

WALL MURALS



QUESTION: We have a current issue in Florida where we need information from the other states. Because of pending legislation, we would appreciate a prompt response to this request. We are facing situations where local government Art Districts want to utilize "wall murals" as part of a beautification project in downtown blighted areas. They also want to utilize an income stream to the Art Council from the murals. "Wall murals" are defined as a painting or artistic work composed of photographs or arrangements of color displaying a commercial or non-commercial message and relying solely upon the side of a building for rigid structural support.

- (1) Have you encountered such a program in your state?
- (2) Do you allow "wall murals"? If so, under what conditions?
- (3) Have you received guidance from your local FHWA Division Office as to whether "wall murals" would be allowed under the HBA?

WHO: Juanice Hagan, Florida DOT, (850) 414-4605, juanice.hagan@dot.state.fl.us

DATE: 2/15/07

RESPONSES	WHO	OTHER DOCUMENTS
Tennessee does not have a wall mural program. Last year a ad agency requested to place a wall mural on a building in the old city section of Knoxville that was within 660 of the right-of-way and visible from Interstate 40. They were informed the mural would have to meet the size requirements for any other off-premise device. Based on that information we heard nothing more concerning the request. I do believe we will have similar requests in the future, but our position thus far is not to treat wall murals as exceptions to current size requirements for outdoor advertising devices set forth in our current statutes and rules and regulations.	Rod Boehm Transportation Manager Tennessee DOT Environmental Division Beautification Office (615) 532-3459	
(1) Have you encountered such a program in your state? No. (2) Do you allow "wall murals"? If so, under what conditions? Nebraska does allow murals provided they do not contain advertising messages on them. (3) Have you received guidance from your local FHWA Division Office as to whether "wall murals" would be allowed under the HBA? In general conversation, to the effect, that a mural is a sign if it is intended or used to advertise or inform, with any part of the advertising or informative content visible from any place on the main traveled way of the control route.	Jean Todd Highway Beautification Supervisor Right-of-Way Division Nebraska Dept of Roads 402.479.4463	
In Iowa we would apply the definition of "Advertising Device" to any proposed mural and if it qualified as an advertising device and did not qualify as an on-premise sign, it would require a permit and would have to meet all appropriate size, lighting and spacing requirements. If a wall mural did not contain advertising we don't feel it would be subject to control under federal or Iowa law.	Steven Westvold, Steven.Westvold@dot.io wa.gov	
We have not had the pleasure of dealing with this situation, but would be interested in the outcome. Thanks	Barry Sawsak Utah DOT bsawsak@utah.gov	
In Louisiana it is treated as an outdoor advertising sign. It must meet the same requirements such as the zoning, size, lighting as a billboard or any other advertising sign.	Marian Patton Traffic Services Outdoor Advertising Manager 225-935-0156 MarianPatton@dotd.la.gov	

<p>In 1975, Wisconsin encountered a similar situation when the Wisconsin Arts Board embarked on a project to paint murals on approximately 6-8 barns located along then FAP highways. This situation involved murals on buildings located on private lands.</p> <p>The direction from FHWA's Region 5 Division Engineer was that murals are art [purely pictorial], not signs subject to HBA regulation, provided that the murals 1) contained no commercial advertising; 2) did not inform motorists about specific products, services, etc.; and that 3) the space on the barn was donated, meaning that the owner of the building or property may not receive payment for the use of the structure for the mural.</p> <p>Allowing a small space for identification of the artist [if only one or a few] and/or the project's sponsor, for example, the National Endowment for the Arts, may be acceptable.</p> <p>Since then, Wisconsin has allowed the painting of other barn and building murals by, among others, students in local school district art classes for national Youth Art Month.</p>	<p>V</p> <p>Deborah A. Brucaya WisDOT - Bureau of Highway Operations Outdoor Advertising Program, 4802 Sheboygan Avenue - Room 501 Madison WI 53702 608-266-3813 Phone 608-267-7856 FAX deborah.brucaya@dot.state.wi.us</p>	
<p>Montana allows wall murals as long as there is no commercial content.</p>	<p>Hurley, Patrick phurley@mt.gov</p>	
<p>the only wall murals that I am aware of in Tennessee, are either graffiti or non income related art /beautification projects. How does the income part of it come into play?</p>	<p>Cathy Caster Cathy.Caster@state.tn.us</p>	
<p>we've not had this problem in Mississippi. However, when we have had displays that did not disseminate any information (as I would expect of a mural) I would not consider that an advertisement within the jurisdiction of the HBA.</p>	<p>James H. Isonhood Special Asst. Attorney General 601-359-7600</p>	
<p>Sorry this took so long but it took some digging. The guidelines in the first attachment were developed to allow a group of artists to paint a mural on a noise barrier along Interstate 94 in Minneapolis. Minnesota Statute makes it a misdemeanor to deface highway noise barriers and these guidelines allowed for some exceptions that enabled the murals to be painted. When the artists wanted to hang light weight concrete forms on the walls to make the mural "three dimensional" ,it was determined by Mn/DOT structural engineers that the walls could carry the extra loading and the forms were allowed under certain conditions. The attached art work Policy was developed later to cover a variety of related issues. Unfortunately, the walls became a casualty of urban renewal and were demolished a few years later to accommodate a new off- ramp. I've enclosed a few photos.</p>	<p>Scott Robinson Scott.Robinson@dot.state.mn.us</p>	<p> POLICY FOR ARTWORK ON MN.DX</p> <p> POLICY FOR ARTWORK ON MN.DX</p>
<p>Arkansas' response to the following questions:</p> <p>(1) Have you encountered such a program in your state? No</p> <p>(2) Do you allow "wall murals"? We never have had to deal with them. If so, under what conditions? N/A</p> <p>3) Have you received guidance from your local FHWA Division Office as to whether "wall murals" would be allowed under the HBA? No</p>	<p>Brandy Campbell Beautification Coordinator Arkansas Highway and Transportation Dept. Environmental Division * Beautification Office: 501-569-2088 *</p>	

	Fax: 501-569-2089 Cell: 501-412-1588 Brandy.Campbell@ArkansasHighways.com	
South Carolina's response to the following questions: (1) Have you encountered such a program in your state? We have not encountered wall murals. (2) Do you allow "wall murals"? If so, under what conditions? We would allow them. Our current regulations and laws would apply, example = size, spacing... (3) Have you received guidance from your local FHWA Division Office as to whether "wall murals" would be allowed under the HBA? We have not.	Melvin, Keith C MelvinKC@dot.state.sc.us	

