

OAC Technical Subcommittee Deliverables

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Wednesday, April 25, 2018

3:00 p.m.–4:00 p.m.

New Name for Technical Council

- Under CRUO, there are 2 OAC technical subcommittees:
 - Outdoor Advertising Control Operations
 - Include State DOT OAC managers and involves guidance, training and lessons learned in the daily operation of the federal OAC program (It will mirror the mission of the former NAHBA organization which recently dissolved)
 - Outdoor Advertising Control Policy
 - Includes OAC managers and executive officers in discussion and research of federal OAC law, regulation and policy issues.

NEW NAME

- The OAC Technical Council's new name is
 - CRUO – Technical Subcommittee on Outdoor Advertising Control Policy
 - or
 - CRUO-TSOAP

TSOAP Projects

1. NCHRP PROJECT – in progress
2. ANPRM PROJECT – pending more information
3. FLORDIA RESEARCH PROJECT - completed
4. ILLINOIS DOT - ELIMINATION OF BONUS ACT PROGRAM – monitoring

1. NCHRP PROJECT

- NCHRP Project 20-07/Task 413 – TITLE: **Relocation and Acquisition of Outdoor Advertising Signs Impacted by State Highway Projects: Time and Cost Analysis**
- Highway improvement projects can impact outdoor advertising signs, requiring a state department of transportation (SDOT) to acquire or relocate the sign.

NCHRP PROJECT

- Acquiring or relocating outdoor advertising signs can lengthen project delivery timelines, increase administrative burdens, and escalate overall project costs for SDOTs.
- As SDOTs continually strive to reduce costs and project delivery timelines associated with highway improvement projects, it is valuable to understand how different approaches to sign relocation and acquisition affect these outcomes.

NCHRP PROJECT

- SDOTs use several approaches for mitigating impacts to outdoor advertising signs in the rights-of-way of proposed highway projects.
 - Under eminent domain proceedings, a sign may be acquired by the DOT, with the sign owner provided just compensation.
 - Under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601et seq.) (Uniform Act), signs can be relocated either directly outside the proposed right-of-way, or relocated within a 50-mile radius of the existing location.
 - Some DOTs have developed relocation approaches that are innovative or alternative interpretations of the Uniform Act, Highway Beautification Act , or eminent domain laws.

NCHRP PROJECT

- O.R. Colan (ORC) has been engaged to research the time and costs involved in relocating/removing off-premise signs impacted by state highway projects.
 1. ORC will send out survey with 5-6 questions to all SDOT relating to relocation and removal program of off-premise signs under the Uniform Relocation and Real Properties Acquisition Act of 1970, including any innovative or alternative relocation/removal methods
 2. Evaluate SDOT responses to survey questions and identify 15-20 SDOTs for telephone interviews
 3. Analyze interview results and identify 6-8 SDOTs to participate in in-depth file reviews

NCHRP PROJECT

4. Review SDOT files from in-depth file review.
5. Compile data collected from SDOT into comparative analysis
6. Analyze data collected from SDOT files of actual costs and time associated with sign removals.
7. Final report due Spring 2019

NCHRP PROJECT

- **If you are contacted by ORC for the project, please help them gather the information they need.**
- **Please notify your ROW Offices and Relocation Offices to help ORC.**

2. ANPRM PROJECT

- An Advance Notice of Proposed Rule Making (ANPRM) is a rule-making process that federal agencies use to create, or promulgate, regulations. Rulemaking is the process in which an agency (i.e. FHWA) may engage to update rules under existing laws, or to create new rules within existing authority that the agency believes are needed

ANPRM PROJECT

- Over the last year, the CRUO-TSOAP compiled a list of concerns relating to 23 CFR Part 750 and is currently reviewing a draft Advance Notice of Proposed Rule Making (ANPRM).
- The objective of this ANPRM is to solicit comments to determine the scope and extent of revision necessary to meet current regulatory needs and reduce the administrative burden associated with outdated rules and regulations of 23 CFR part 750.
- Based on those comments received, a Notice of Proposed Rulemaking (NPRM) may be developed.

ANPRM PROJECT

- The ANPRM will identify issues of concerns with the Outdoor Advertising Control Program
- The ANPRM will also ask interested stakeholders if they have any issues or concerns with the Outdoor Advertising Control Program.
- CRUO-TSOAP continues to work on the ANPRM.

3. FLORDIA RESEARCH PROJECT

- Establishment of Effective Control Factors to Achieve Federal Enforcement Consistency with the Highway Beautification Act
 - October 2017 report issued
 - Florida A&M University-Florida State University
 - Sponsored by FLDOT
 - 125 pages
 - <http://nahba.org/libraryresources/research/floridaresearchproject.pdf>

FLORDIA RESEARCH PROJECT

- Purpose of the Florida Research Project (FRP) was to identify the most critical inconsistencies and regulatory difficulties associated with the Federal OAC program among the State Departments of Transportation (DOTs).

FLORDIA RESEARCH PROJECT

- The data, collected as a result of national survey, was analyzed, and findings were used as the baseline information, summarizing the existing practices and issues associated with the Federal OAC program in the United States. A set of baseline standards was developed to address the identified regulatory difficulties and inconsistencies. A number of important criteria, which should be considered throughout the implementation of developed baseline standards, were proposed.

FLORDIA RESEARCH PROJECT

- The baseline standards are expected to improve effectiveness of the outdoor advertising across the nation and assist the State DOTs and different stakeholders with resolving the key issues, related to the Federal OAC program.

4. ELIMINATION OF BONUS ACT PROGRAM

- In response to a President of the United States (POTUS) Executive Orders seeking to eliminate regulations, laws, and policies, Illinois DOT (IDOT) submitted a whitepaper regarding the Bonus Agreements.
- Proposed legislative changes were submitted to IDOT's Congressional Delegation

ELIMINATION OF BONUS ACT PROGRAM

- The proposed legislative changes are:
 - Amend Title 23 Section 131(j) rather than repeal the entire Bonus act.
 - By only amending Section 131(j), IDOT left the definitions and the act in place and only remove the requirement for the agreements.

ELIMINATION OF BONUS ACT PROGRAM

- The only place where it is required to repay any bonus funds received is within the actual agreements.
- By removing the requirement for an agreement from the Act, the Bonus states may repeal any bonus related rules at the State level without the threat of having to repay any Bonus monies received and spent decades ago.
- States that wish to leave the rules in place may do so as the meat of the Bonus Act is still in place.

ELIMINATION OF BONUS ACT PROGRAM

- As IDOT researched the Bonus program IDOT came to the conclusion that this recommended language would be the most efficient way to sunset the program and give the states the option to modernize their outdoor advertising control laws.

QUESTIONS