

NAHBA Survey

January 21, 2011

Does your state place any type of deed restrictions on surplus / excess right of way to prohibit the permitting or erection of billboards on previously owned state surplus property or excess right of way?

State	Response	Comments
Alabama		
Alaska	NA	Billboards Prohibited
Arizona	No	
Arkansas	No	We used to, but we have done away with it in recent years.
California		
Colorado	No	
Connecticut	No	
Delaware	No	
Florida	No	
Georgia		
Hawaii	NA	Billboards Prohibited
Idaho	Yes	By way of setback requirements on each deed. Additionally, at the time the Idaho Transportation Department owns surplus/excess right of way, the Department does not allow for encroachments for Outdoor Advertising overhang's.
Illinois	No	
Indiana	No	. . . GENERALLY . . . We reserve the right to place deed restrictions on property on a case-by-case basis. Yes, it is possible that we could or would place a billboard restriction on a particular property, but not all would be candidates for such an encumbrance.
Iowa	No	We do not allow billboards on excess ROW. If it's surplus, it would be disposed of, and then of course billboards are allowed.
Kansas	Yes	
Kentucky		
Louisiana	No	
Maine	NA	Billboards Prohibited
Maryland	No	
Massachusetts		
Michigan	No	
Minnesota	No	Federal regs and state statutes prohibit this.
Mississippi	Yes	"This conveyance is subject to the provisions that no junkyards, as defined in 23 U.S.C. Section 136, shall be hereafter established or maintained on or above described lands, and no signs, billboards, outdoor advertising structures or advertisement of any kind, as provided for in 23 U.S.C. Section 131, shall be hereafter erected, displayed, placed or maintained upon or within the above described land, except that signs may be erected and maintained to advertise the sale, hire or lease of the property, or principal activities conducted on the land upon which the signs are located."

State	Response	Comments
Missouri	No	Restriction was recently rescinded by MoDOT to allow billboards on excess property sold by MoDOT. Do not allow billboards on excess property retained by MoDOT.
Montana	Yes	
Nebraska	No	
Nevada	No	
New Hampshire	No	
New Jersey	Yes	THE LANGUAGE: The deed shall preclude the use of the premises for the storage of junk or salvaged materials of any nature and will prohibit the use of the premises for outdoor advertising unless such advertising directly concerns a business conducted on the premises.
New Mexico		
New York	No	Deed restrictions on surplus property sales is being considered.
North Carolina		
North Dakota	No	
Ohio		
Oklahoma	No	
Oregon	Yes	
Pennsylvania	No	If the sign can meet the regulations after we sell the land, we grant a permit.
Rhode Island	Yes	The State does not allow Billboards on surplus property, or excess right of way.
South Carolina	No	
South Dakota	No	
Tennessee	Yes	On-premise signs are allowed but not off-premise outdoor advertising signs.
Texas	No	
Utah	Yes	We restrict off premise outdoor advertising and junkyards by deed.
Vermont	NA	Billboards Prohibited
Virginia		
Washington		
West Virginia	Yes	
Wisconsin		
Wyoming	No	No restrictions; once transferred the owner would need to meet our permitting requirements for billboards.