

NAHBA Teleconference
Definition of Destroyed Signs
January 27, 2009
Minutes

Participants

Arizona: Jennifer Cannon, Mike Heedy, Janette Quiroz, Layne Patton
California: James Arbis, Kenneth Parmelee, Gerda Holmstrom
Florida: John Garner, Juanice Hagan
Georgia: James Brown, Joanna Campbell
FHWA Headquarters: Ed Kosola, Cathy O'Hara, MaryJane Daluge, Bruce Bradley, Janis Gramatins, Lucy Marius
Indiana: Ken Woodruff (Woody), Bob Demuth
Kansas: Bill Simons, Mike Stock*, Dennis Miller
Maryland: Terri Tabesh
Mississippi: Jimmy Isonhood
Missouri: Joyce Musick, Jessica Sawyer
Nebraska: Jean Todd, Ken Payne
Oregon: Wendy Elstun (Sitting in for Amy Joyce)
Osprey Group. Boulder, Colorado: Dennis Donald, John Huyler
Outdoor Advertising Association of America: Myron Laible, Kerry Yoakum
South Carolina: Barbara Wessinger
U.S. Institute of Environmental Conflict Resolution: Kimberly Caringer
West Virginia: Jeff Robinette

The teleconference was convened at 2:00 pm by Barbara Wessinger. She informed the participants that the purpose of the teleconference was to seek feedback and comments from the National Alliance of Highway Beautification Agencies (NAHBA) membership relating to a proposed definition of destroyed signs. The proposed definition was developed by a representative group organized by the U.S. Institute for Environmental Conflict Resolution (The Institute) which met on December 3 and 4, 2008 in Washington, D.C. The ultimate goal of the workshop was to reach a consensus on a workable definition that is an objective standard and simple to administer with some flexibility.

Barbara also indicated that comments of NAHBA would be considered and that the proposed definition would also be discussed at the American Association of State Highway and Transportation Officials (AASHTO) conference in April. She indicated that NAHBA has designated three members of the group to represent state regulators at the workshop. Those members were John Garner, Florida, Jimmy Isonhood, Mississippi, and Gus Cannon, Texas.

Ed Kosola indicated that the work group included representatives from the outdoor advertising industry and scenic groups as well as FHWA and the state regulators. He provided background information that FHWA entered into an interagency agreement with the Institute to help implement recommendations made by the Osprey Group in their Outdoor Advertising Assessment report of January 2007. Part of the assessment's recommendation was that FHWA

work with individual states or small groups to provide guidance to help streamline, advance, and clarify the Outdoor Advertising Control (OAC) program. FHWA had chosen the topic of destroyed signs to advance since there is:

- a) Lack of clarity about what constitutes a destroyed sign.
- b) Lack of consistency in state regulations.
- c) Difficulty in addressing destroyed signs based on value.
- d) State needs for clear expectations from the FHWA

During the workshop, state regulators and FHWA representatives arrived at a draft definition. While the scenic representatives expressed support for the definition, it was not endorsed by the outdoor advertising industry representatives.

FHWA has determined that the draft definition should be advanced and proposes that the definition be discussed at the AASHTO Right of Way & Utilities Subcommittee Outdoor Advertising Technical Council after input from NAHBA. The goal is to have this as an agenda item at the annual meeting of the AASHTO Right of Way & Utilities Subcommittee which will occur in April, 2009, in Oklahoma City. This will allow for a full exchange of ideas and input from all interested parties before FHWA determines the proper approach to take in issuing direction to the states.

It is noted that the scenic representatives requested FHWA to proceed with rulemaking to formulate a definition; however FHWA's inclination is to proceed with issuing guidance since a single item is typically not advanced through rulemaking.

The teleconference then proceeded to a discussion of the proposed definition: "Destroyed" means that (a specified percentage*) or more of the upright supports of a sign structure are physically damaged such that normal repair practices would call for: (in the case of wooden sign structures), replacement of the broken supports or, (in the case of metal sign structures), replacement of at least (a specified percentage**) of the length above ground of each broken, bent, or twisted support. The repaired sign must be at the original location and substantially the same as the original sign.

*A range of 40 to 60% would be considered effective control.

**A range of 20 to 30% would be considered effective control.

Discussions of the group included:

Basis for the percentages cited;

Reasoning for considering only the supports and not the sign face;

The need for a range rather than a fixed percentage;

States (MO, FL) that had a similar definitions and their results in enforcement;

The effect of the definition on steel monopole structures;

The confusion between maintenance and destroyed (last sentence), particularly substantially the same;

The wording of normal repair in the first sentence.

After discussion the group proposed to remove the last sentence (The repaired sign must be at the original location and substantially the same as the original sign) from the definition since it was ambiguous and since destroyed signs cannot be repaired. No objection was made.

It was also expressed that the first sentence may require further scrutiny since normal repair practices may be ambiguous. It was requested that if anyone from the group would like to submit an improved version to capture the intent of this sentence, it should be submitted to Barbara Wessinger for consideration.

It was noted that if this process of collaboratively working together to make recommendations to FHWA is successful, it could be used as a model or modified for other limited scope type issues. Incremental rather than global efforts are needed to advance for long term significance or change.

A question was offered regarding when states may expect the FHWA memo or guidance on this definition. Ed Kosola indicated, should FHWA proceed, it could be several weeks after ASHTO in April and before the NAHBA conference in August.

The teleconference concluded at 3:10 pm.