

Signs Along Scenic Byways

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This information sheet describes how signs are regulated along Scenic Byways in Oregon. It was prepared by Bill Johnston, ODOT Area 1 Planner.

Scenic Byways are designated by the Oregon Department of Transportation (ODOT) and by the Federal Highway Administration of the United States Department of Transportation (FHWA). Oregon Administrative Rule (OAR) 734-032 (a.k.a. Division 32) describes the procedure for establishing and administering scenic byways.

These rules set forth broad goals and objectives for the program but they do not establish specific regulations that apply along the scenic corridor. The management strategy that is developed for each specific byway (at the time the corridor is recognized) provides some additional guidance but does not include any enforceable regulations either.

Although Division 32 does not specifically regulate signs (or anything else) along a Scenic Byway, there are other statutes and rules that restrict certain types of signs along these corridors. These include OAR 734-060 (Division 60, Signs), which applies to all state highways, and OAR 734-063 (Division 63, Relocating Outdoor Advertising Signs on a Scenic Byway) which applies specifically to scenic byways.

Outdoor Advertising Signs (billboards)

Billboards are more precisely referred to by ODOT and the sign industry as outdoor advertising signs (OAS). The determination of whether a sign is considered an OAS is not based on its size. It's based on where the sign is located and whether monetary compensation is involved. If (1) the sign is advertising a business or other activity open to the public that is not located on the property where the sign is located, or (2) compensation is provided to either the owner of the sign or owner of the property for either the ad copy or the placement of the sign, then it is considered by ODOT to be an OAS.

A permit from ODOT is required in order to erect or maintain an OAS in Oregon. No new OAS's are allowed anywhere in the state unless the owner has a relocation credit for a sign that was permitted and removed from another location. Existing permitted signs can be relocated to another location on the same site if a reconstruction permit is obtained from ODOT (through the Outdoor Advertising Sign Program).

Special regulations apply to Scenic Byways. Existing, permitted OAS's cannot be relocated to a site within a designated Scenic Byway. This applies to existing OAS's already located within a Scenic Byway that were erected before the Byway was designated. These signs cannot be moved to another location even on the same site. However, they can be moved to another legal location within 100-highway-miles of the existing location (not within a Scenic Byway).

Note that some commercial and industrial areas along Scenic Byway corridors are not actually within the formally-designated Scenic Byway. Some segments may have been excluded at the time the Byway was originally designated, or removed at a later date. It may be necessary to refer to the original documentation to determine the precise limits of the Byway. (The entire length of U.S. 101 along the Oregon Coast is designated as a Scenic Byway. There are no excluded segments.) Refer to ORS 377.700 to 377.844 and 377.992 for detail.

More information is available on the Outdoor Advertising Sign Program webpage at: <http://www.oregon.gov/ODOT/HWY/SIGNPROGRAM/Pages/index.aspx>

Other sign regulations (applying to all state highways)

ODOT regulates all signs within its right-of-way (ROW). These are primarily limited to traffic control, directional, and some types of information signs.

The *Oregon Travel Experience* administers the Highway Business Sign program. Eligible Highway Business Signs include those advertising: (1) certain types of tourist-oriented businesses offering cultural, recreational, educational, or other entertainment activities (blue signs); (2) museum and historic sites (brown signs); and (3) business that provide services for travelers such as gas, food, lodging, and camping (blue signs with business logos). Additional information is available at: <http://ortravelexperience.com/for-businesses/sign-programs/>

ODOT also has the authority to regulate signs outside its ROW if they are visible from a state highway. Outdoor advertising signs require a permit from ODOT, as described previously. Other types of signage outside ODOT ROW (but visible from the highway) may not require any permits (from ODOT). However, they must still meet the standards set-forth in State statutes and administrative rules.

These standards are primarily concerned with lighting, movement, and other characteristics that could distract drivers. Digital signs with changing messages are allowed if they meet certain standards. In general, animated images are not allowed; e.g., fireworks, scrolling text, etc. The message and images can change as frequently as every two seconds, but the images must be static. Additional information is available on the Outdoor Advertising Sign Program webpage, cited previously.

In addition to these state-administered regulations, local jurisdictions typically have their own sign regulations, which are often more comprehensive and restrictive than state regulations. If a proposed sign is visible from a state highway, the local jurisdiction should notify the ODOT Outdoor Advertising Sign Program staff to determine if an ODOT permit is required. Ideally, local sign regulations would include a cross-reference to ODOT standards and permitting requirements.