

STREET FURNITURE ADS / PARKS

The Massachusetts Department of Transportation requested a survey of the other states regarding the following. Outdoor Advertising on “street furniture” (e.g. bus shelters), particularly as it pertains to proximity to parks and open spaces.

A. Do you regulate outdoor advertising on street furniture (e.g., bus shelters, kiosks, information panels)?

1. If so, do you have specific regulations applicable to outdoor advertising on street furniture (beyond regulations applicable to other outdoor advertising media, e.g., billboards)?

a. If so, could you please provide a copy?

2. If so, do you permit outdoor advertising on street furniture in proximity to parkland?

a. If so, do you impose any distance or other restrictions on street furniture advertisements near parkland?

ARKANSAS

1. This type of advertising is regulated under AHTD's existing billboard regulations.

2. No restrictions near parkland.

ARIZONA

A. Do you regulate outdoor advertising on street furniture (e.g., bus shelters, kiosks, information panels)?

Yes. Our state statutes broadly define outdoor advertising. Under Arizona Revised Statutes 28-7901(6) "Outdoor advertising" means any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard or other thing that is designed, intended or used to advertise or inform and the message of which is visible from any place on the main traveled way of the interstate, secondary or primary systems." However the outdoor advertising could not be located in state right-of-way under a separate statute prohibiting commercial advertising in the state right-of-way.

1. If so, do you have specific regulations applicable to outdoor advertising on street furniture (beyond regulations applicable to other outdoor advertising media, e.g., billboards)? Kind of. Part of our regulation R17-3-701(E)(3)(d) allows for "public service signs" on school bus shelters only (kind of a category of an official sign)

d. "Public service signs" means signs located on school bus stop shelters, which signs:

i. Identify the donor, sponsor, or contribution of said shelters;

ii. Contain safety slogans or messages, which shall occupy not less than 60% of the area of the sign;

ARIZONA cont'd

- iii. Contain no other message;
 - iv. Are located on school bus shelters which are authorized or approved by city, county, or state law, regulation, or ordinance, and at places approved by the city, county, or state agency controlling the highway involved; and
 - v. May not exceed 32 square feet in area. Not more than one sign on each shelter shall face in any one direction.
- a. If so, could you please provide a copy?

2. If so, do you permit outdoor advertising on street furniture in proximity to parkland? Permitted outdoor advertising on street furniture would have to comply with the same statutory requirements as any other outdoor advertising, one of the main requirements being commercial or industrial zoning.

a. If so, do you impose any distance or other restrictions on street furniture advertisements near parkland?

As a side note, this is what our laws say; enforcement of these small, sometimes city-owned signs can be a problem.

CALIFORNIA

No involvement by California R/W.

GEORGIA

In Georgia, the Right of Way Office does not regulate outdoor advertising signs either on furniture or by the roadway. These are regulated by the Department's maintenance office.

HAWAII

Hawaii has a very restrictive outdoor advertising law. Generally, it does not allow for any "outdoor advertising" except the sign on a place of business, "for sale or rent" on the premises for sale or rent & temporary signs or banners announcing specific events like elections, meeting, rallies, concerts, school reunions etc that are taken down after the event. I do not recollect seeing any legally placed ads on street furniture near a park except for the park sign.

IDAHO

A. Do you regulate outdoor advertising on street furniture (e.g., bus shelters, kiosks, information panels)?

Idaho hasn't regulated this type of advertising so far, but I have started looking into this matter since the number of "bus benches, etc." is growing. I have also noticed web site addresses on the "benches" also advertising "Lexamarting.com".

1. If so, do you have specific regulations applicable to outdoor advertising on street furniture (beyond regulations applicable to other outdoor advertising media, e.g., billboards)?
 - a. If so, could you please provide a copy?
2. If so, do you permit outdoor advertising on street furniture in proximity to parkland?

KANSAS

Kansas addresses this type of sign as:

Signs located on school bus stop shelters, which signs

- a) Identify the donor, sponsor, or contributor of said shelter
- b) Contain safety slogans or messages, which shall occupy not less than sixty (60) percent of the area of the sign.
- c) Contain no other messages.
- d) Are located on school bus shelters, which are authorized or approved by city, county, or state law, regulation or ordinance and at places approved by the city, county, or state agency controlling the highway involved.
- e) May not exceed thirty-two (32) square feet in area. Not more than one sign on each shelter shall face in any one direction.

Kansas Law does not address restrictions in proximity to parklands. Many cities in Kansas have advertisement on benches at bus stops, although I have not personally checked into it, I can only assume most cities control the bus stop bench advertisement. Our law states "school bus shelters".

MARYLAND

Maryland has no regulation beyond those in the Uniform Act.

MICHIGAN

Outdoor advertising on "street furniture" (e.g. bus shelters), particularly as it pertains to proximity to parks and open space.

A. Do you regulate outdoor advertising on street furniture (e.g., bus shelters, kiosks, information panels)?

Public Act 96 of 1959 requires MDOT and local jurisdiction approval of bus shelter placement and advertisements.

1. If so, do you have specific regulations applicable to outdoor advertising on street furniture (beyond regulations applicable to other outdoor advertising media, e.g., billboards)?

Public Act 340 of 1994 allows for advertising on bus shelters placed by SMART, a metropolitan bus authority in Wayne, Oakland, Macomb, and upper Monroe counties.

a. If so, could you please provide a copy?

Access the following web site:

<http://www.legislature.mi.gov/mileg.asp?page=MCLAdvancedSearch>

Enter appropriate information in the field:

Public Act Number ____ Of Year ____

2. If so, do you permit outdoor advertising on street furniture in proximity to parkland?

N/A

a. If so, do you impose any distance or other restrictions on street furniture advertisements near parkland? N/A

MISSISSIPPI

We do not regulate bus stop bench ads in Mississippi. We have so few that we let the municipalities regulate it in the few areas where it is used.

NEW JERSEY

A. Do you regulate outdoor advertising on street furniture (e.g., bus shelters, kiosks, information panels)? Yes.

1. If so, do you have specific regulations applicable to outdoor advertising on street furniture (beyond regulations applicable to other outdoor advertising media, e.g., billboards)? Not at this time, though some have been drafted specifically in regard to bus shelters.

a. If so, could you please provide a copy? Again, not at this time, as they are in a draft version subject to change. We will be willing to do so once they are published as an official proposal.

2. If so, do you permit outdoor advertising on street furniture in proximity to parkland? Yes.

NORTH DAKOTA

We do not regulate advertising on street furniture. This has not been an issue in North Dakota at this point.

OHIO

Outdoor advertising on "street furniture" (e.g. bus shelters), particularly as it pertains to proximity to parks and open space.

A. Do you regulate outdoor advertising on street furniture (e.g., bus shelters, kiosks, information panels)?

They would be considered obstructions if they were located in the right-of-way without a permit. If they are outside of the right-of-way, they are subject to Ohio's outdoor advertising regulations.

1. If so, do you have specific regulations applicable to outdoor advertising on street furniture (beyond regulations applicable to other outdoor advertising media, e.g., billboards)?

No specific regulations for street furniture

OHIO cont'd

- a. If so, could you please provide a copy? N/A
2. If so, do you permit outdoor advertising on street furniture in proximity to parkland?
See above
- a. If so, do you impose any distance or other restrictions on street furniture advertisements near parkland? N/A

MONTANA

Montana does not regulate "Street Furniture through Outdoor Advertising Control!"

NEBRASKA

A. Do you regulate outdoor advertising on street furniture (e.g., bus shelters, kiosks, information panels)?

No, but we do have rules on school bus shelters.

(See attached file: School Bus Shelters.doc)

1. If so, do you have specific regulations applicable to outdoor advertising on street furniture (beyond regulations applicable to other outdoor advertising media, e.g., billboards)? Not Applicable.

NEW HAMPSHIRE

We haven't had much of an issue in New Hampshire yet with street furniture. Most benches would be located too far away from the travelled way to be much use. We have not developed any regulations for them. The closest we would have would be the federal regs for bus shelters.

SOUTH DAKOTA

South Dakota does not place special restrictions on the regulation of advertising on street furniture.

UTAH

Outdoor advertising on "street furniture" (e.g. bus shelters), particularly as it pertains to proximity to parks and open space.

A. Do you regulate outdoor advertising on street furniture (e.g., bus shelters, kiosks, information panels)? YES

1. If so, do you have specific regulations applicable to outdoor advertising on street furniture (beyond regulations applicable to other outdoor advertising media, e.g., billboards)?

a. If so, could you please provide a copy?

Please visit this web site for the Utah Administrative Rule R933-4 for Bus Shelters and Bus Benches:

<http://rules.utah.gov/publicat/code/r933/r933-004.htm>

2. If so, do you permit outdoor advertising on street furniture in proximity to parkland?

a. If so, do you impose any distance or other restrictions on street furniture advertisements near parkland?

The rules do not mention a distance from a park land but Utah Code and the Utah Federal Agreement require a 500 feet distance from a park to the advertising structure. As per R933-4-4 (1) listed below, bus benches and shelters are subject to the above mentioned laws.

(1) Any person wishing to erect and maintain a bus shelter or bench on the state right-of-way of a public road shall apply to UDOT for a license. As a condition of the issuance of the license, UDOT must approve the bus shelter building or bench plans and the location of the bus shelter or bench on the right-of-way, provided, however, that such approval is subject to any and all restrictions imposed by Title 23 United States Code and 23 CFR relating to the federal-aid system and the Utah Outdoor Advertising Act and Rules, except as specifically otherwise provided herein.

WASHINGTON

A. Do you regulate outdoor advertising on street furniture (e.g., bus shelters, kiosks, information panels)?

We have authority to allow it on bus shelters, but the regulation is new and so far we do not have any takers.

WASHINGTON cont'd

1. If so, do you have specific regulations applicable to outdoor advertising on street furniture (beyond regulations applicable to other outdoor advertising media, e.g., billboards)?

Yes -- RCW 47.12.120 Lease of unused highway land or air space. The department may rent or lease any lands, improvements, or air space above or below any lands that are held for highway purposes but are not presently needed. The rental or lease:

- (1) Must be upon such terms and conditions as the department may determine;
- (2) Is subject to the provisions and requirements of zoning ordinances of political subdivisions of government;
- (3) Includes lands used or to be used for both limited access and conventional highways that otherwise meet the requirements of this section; and
- (4) In the case of bus shelters provided by a local transit authority that include commercial advertising, may charge the transit authority only for commercial space.

a. If so, could you please provide a copy? See above.

2. If so, do you permit outdoor advertising on street furniture in proximity to parkland? Proximity to parkland is not considered in our approval process.

- a. If so, do you impose any distance or other restrictions on street furniture advertisements near parkland? N/A