



Wade, Bill
<FHWA@fhwa.dot.gov
>

To: Juanice Hagan/CO/FDOT@FDOT
cc:
Subject: Re: Catwalks added to nonconforming signs

11/14/00 09:56 AM

Jaunice:

We have talked about this issue over here and also below is an e-mail from Marsha in response to your inquiry. The bottom line is we don't really have a problem with the catwalks. Please let me know if you feel this issue deserves additional attention.

Bill Wade

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Bill,

I received the cc of your e-mail to Juanice Hagan on catwalks. In 1995 Steve Fennel sent in a similar question to Bob Harter. I found Bob's response and have attached it for you. FHWA has not issued any guidance with regard to catwalks. The determination of reasonable maintenance and the determination of when customary maintenance ceases and a substantial change has occurred is the State's determination (23 CFR 750.707 (d) (5)).

We do not have an issue with catwalks for the purpose of safety on nonconforming signs and do not consider that a substantial change.

Where safety is concerned we would encourage the State to make allowances. The fact that the State had their engineering office evaluate the signs and determined that the addition of a catwalk does not enhance the structure of the billboard or prolong it's life, indicates that Florida is operating well within 23 CFR 750.707 (d) (5).

If I can be of further assistance, let me know.

From: Harter, Robert (RHARTER)
To: FH04FL:SFENNEL
Date: Tuesday, June 6, 1995 7:04 am
Subject: ~~OSHA safety regulations~~

Steve:

You asked the following questions by FAX concerning the addition of hand railings to nonconforming signs to prevent employees from falling off the catwalks and platforms. Our answers are as follows:

QUESTION NO. 1 - Has FHWA issued any direction on how to respond to OSHA violations issued for nonconforming signs?

ANSWER NO. 1 - No. FHWA has not issued any direction in this regard since we have not been aware of this requirement of the Occupational Safety & Health Administration (OSHA).

QUESTION NO. 2 - Would the addition of hand railings required by OSHA to nonconforming signs be considered a substantial change?

ANSWER NO. 2 - This determination would be up to the State as provided in 23 CFR 750.707(d)(5). Reasonable repair and maintenance of a nonconforming sign, including a change of advertising message is not a change which would terminate nonconforming rights. We would hope that the State would consider the addition of hand railings for safety purposes as required by OSHA to also not be a substantial change.

Bob

June 6, 1995
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CC: FH08SD:HHOKENSTAD, FLUCKOW

Bob Harter - FHWA Headquarters

605 Suwannee Street, Mail Station 22
Tallahassee, Florida 32399
(850) 414-4605
SC 994-4605

**Office of Right of
Way – Central Office**

Memo

To: District Outdoor Advertising Administrators
From: Juanice M. Hagan, Assistant State R/W Manager, Operations
CC: K. Towcimak, District R/W Managers, J. Garner
Date: 12/11/00
Re: Position of FHWA Regarding Fall Protection Devices on Nonconforming Billboards

We have recently received clarification from the Federal Highway Administration concerning the issue of adding a catwalk or other fall protection device to a nonconforming sign for safety purposes.

Based on their guidance, a permit holder may add a catwalk or other fall protection device to a nonconforming sign when necessary to provide for worker safety, provided such addition does not increase the structural integrity of the sign or prolong the life of the sign. In addition, the permit holder may use materials that are standard for the industry in making such modification (i.e., a steel catwalk can be added to a wooden sign; bracing required to support the catwalk to the poles is permitted, etc.).

We have discussed this issue with several structural engineers (both within the Department and in private practice), and the consensus is that the addition of a catwalk (whether it be wood or steel) or other fall protection device does not necessarily add to the life of the sign nor enhance the structure.

We are currently in the rulemaking process for Rule 14-10, F.A.C., and this revised policy on nonconforming signs will be included in the rule revisions. We anticipate it will take at least six (6) months to go through rulemaking.

Effective immediately, no violation notices should be issued for nonconforming signs when only a catwalk or other fall protection device has been added. If additional modifications are discovered (such as lighting packages for signs not previously having lights, a change to the footers, additional reinforcement of poles, etc.), please discuss with Central Office prior to issuing an NOV.

Our office will be notifying permit holders of this clarification (see attached). We will encourage them to notify the Department before a catwalk or other fall protection device is added; however, we have no statutory authority to require that such notification be given.

While we do not know how many permit holders will add fall protection devices, we anticipate some of the larger billboard companies will immediately begin making such modifications. Eller Media has already made a corporate decision to add catwalks to bring their boards into compliance with OSHA standards.

For signs that are modified in this regard, please ensure your inspectors get a photograph of the sign loaded in the ODAIMS database.

If you have questions, please contact Lynn or me.

/jh
Attachment



Florida Department of Transportation

JEB BUSH
GOVERNOR

605 Suwannee Street
Tallahassee, Florida 32399-0450

THOMAS F. BARRY, JR.
SECRETARY

December 14, 2000

NOTICE TO ALL OUTDOOR ADVERTISING PERMIT HOLDERS

If you are the holder of a permit for a "nonconforming sign" in Florida, we want you to be aware of recent developments that may affect your sign.

Section 14-10.007, Florida Administrative Code, restricts modifications to nonconforming signs except for message changes and routine maintenance of the structure.

Recently, the Federal Highway Administration provided clarification to the Department on the addition of fall protection devices to nonconforming signs, as well as the size of sign facings. Based on this clarification, the Department advises as follows:

- (1) A catwalk or other fall protection devices may be added to a nonconforming sign when necessary to provide for worker safety, provided such addition does not increase the structural integrity of the sign or prolong the life of the sign. Fall protection devices may be constructed of materials that are standard for the industry (i.e., a steel catwalk can be added to a wooden sign). The Department should be notified of the addition of the fall protection device prior to modification.
- (2) A reduction in the area of the sign facing of a nonconforming sign will be permitted when such alteration is required by the local government with jurisdiction over the sign, provided: (a) like materials are used; and (b) no modifications are made to the structural materials of the sign. In order to qualify for this exception, the Department must be provided official documentation from the local government supporting the need for the change prior to the modification.

The Department will initiate the process of making these revisions to Rule 14-10, Florida Administration Code. Beginning immediately, the Department will not issue notices of violation for the above referenced modifications.

If you want to check the conformity/nonconformity status of your permit(s), you may do so on the Department's Internet web site at <http://www2.dot.state.fl.us/RightOfWay/dbhome.asp> or you may contact either the Central Office in Tallahassee or the District Office within your area. The District and Central Office locations and telephone numbers are listed below.

<u>OFFICE</u>	<u>LOCATION</u>	<u>TELEPHONE NUMBER</u>
Central Office	Tallahassee	(850) 414-4545
District One	Bartow	(863) 519-2459
District Two	Lake City	(904) 961-7407
District Three	Chipley	(850) 638-0250
District Four	Ft. Lauderdale	(954) 777-4377
District Five	Deland	(904) 943-5022
District Six	Miami	(305) 769-6152
District Seven	Tampa	(813) 975-6064

Outdoor Advertising Office
Florida Department of Transportation

MEMORANDUM

FLORIDA DEPARTMENT OF TRANSPORTATION
OFFICE OF RIGHT OF WAY MAIL STATION 22 PHONE 488-3661

DATE: October 16, 1995

TO: District Right of Way Managers
District Maintenance Engineers, Districts 4 & 6

FROM: Kenneth M. Towcimak, Director, Office of Right of Way

COPIES: Bill Deyo, John Garner, Caroline Fleurissant, District Outdoor Advertising Administrators, Pam Leslie, Paul Sexton

SUBJECT: RE-CONSTRUCTION OF METAL OUTDOOR ADVERTISING SIGNS TO COMPLY WITH OSHA SAFETY REQUIREMENTS

RECEIVED
OCT 24 1995

The Occupational Safety and Health Administration (OSHA) recently defined an outdoor advertising sign as a "work place" within the meaning of Federal worker safety requirements and violation citations have been issued requiring correction. Safety problems occur only with regard to metal signs, since the sheets of advertising copy must be attached on that type of sign from the back of the sign face. Most previously erected metal signs were not designed with the OSHA required safety features. Accordingly, outdoor advertising companies are conducting maintenance on metal outdoor advertising signs for the purpose of adding the required safety features to the sign. The addition of such safety features as inside walkways between the sign faces may change the appearance of the signs slightly when viewed down the side, but the general appearance of the structure should remain the same.

You are cautioned to be alert to this type of maintenance activity. There should be NO changes to the structure that would terminate the nonconforming status of any such signs that are presently designated nonconforming.

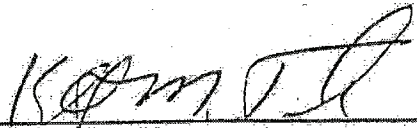
Conforming signs have no specific maintenance restrictions. Please ensure that the maintenance of any nonconforming signs will not: (1) enlarge the dimensions of the sign facing; (2) raise the HAGL of the sign; (3) enhance the sign's visibility; (4) change the location of the sign; or (5) change the general appearance or structure type. Also, all work must be done in compliance with local building regulations. Replacement or refurbishing of materials in the structure with similar or like materials (for example, I-beams replacing similar I-beams) is permitted. The signs may be taken down and reerected to make these

modifications.

We are asking the Florida Outdoor Advertising Association to request their member companies to voluntarily coordinate with our District Outdoor Advertising Offices, the proposed beginning and ending of each such OSHA related maintenance effort for a nonconforming sign. In that regard, attached is a suggested format for such a coordination notice.

Please contact me if I can answer any questions about this issue or if you experience any problems regarding noncompliance with these requirements..

KMT:gk



Kenneth M. Towcimak

Attachment: Notice of OSHA Maintenance Activity