor advertising sign.

CHANGES TO RULE:

734-060-0000

Outdoor Advertising Sign Application Process

An outdoor advertising sign permit may only be issued to one person' as defined in OAR 734-059-0015(4). The Department will deny any permit application that specifies more than a single person as the sign permit owner.

(1) Application forms. An application for a sign permit under the Oregon Motorist Information Act (OMIA) is made by completing and submitting the appropriate form, attaching to the form all documents necessary to show the application meets the requirements of the law, and submitting the correct fee to (1) A person may apply for an outdoor advertising sign permit pursuant to the OMIA by submitting a true, accurate and complete application in accordance with the Outdoor Advertising Sign Program of the Oregon Department of Transportation. Application forms are available from the Outdoor Advertising Sign Program. There are a number of different Outdoor Advertising Sign application forms. se rules. An OAS permit shall only be issued to a single person.

(2) The Department may deny a permit application if the applicant does not use the correct form. These include:

(a) "Outdoor Advertising Sign Permit Application" issues the following permits:

(a) OAS permit for a new permits, and relocation or reconstruction, of outdoor advertising signs permit to relocate or a permit to reconstruct an OAS that preexisted the law change on May 30, 2007;

(b) "NHS Outdoor Advertising Sign Static Permit Application" for areas added to the National Highway System (NHS) after May 30, 2007;

(c) "Outdoor Advertising Sign Digital Sign Permit Application" for digital permits newly issued under ORS 377.710, or relocation and reconstruction of such permitted signs;

(d) "NHS Digital Sign Permit Application" for signs in areas added to the NHS after May 30, 2007; and,

(e) Application for AS permit for areas added to the NHS after May 30, 2007.

(c) Transit Bench or Shelter Sign "OAS permit for signs on transit benches and shelters.

(23) Copies of sign laws. The Department will An application is made available copies of all state sign statutes, administrative rules, federal statutes, federal regulby completing and submitting the appropriate form. Separate applications; and federal state agreements in effect. The Department may charge for the copies required for a static OAS permit, a digital OAS permit, at the rate established by law for public records requests, and may require prepayment. The Department may also provide these documents by e-mail, web site, or in other forms for the convenience of the public and the Department.

(3) Summary of regulations. To assist potential permit applicants and the general public, transit bench or shelter permit. Application forms and instruction for the correct form are available at <https://www.oregon.gov/ODOT/ROW/Pages/Outdoor-Advertising-Sign.aspx>. The Department will make available a summary of sign permit regulations. The summary does not bind the Department to the items listed or waive its right and duty to enforce all requirements under the law may return, without processing, any permit application if the applicant does not use the correct form.

(4) Contents of standard applications for Outdoor Advertising Sign Permits. To be An applicant must complete the each application must include the following:

(a) Application form Part 1: Applicant Information, Sign Specifications. Information must be complete and accurate and include the name of the applicant and sign builder, by providing all information and documentation requested in the appropriate application in addition to the following:

(a) Applicant Information; name and contact information of the applicant and sign builder. Only applications with a single applicant will be accepted.

(b) Location of proposed outdoor advertising sign site: purpose of the application, description, township/range/section/tax lot, highway route number or name and side of highway where the sign will be located, how site is marked, name and address of property owner, a detailed drawing, or rendering, showing the dimensions and orientation of the proposed outdoor advertising sign on the site, including accurate measurement of the distance between the leading edge of the sign (closest to the right of way of the state highway) and the property line of the private property where the proposed outdoor advertising sign is being located, and the checkbox checked indicating why the sign will be an "outdoor advertising sign." The location boxes should be completed to the best of applicant's ability to enable the Department to find the site.

(bc) Application form Part 2: Certification of Local Jurisdiction. After completing Part 1, applicant must submit the complete application to the local jurisdiction for zoning and local compliance information. The local official must complete Part 2 and, if relevant, plicant must provide a certification completed by a local official that the applicant's proposal for an outdoor advertising sign complies with local zoning and ordinances. Applicant must

provide a complete and accurate application, including supporting documentation to the local official for its review and certification. Local official may be required to attach a letter of explanation of local code compliance. The local official must sign and date Part 2. ¶

(c) Application form Part 3. ¶

(d) Certification of Applicant. The application form must be signed and dated by the applicant, certifying that: ¶

(A) The information provided by in the application is accurate and has not been changed after the local government certification. ¶

(B) The sign is not prohibited or restricted by any local, state or federal law, or any contract, agreement, deed, easement, lease or license restriction (see section (b) above). If the applicant is a corporation, or other business entity, the individual signing must have authority to sign for the permit owner. ¶

(d) Fee. The fee is based on square footage as described in OAR 734-059-0100. To be complete, If there are restrictions on the sign, the application must be for a sign that does not violate the restrictions: ¶

(C) That physical access to the sign does not require use of the right of way of a state highway; and ¶

(D) The size and location of the sign is as described in the application and has not been changed after the local government certification. ¶

(e) An application must be submitted with the correct application fee. The Sign Program An application submitted without the correct fee is incomplete and may be returned to the applicant. The fee is based on square footage as described in OAR 734-059-0100. The department does not accept cash. All checks must be made out to Oregon Department of Transportation. E-check payments are accepted for electronically submitted applications, Action Requests, and sign permit or Business License renewals through the OACS system. E-check payment requires payment to be made at the time the renewal/application is submitted by the applicant. ¶

(ef) Written proof of landowner consent. All applications must include written proof that the landowner consents to have applicant maintain the proposed sign. The document must be signed by the landowner, or their authorized agent, and the application filed during the base term of the agreement, or during a renewal term that is automatic or at applicant's election. If during a renewal period applicant must certify that the renewal was exercised and continues in effect. Examples of acceptable documents are the land lease, land lease plus applicant's certification as described above, land lease plus owner's written confirmation that an extension is being exercised, or a current memo signed and dated by land owner stating that applicant has permission to maintain the sign at the specified location. Payment information need not be included unless it is the evidence that compensation is exchanged making it an outdoor advertising sign. ¶

(f) Business License. The applicant and the sign builder must have a current outdoor advertising sign business license as required under ORS 377.730. It is the responsibility of the Business License holder who erects or maintains an outdoor advertising sign to ensure that the outdoor advertising sign, visible to a state highway, is in compliance with the OMIA. Compliance includes ensuring signs have an active state sign permit prior to placing or maintaining any message on the sign, and ensuring that the sign stays in compliance during the time that the licensee operates or maintains the sign. Violations may result in suspension or revocation. Landowner consent may be shown by providing a lease or easement signed by the current property owner, or a prior landowner if the document conveying the lease or easement, including a memorandum of lease, expressly states that it is binding on successors or assigns. ¶

(5) Additional contents required for certain permit applications. In addition to the information required for a standard application of, the licensee's business license as allowed under ORS 377.730, applicant must provide the following: ¶

(ga) Relocation permit application. For a relocation application to relocate an outdoor advertising sign, if the zoning was first commercial or industrial after 1/1/1973, or if the local jurisdiction cannot determine the date, the applicant must submit a sketch or other document showing the site is within 750 feet of a commercial or industrial area to comply with ORS 377.767(3). ¶

(hb) Pre-existing sign permit applications pursuant to ORS 377.712(1). For outdoor advertising signs that existed legally prior to May 30, 2007, the following additional items are required for a pre-existing sign permit application: ¶

(A) Complete the "Supplement for Pre-existing Sign Permit" portion of the application. The supplement must be signed before a notary public; ¶

(B) Submit documents demonstrating each of your claims, such as a lease showing the sign was posted for compensation; and ¶

(C) Pursuant to ORS 377.712(1), include documentation demonstrating how applicant was ignorant of the permit requirement for outdoor advertising signs as of May 30, 2007. ¶

(ic) A pre-existing sign permit application pursuant to ORS 377.712(2), including NHS Limited Permit applications in OAR 734-060-0120, for outdoor advertising signs that existed legally prior to October 1, 2012, must include the following additional items to be complete applications: ¶

(A) A complete "Supplement for Pre-existing Sign Permit" portion of the application, signed before a notary public;

and¶

(B) Documentation demonstrating each of the claims selected on the supplement ~~(i.e. as~~ For example, if selecting "posting for compensation," applicant should provide a copy of a signed, executed and current lease agreement, showing the sign was posted for compensation, ~~when posted for compensation is selected~~).¶

(5d) ~~DA~~ Digital B billboard applications must also include the following information:¶

(a) ~~A~~ When being reconstructed or relocated for the first time as a digital billboard the applicant must provide ~~t~~ The eligible permit(s) or relocation credit(s) being retired pursuant 377.700 to 377.844 and OAR 734-060-0007.¶

(b) ~~Whether the proposed sign is a "Poster," "Bulletin," or other sign as described in OAR 734-060-0007(2).~~¶

(~~e~~B) Emergency malfunction contact information including name, phone number along with proposed response procedure to possible malfunction.¶

(~~d~~C) Whether or not a renewable energy resource is available and being utilized. If none, then the applicant must complete the affidavit attesting that no renewable resource is available.¶

(6) ~~Transit Bench or Shelter Application. A transit shelter or bench application must provide documentation demonstrating that the site is at an official bus or transit stop on a city or urban transit system route and complies with local ordinances.~~¶

(7) ~~Complete Applications.~~¶

(a) The Outdoor Advertising Sign Program's mailing address is: Oregon Department of Transportation, Right of Way Section – Sign Program, 4040 Fairview Industrial Drive SE, MS #2, Salem OR 97302. The Sign Program receives hand deliveries at 4040 Fairview Industrial Drive SE, Salem Oregon. The Sign Program receives facsimiles at 503-986-3625. The Sign Program receives electronic mail at OutdoorAdvertising@odot.state.or.us.¶

(b) ~~If applicant makes any changes to the~~ he department will only process applications that are complete. An application is complete when the OAS program receives the signed hardcopy application form after it has been received by the Department, applicant shall initial the change(s) on the paper application and re-sign the application. If the application was submitted through the OACS system, applicant shall submit changes and electronically sign using its log, or the electronic application through OACS, including all necessary information, and password for the OACS system. Signature ¶ required attachments for any changes shall be by an authorized representative documents necessary for issuance of the a permit holder. The Department will not accept any changes to an application made verbally; all changes must be in writing or through OACS, and the correct application fee.¶

(~~e~~a) The ~~D~~ department will record the date for each application document received. ~~Application materials received by mail will be treated as received at the time a representative of the sign program physically receives the program's mail for that day for the purpose of assigning a priority date to the application if it is deemed complete. Applications materials received in person, by fax, or by electronic transmission will be treated as~~ be submitted by mail, personal delivery or by submission through OACS. An application is deemed received when a representative of the sign program physically receives those materialson the date the department receives it if the application is submitted by mail or personal delivery. Applications or A ction R request materials received through OACS will be treated as received when the permit holder or their authorized representative selects the "Submit" button in the OACS. Payment for the application or Action Request is required before OACS will allow the application to be submitted.¶

(~~d~~b) The ~~D~~ department will ~~only process applications that are complete. An~~ review all application is complete when the Outdoor Advertising Sign program receives the signed hardcopy application form, or the electronic application through OACS, including all necessary information, all required attachments or documents necessary for issuance of a permit, and the correct application fee.¶

(A) Within 15 calendar days of receiving an application the Department rectly submitted along with the correct fee to determine whether the application is complete and will notify the applicant in writing whether the application is incomplete or if additional information is needed. If the D department determines the application is complete, the notice will state the application's priority among all pending, complete applications. If the Department will be denying the application, a Notice of Denial will be issued rather than a notice that the application is complete.¶

(B) ~~If the Department determines any information provided is incorrect or in~~ department will assign a priority date to the application and will give notice to the applicant of the date and the application's priority among all pending, complete, the application will be deemed incomplete. T s.¶

(c) ~~If the D~~ department may rescind a notice of completeness and priority date if it later determines that any information provided by applicant is either incomplete or incorrect.¶

(e) ~~If an application is incomplete, and is not being initially denied is inaccurate or incomplete,~~ within 15 calendar days of receiving the application, the D department will return a copy of the first page of the application with written instructions on what is needed to complete or correct the application. The applicant must confirm any subsequent changes, by initialing changes on hardcopy applications, or by editing the electronic application in the OACS system, if application is submitted through OACS. If the changes are substantive, the applicant must obtain

a new certification from the local jurisdiction. The Department will retain the application in an incomplete status for 60 days. If the application is still incomplete after 60 days, it will be deemed withdrawn by the applicant. Hardcopy applications will be marked "Withdrawn" and may be retained by the Department. Applications submitted through OACS that remain incomplete after 60 days will be moved to a "Withdrawn" status and archived within that system.¶

(A) If an application form is complete but the application is considered¶

(A) If an application form is incomplete due to insufficient supporting documents or failure to submit the correct fee, the Department may will return a copy of any relevant the incomplete portion of the application with written instructions on how to complete it; or the Department may hold the application and notify the applicant in writing of what is needed to make it complete and the date that the information must be received by to prevent the application from being withdrawn under the law in accordance with these rules.¶

(B) Within 15 days of receiving the corrected form or additional materials, the Department will provide the applicant written notification whether the application is complete and, if complete, the priority among all pending, complete applications.¶

(C) If the applicant makes any change to the application after it is deemed complete, the Department will change the priority date to the date of that change.¶

(D) If the Department has held an incomplete application for 60 days from the date of initial receipt, the application is The department will retain the application in an incomplete status for 60 days. If the application is still incomplete after 60 days, it will be deemed withdrawn by the applicant. The Department will return a copy of the first page of the application and may refund any eligible deposited fee. The Department will retain the original application as a record.¶

(8d) Processing of complete permit For resubmitted application.¶

(a) Ts at the Department will approve or deny a permit application within 60 days of the complete application's priority date as determined under section (7)(d) or (e) of this rule if the application clearly does not conflict with another complete application.¶

(b) An application for a permit that conflicts with the location of an expired or canceled permit will not be processed until the time for any hearing or appeal on the latter permit has passed, unless the permit is being canceled as a condition for issuance of the new permit.¶

(c) When a complete application might conflict with another complete application due to spacing or any other reason, the application with the earliest priority date and 's direction or initiated by the applicant:¶

(A) Applicant must identify any changes made by initialing the change(s) on the paper application and re-sign the application. Signatures for any changes shall be by an authorized representative of the permit holder. The department will not accept any changes to an application made verbally; all changes must be in writing or through OACS.¶

(B) Applicant must provide an updated certification by a local official if the applicant added information to the application or made substantimye takes precedence over later applications. Subject to all other requirements of the OMI A changes.¶

(C) Upon receipt of the revised application, the Department will issue the permit to the earlier applicant.¶

(d) If multiple complete applications have the same priority date and time, and are determined by review the application to determine whether the application is complete and accurate. If the Department to compete for the same spot, the Department shall notify determines the applicants of the circumstances within seven days of tion is complete and the fee is paid, the Department's determination. If an affected applicant requests a contested case hearing, will assign a new priority date based on the matter will be determined by a single contested case hearing under Oregon's Administrative Procedures Act.e the application is complete.¶

(e) The Department shall refer the matter to the Office of Administrative Hearings within seven days of an applicant's written hearing request.¶

(e) If the Department does not approve or deny a permit application within the time allowed under section (8)(a) of this rule, such actions do not require the Department to issue a permit or require any remedy except as provided otherwise in law may rescind a notice of completeness and priority date if it later determines that the applicant or its representative provided incomplete or inaccurate information.¶

(9Z) Field checks; applicant requirements and Department method.¶

(a) When the Department determines an application is complete, the Department will perform a field check to determine the milepoint and all other information necessary to process the application.¶

(b) The applicant must place a marking at the site to show the proposed location for the sign permit which corresponds to a detailed drawing, or rendering, showing the dimensions and orientation of the sign on the site. The drawing or rendering must include an accurate measurement of the distance between the leading edge of the sign and the property line adjacent to the right of way of the state highway, showing that all portions of the sign structure will be completely contained within the private property of the leaseholder and outside of the right of way of the state highway. The applicant may use a stake, ribbon, paint, or any method or material that will allow

the Department to easily locate the site and attribute it to the applicant. If the marked site is other than that represented to the local authority in obtaining its signature on the application form, or is other than where the applicant actually builds the sign, the Department may consider that a violation of ORS 377.725(10).¶

(c) If the Department cannot locate the site it will notify the applicant pursuant to (5)(e) above that the application is incomplete due to incorrect information and may request reasonable action by the applicant to identify the site.¶

(d) The Department will conduct a field check by traveling to the proposed site and calculating the milepoint to the one-hundredth of a mile or, when necessary, to the one-thousandth of a mile. The Department may also determine the engineering station and latitude/longitude or other GPS location information. The Department may also make any other determination regarding the site that is relevant to the application, such as proximity to the right of way and to a commercial or industrial area. Once a field check has been conducted the application fee is non-refundable.¶

(e) The Department may use intersections, highway structures, or other highway feature and its corresponding milepoint or engineering station, to measure and calculate the milepoint of the proposed site. Milepost markers are for the convenience of motorists and are not precise indications of the milepoint, therefore the Department will not use milepost markers for these calculations without other indication of accuracy.¶

(10) Denied Permit Applications. If the Department denies an application, it will consider that site as conflicting with other applications.¶

(a) Until the time to request a hearing elapses without a hearing request from the applicant; or¶

(b) If a hearing is requested, until the time to request an appeal on the final order has elapsed or until the final appellate court enters a judgment on the matter, whichever is later.¶

(c) The Department will keep the original application and any accompanying documents and return a copy after an application is denied.¶

(11) Issued Permits.¶

(a) The permit will specify the 180th day by which the sign must be constructed.¶

(b) Within 190 days of permit issuance, the permittee must notify the Department in writing if the action described in the permit has been completed, and include at least one photograph demonstrating that completion. For a reconstruction permit or a relocation permit based on a relocation credit, the notice must state that the new sign has been constructed. For a direct relocation the notice must state that the new sign has been constructed and the former sign on which the permit was based has been removed. If the Department has not received the notification within 180 days the Department will alert the permittee about the upcoming 190-day deadline. If the permittee fails to submit the written notice and photograph within the time allowed, the Department will cancel the permit to relocate or reconstruct, and the permit will revert to its prior status. No fees will be refunded.¶

(c) "Constructed" means that the structure and all sign faces are permanently in place and the permit plate is attached. "Removed" means the taking down, removing, or eliminating all sign structure elements that are visible from the state right of way.¶

(12) Sign Removal Notification A written relocation credit request and the accompanying relocation credit banking fee must be provided to the Department by the permit holder within 60 days of the removal of any permitted sign for that sign to be eligible to receive a relocation credit.¶

(13) Notification of Ownership Change It is the responsibility of a Business Licensee and a Permit Owner to notify the Department of ownership changes, in writing, within 60 days if a sign permit or relocation credit has been transferred to a new owner or licensee. Failure to provide written notification and required transfer fees within 60 days may be considered a violation under ORS 377.725(2) and may result in the suspension of associated Business License(s) department will not use milepost markers for these calculations without other indication of accuracy.

Statutory/Other Authority: ORS 184.617, 184.619, 377.715, 377.725

Statutes/Other Implemented: ORS 377.740, 377.74205, 377.712, 377.715, 377.723, 377.725, 377.831

RULE SUMMARY: This rule describes how information from a sign permit application is reviewed and the decision process for completed applications, as well as the construction or reconstruction requirements of the sign where a permit is issued.

CHANGES TO RULE:

734-060-0002

Review and Decision on Completed Application; Construction or Reconstruction of OAS

(1) Upon the department's determination that an application is complete and a field check is made, the department will review the application and either grant or deny a permit within 60 days of the complete application's priority date as determined under this rule.¶

(2) The department may grant a permit if it determines that applicant is qualified to receive a permit based on the criteria set forth in the OMIA and OAR chapter 734, Divisions 59, 60 and 65.¶

(3) The department may deny an application for a permit if it fails to meet any of the requirements of an application set forth in ORS 377.700 through 377.844 and OAR chapter 734, Divisions 59, 60 and 65.¶

(4) The department may not approve any application for a permit in a Scenic Area or to relocate or build a new sign on any Scenic Byway.¶

(5) If the department proposes to deny an application, the applicant is entitled to a contested case hearing on a denial pursuant to ORS Chapter 183.¶

(a) If the department denies an application, it will consider that proposed site for the permit as conflicting with other applications until the time for hearing has elapsed or, if a hearing is requested, until a final order issued and the time to request an appeal has elapsed or until the final appellate court enters a judgment on the matter, whichever is later.¶

(b) The department will keep the original application and any accompanying documents and return a copy after an application is denied.¶

(6) Competing Applications¶

(a) When a complete application might conflict with another complete application due to spacing or any other reason, the application with the earliest priority date and time takes precedence over later applications. Subject to all other requirements of the OMIA and these rules, the department will issue the permit to the earlier applicant.¶

(b) If multiple complete applications have the same priority date and time and are determined by the department to compete for the same spot, the department shall use the earliest date of the local jurisdictional approval to determine which application to approve.¶

(c) A completed application for a permit that conflicts with the location of an expired or canceled permit, where the formerly permitted OAS still stands, will not be processed until the time for any hearing or appeal on the former permit has passed.¶

(7) Construction of sign after permit is issued.¶

(a) For purposes of this subsection:¶

(A) "Constructed" means that the structure and all sign faces are in place and the permit plate is attached.¶

(B) "Removed" means the taking down, removing, or eliminating of all sign structure elements that are visible from the state right of way.¶

(b) A permittee must construct the sign by the 180th day after the department issues a permit. The department will provide notice to the permittee of the date by which the sign must be constructed.¶

(c) Within 190 days of permit issuance, the permittee must notify the department in writing if the action described in the permit has been completed and include at least one photograph demonstrating that the sign is completely erected and the permit plate is attached.¶

(A) For a reconstruction permit or a relocation permit based on a relocation credit, the notice must state that the new sign has been constructed.¶

(B) For a direct relocation the notice must state that the new sign has been constructed and the former sign on which the permit was based has been removed, demonstrated by images showing the sign has been removed.¶

(C) If the department has not received the notice required in this rule within 180 days from the date the permit is issued, department will notify the permittee about the upcoming 190-day deadline. If the permittee fails to submit the written notice and photograph within the time allowed, the department will cancel the permit to relocate or reconstruct, and the permit will revert to its prior status. No fees will be refunded.¶

(d) If the OAS is not fully constructed within the 180-day deadline, the applicant must reapply for a permit to complete the construction or remove any portion of the sign that is already constructed at the applicant's cost. If the applicant does not reapply or remove the portion of the OAS within 30 days, the department will issue a Notice of Violation.¶

(8) Relocation credit.¶

(a) An application for a relocation credit and the accompanying relocation credit banking fee must be provided to the department by the permit holder within 60 days of the removal of any permitted OAS for that OAS to be eligible to receive a relocation credit.¶

(b) Upon receipt of a timely complete application for a relocation credit and the credit banking fee, the department shall issue a relocation credit for the total square footage of the single, largest sign face of one side of a permitted outdoor advertising sign. A relocation credit will be issued only to the person who is the owner of the permit at the time of the application.¶

(c) The original permit shall be cancelled in accordance with ORS 377.768 when the relocation credit is issued. Once the original permit is cancelled, all rights and privileges that may have attached to that permit are permanently terminated.¶

(9) Notification of Ownership Change. It is the responsibility of a business licensee and a permit owner to notify the department of ownership changes, in writing, within 60 days if a sign permit or relocation credit has been transferred to a new owner or licensee or when there is any change in mailing address in regard to a permit or relocation credit. Failure to provide written notification and required transfer fees within 60 days may be considered a violation under ORS 377.725(2) and may result in the nonrenewal of the permit(s) and also in the suspension of associated business license(s).

Statutory/Other Authority: ORS 184.617, 184.619, 377.715, 377.725

Statutes/Other Implemented: ORS 377.705, 377.712, 377.715, 377.723, 377.725, 377.767, 377.768, 377.775, 377.831

ADOPT: 734-060-0003

RULE SUMMARY: Rules regarding OAS program Business Licenses when required for erecting and maintaining outdoor advertising signs; expiration, suspension and revocation.

CHANGES TO RULE:

734-060-0003

Business License

(1) A person is required to obtain a business license from the department to erect or maintain an OAS for compensation for another person in accordance with ORS 377.730.¶

(2) For any OAS that a business licensee maintains or erects, the licensee is responsible for:¶

(a) Ensuring that the OAS is in compliance with the OMIA during the time the licensee operates or maintains an OAS; and¶

(b) Ensuring that the OAS has an active OAS permit prior to erecting or maintaining the OAS, and¶

(3) An application may be made for a business license by completing and submitting the form provided by the department.¶

(4) A business licensee must renew a license by June 30th of each year by submitting a complete application on the form provided by the department and submitting the annual fee. The department shall not renew a business license unless the licensee submits a complete renewal application and the required fee. Any business license that is not renewed by June 30th is expired. ¶

(5) If the Director determines that a business licensee has violated any provision of the OMIA and Divisions 59, 60 and 65 the department may revoke, suspend or refuse to renew the business license. ¶

(6) No person may erect, reconstruct or maintain an OAS under a revoked or expired business license.

Statutory/Other Authority: ORS 184.617, 184.619, 377.715, 377.725

Statutes/Other Implemented: ORS 377.729, 377.730

RULE SUMMARY: Rule changes to digital OAS procedure to accommodate changes made by SB 417 (2025).

CHANGES TO RULE:

734-060-0007

Digital Billboard OAS Procedures-

- (1) This rule describes the process for applying for a constructing and maintaining an OAS permit for a digital billboard.
- (2) Definitions for the purposes of this rule:
- (a) "Sign" means the sign structure, the display surfaces of the sign, and all other component parts of the sign.
- (b) "Retire" means to use a relocation credit such that it no longer exists OAS in addition to the requirements set forth in OAR 734-060-0000.
- (2) An owner may obtain an OAS permit for a digital OAS by retiring an OAS permit for a standing OAS or ~~to by~~ remove an existing sign to become ~~atiring~~ an OAS relocation permit or credit for use.
- (c) "Bulletin" means an outdoor advertising sign with a display surface that is 14 feet by 48 feet.
- (d) "Poster" means an outdoor advertising sign with a display surface that is 12 feet by 25 feet.
- (e) "Digital Billboard" means an outdoor advertising sign that is static and changes messages by any electronic process or remote control, each digital OAS face. Retiring a permit or relocation credit permanently cancels the retired permit or credit and terminates all rights and provided that the change from one message to another message is no more frequent than once every eight seconds and the actual change process is accomplished in two seconds or less.
- (3) Qualifications for receiving ~~aleges~~ attached to that permit or credit.
- (3) The proposed site where the digital billboard state sign permit:
- (a) The proposed site and digital billboard OAS will be located and the digital OAS must meet all requirements of the OMIA including, but not limited to, the following:
- (Aa) The digital billboard OAS is not illuminated by a flashing or varying intensity light.
- (Bb) The display surface of the digital billboard OAS does not create the appearance of movement.
- (Cc) The digital billboard OAS must operate at an intensity level of not more than 0.3 foot-candles over ambient light as measured by the distance to the sign depending upon its size.
- (Dd) The distance measurement for ambient light is: 150 feet if the display surface of the sign is 12 feet by 25 feet, 200 feet if the display surface is 10.5 by 36 feet, and 250 feet if the display surface is 14 by 48 feet.
- (bd) Applicant must submit a completed application for a digital billboard state sign permit using the approved form that may be obtained by one of the following methods:
- (A) Requesting from Sign Program Staff by phone at 503-986-3650;
- (B) Email: OutdoorAdvertising@odot.state.or.us;
- (C) Website: <http://www.oregon.gov/ODOT/HWY/SIGNPROGRAM/pages/index.aspx>.
- (c) The Department shall confirm that The digital OAS must have the capacity to either freeze in a static position or display a black screen in the event of any existing permitted Outdoor Advertising Sign or relocation credit being retired for the purpose of receiving a new digital billboard state sign permit has been removed within the 180 days allowed to construct the new permitted sign. The Department will not charge a Banking Permit Fee for the cancellation of state sign permmergency or malfunction.
- (4) An application for a digital OAS must include the following in addition to any application requirements in OAR 734-060-0000.
- (a) A permit or relocation credits retired for the purpose of receiving a new digital billboard permit.
- (4) This section sets forth the criteria for determining tha digital OAS permit must have at least 250 square feet of sign face are required relocation credits or existing permitted signs that an applicant shall retire to receive one new digital billboard state sign permit:
- (a) Applicants who own 10% or less of all active relocation credits at the time the application is submitted shall either remove one existing state permitted outdoor advertising sign with a display area of at least 250 square feet or provide one active relocation credit of at least 250 square feet and retire that permit. Applicants meeting these criteria are not limited to either "Bulletin" or "Poster" billboards.
- (b) Applicants who own more than 10% of all active relocations credits shall apply for a new digital billboard state sign permit as follows:
- (A) For a digital billboard that is intended to be a bulletin, the applicant has three options:
- (i) Remove two existing bulletins, retire the permits for those signs, and retire three relocation credits; or
- (ii) Remove one existing bulletin and two existing posters, retire those permits and retire three active relocation credits; or
- (iii) Remove four existing posters, a

- (b) Emergency malfunction contact information including name and phone number, along with a proposed response procedure to a malfunction of the digital OAS. The contact person must have the authority to make modifications to the display and lighting levels.¶
- (c) Whether or not a renewable energy resource is available and being utilized. If none, then the applicant must complete the affidavit attesting that no renewable resource is available.¶
- (5) The following applies to the construction of a digital sign in addition to the requirements set for those signs, and retire three relocation credits.¶
- (B) For a digital billboard that is intended to be a poster, the applicant has two options:¶
- (i) Remove two existing posters, retire the permits for those signs, and retire in OAR 734-060-0002. ¶
- (a) Within 190 days of the date the department issues the digital OAS permit, the permittee must notify three relocation credits.¶
- (ii) Remove one existing bulletin, retire the permit for that sign, and retire three relocation credits. The permittee has completed the action credits.¶
- (c) For an active relocation credit to be eligible it must be at least 250 square feet. All permits and relocation credits submitted under these procedures will be permanently cancelled and are not eligible for renewal required in the permit, including at least one photograph demonstrating that the new digital OAS is completely erected and the permit plate is attached.¶
- (d) Any state sign permits submitted for retirement must include the written statement notifying the Department. For a digital OAS permit based on a relocation credit, the notice must state that the "new sign has been lost or cancelled."¶
- (5B) The Department will determine the percentage of relocation credits owned by an applicant by dividing the total number of unused relocation credits by the total number of unused relocation credits owned by the applicant on the day the application is received.¶
- (6) Two digital billboard state sign permits are required for any back to back or V-type digital sign. A separate application is required for each digital sign face.¶
- (7) The first time a digital billboard is permitted it is not subject to the 100-mile rule in ORS 377.767(4). The site of the newly permitted billboard will become the established location for future reference permit was based has been removed, demonstrated by images showing the sign has been removed.¶
- (8C) Relocation of permitted digital billboards. If the Department will issue one digital relocation credit for each permitted digital sign that is removed. The digital relocation credit issued will be for the same square footage as the permitted digital sign that was removed. A digital relocation credit can only be used to relocate a digital billboard. A permitted digital sign can only be reconstructed as a digital billboard.¶
- (9) Use of renewable energy resource. The applicant must provide a statement with the application that clarifies what, if any, renewable energy resources are available at the site and are being utilized. If none, then within 180 days from the date the permit is issued, the department will notify the permittee about the upcoming 190-day deadline. If the permittee fails to submit the written a notarized statement to that effect must be included and photograph within the application.¶
- (10) All permitted digital billboards must have the capacity to either freeze in a static position or display a black screen in the event of a malfunction.¶
- (a) The applicant must provide emergency contact information that has the ability and authority to make modifications to the display and lighting levels in the event of emergencies or a malfunction. time allowed, the department will cancel the permit to relocate or reconstruct, and the permit will revert to its prior status. No fees will be refunded.¶
- (b) The Department will notify the sign owner of a malfunction that has been confirmed by ODOT in the following instances:¶
- (A) The light impairs the vision of a driver of any motor vehicle; or¶
- (B) The message is in violation of ORS 377.710(6) or 377.720(3)(d).¶
- (11) All digital billboard signs must comply with the light intensity and sensor requirements of ORS 377.720(3)(d) shall confirm that any existing permitted OAS, which is being removed, is removed within the 180-days allowed to construct the new permitted digital OAS.¶
- (ac) The Department will take light measurements of the permitted digital billboard OAS when notified that the sign has been constructed and the permit plate has been installed.¶
- (b) The Department will use an approved luminance meter designed for use in measuring the amount of light emitted from digital billboards OAS using the industry standard for size and distance as follows:¶
- (A) 150 feet for 12'x 25'.¶
- (B) 200 feet for 10.5'x 36'.¶
- (C) 250 feet for 14'x 48'.

Statutory/Other Authority: ORS 184.616~~7~~, 184.619, 377.710~~5~~, 377.729~~5~~, 377.753~~8~~31

Statutes/Other Implemented: ORS 377.740~~5~~, 377.720, 377.725, 377.750, 377.767, 377.831

ADOPT: 734-065-0055

RULE SUMMARY: Adding Transit Application information removed from OAR 734-060-0000 to remaining Transit permit application information in this rule.

CHANGES TO RULE:

734-065-0055

Transit Applications

Transit Bench or Shelter Application. A transit shelter or bench application must provide documentation demonstrating that the site is at an official bus or transit stop on a city or urban transit system route and complies with local ordinances.

Statutory/Other Authority: ORS 184.619, 377.753

Statutes/Other Implemented: ORS 377.725, 377.729