



**Washington State
Department of Transportation**

Highway Advertising Control

M 22-95.05

January 2015

Washington State Revised Code and Administrative Rules

Legislative Statues

Scenic Vistas Act ([Chapter 47.42 RCW](#))

Rules and Regulations

Highway Advertising Control Act ([Chapter 468-66 WAC](#))

Americans with Disabilities Act (ADA) Information

Materials can be made available in an alternate format by emailing the WSDOT Diversity/ADA Affairs Team at wsdotada@wsdot.wa.gov or by calling toll free, 855-362-4ADA (4232). Persons who are deaf or hard of hearing may make a request by calling the Washington State Relay at 711.

Title VI Notice to the Public

It is Washington State Department of Transportation (WSDOT) policy to ensure no person shall, on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964, be excluded from participation in, be denied the benefits of, or be otherwise discriminated against under any of its federally funded programs and activities. Any person who believes his/her Title VI protection has been violated may file a complaint with WSDOT's Office of Equal Opportunity (OEO). For Title VI complaint forms and advice, please contact OEO's Title VI Coordinator at 360-705-7082 or 509-324-6018.

To get the latest information on WSDOT administrative and engineering manuals, sign up for individual manual e-mail updates at: www.wsdot.wa.gov/publications/manuals

Washington State Department of Transportation
Traffic Operations
PO Box 47344
Olympia, WA 98504-7344
360-705-7296

History of Outdoor Advertising Control in Washington State

The Washington State Department of Transportation's (WSDOT) Outdoor Advertising Control Program is charged with monitoring and controlling the size, lighting, and spacing of advertising signs along the state highway system. This program was created in response to federal initiatives intended to improve and preserve the scenic qualities of the nation's Interstate highway system.

Congress first attempted to control outdoor advertising by enacting the Federal Aid Highway Act of 1958. This act featured a voluntary compliance program; states that agreed to control highway advertising according to national standards received bonus funding for interstate highway construction. Washington was one of 23 states that participated in the bonus program. In March 1961, the Washington State Legislature passed laws that equaled or surpassed the national standards for controlling highway advertising on our state's Interstate highways and in Scenic areas. Pursuant to this new legislation, the Washington State Highway Commission adopted administrative rules controlling outdoor advertising signs. In June 1961, the Washington State Highway Commission entered into an advertising control agreement with the Federal Highway Administration that is still in effect today. Washington State has earned over 3.5 million dollars in incentive payments through the bonus program.

Since all states did not join in the bonus program, Congress passed the Federal Highway Beautification Act in 1965. This act required all states to participate and allowed the federal government to cut a state's federal highway funding by 10 percent for failing to control outdoor advertising. The act required states to maintain effective control of all outdoor advertising along the Interstate system and expanded required control to Federal Aid Primary highways. In May 1971, the Washington State Legislature passed laws that conformed to the Highway Beautification Act. This legislation is known as the Scenic Vistas Act. The Washington State Highway Commission then adopted rules controlling outdoor advertising signs in accordance with the Scenic Vistas Act. In September of 1971, the Washington State Highway Commission entered into an advertising control agreement with the Federal Highway Administration that is still in effect today.

In 1991, Congress passed the Intermodal Surface Transportation Act (ISTEA), reaffirming that states must control outdoor advertising or lose 10 percent of their federal transportation funds. ISTEA also required the states to extend advertising control to highways designated as Scenic Byways. Washington State was ahead of the curve on this front. The Scenic Vistas act had effectively controlled advertising signs on Scenic and Recreational highways since 1971.

The basic rules, prohibitions, and permitting criteria contained in the Scenic Vistas Act have remained substantially unchanged since 1971. These rules apply to signs located on private property that are visible to regulated state highway routes. This manual contains [Chapter 47.42 RCW](#), [Chapter 468-66 WAC](#), maps that identify regulated routes, and appendices that aid in interpretation of the statutes and rules.

Chapter 47.42 RCW

HIGHWAY ADVERTISING CONTROL ACT — SCENIC VISTAS ACT

RCW Sections

- 47.42.010 Declaration of purpose.
- 47.42.020 Definitions.
- 47.42.025 Exclusions from scenic system.
- 47.42.030 Signs visible from interstate, primary, or scenic systems restricted.
- 47.42.040 Permissible signs classified.
- 47.42.045 Number of signs -- Spacing -- Tourist facility, business or agricultural signs.
- 47.42.050 Information signs by governmental units.
- 47.42.055 Roadside area information panels or displays.
- 47.42.060 Rules for signs visible from interstate and scenic systems -- Judicial review.
- 47.42.062 Signs visible from primary system in commercial and industrial areas -- Requirements, restrictions, and prohibitions.
- 47.42.063 Signs visible from primary system in commercial and industrial areas -- Preexisting signs -- Permissible signs -- Spacing.
- 47.42.065 Signs viewable from other highways or streets -- Requirements.
- 47.42.070 State and local prohibitions.
- 47.42.080 Public nuisance -- Abatement -- Penalty.
- 47.42.090 Revocation of permit.
- 47.42.100 Preexisting signs -- Moratorium.
- 47.42.102 Compensation for removal of signs -- Authorized -- Applicability.
- 47.42.103 Compensation for removal -- Action determining amount -- Payment -- State's share.
- 47.42.104 Compensation for removal -- Federal share -- Acceptance.
- 47.42.105 Unavailability of federal share.
- 47.42.107 Compensation for removal under local authority.
- 47.42.110 Agreements for federal aid.
- 47.42.120 Permits -- Application -- Fees -- Renewal -- Permissible acts -- Revocation.
- 47.42.130 Permit identification number.
- 47.42.140 Scenic areas designated.
- 47.42.900 Severability -- 1961 c 96.
- 47.42.901 Severability -- 1963 ex.s. c 3.
- 47.42.902 Severability -- 1971 ex.s. c 62.
- 47.42.910 Short title -- 1961 c 96.
- 47.42.911 Short title -- 1971 ex.s. c 62.
- 47.42.920 Federal requirements -- Conflict and accord.

47.42.010**Declaration of purpose.**

The control of signs in areas adjacent to state highways of this state is hereby declared to be necessary to promote the public health, safety, welfare, convenience and enjoyment of public travel, to protect the public investment in the interstate system and other state highways, and to attract visitors to this state by conserving the natural beauty of areas adjacent to the interstate system, and of scenic areas adjacent to state highways upon which they travel in great numbers, and to insure that information in the specific interest of the traveling public is presented safely and effectively.

[1961 c 96 § 1.]

47.42.020**Definitions.**

The definitions set forth in this section apply throughout this chapter.

(1) "Commercial and industrial areas" means any area zoned commercial or industrial by a county or municipal code, or if unzoned or zoned for general uses by a county or municipal code, that area occupied by three or more separate and distinct commercial or industrial activities, or any combination thereof, within a space of five hundred feet and the area within five hundred feet of such activities on both sides of the highway. The area shall be measured from the outer edges of the regularly used buildings, parking lots, or storage or processing areas of the commercial or industrial activity and not from the property lines of the parcels upon which the activities are located. Measurements shall be along or parallel to the edge of the main traveled way of the highway. The following shall not be considered commercial or industrial activities:

- (a) Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;
- (b) Transient or temporary activities;
- (c) Railroad tracks and minor sidings;
- (d) Signs;
- (e) Activities more than six hundred and sixty feet from the nearest edge of the right-of-way;
- (f) Activities conducted in a building principally used as a residence.

If any commercial or industrial activity that has been used in defining or delineating an unzoned area ceases to operate for a period of six continuous months, any signs located within the former unzoned area become nonconforming and shall not be maintained by any person.

(2) "Department" means the Washington state department of transportation.

(3) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(4) "Interstate system" means any state highway which is or does become part of the national system of interstate and defense highways as described in section 103(d) of Title 23, United States Code.

(5) "Maintain" means to allow to exist.

(6) "Person" means this state or any public or private corporation, firm, partnership, association, as well as any individual or individuals.

(7) "Primary system" means any state highway which is or does become part of the federal-aid primary system as described in section 103(b) of Title 23, United States Code.

(8) "Roadside area information panel or display" means a panel or display located so as not to be readable from the main traveled way, erected in a safety rest area, scenic overlook, or similar roadside area, for providing motorists with information in the specific interest of the traveling public.

(9) "Scenic system" means (a) any state highway within any public park, federal forest area, public beach, public recreation area, or national monument, (b) any state highway or portion thereof outside the boundaries of any incorporated city or town designated by the legislature as a part of the scenic system, or (c) any state highway or portion thereof outside the boundaries of any incorporated city or town designated by the legislature as a part of the scenic and recreational highway system except for the sections of highways specifically excluded in RCW 47.42.025 or located within areas zoned by the governing county for predominantly commercial and industrial uses, and having development visible to the highway, as determined by the department.

(10) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing that is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system or other state highway. "Sign" does not include a display authorized under RCW 47.36.030(3) promoting a local agency sponsored event that does not include advertising.

(11) "Temporary agricultural directional sign" means a sign on private property adjacent to a state highway right-of-way, or on a state highway right-of-way, to provide directional information to places of business offering for sale seasonal agricultural products on the property where the sale is taking place.

[2010 c 138 § 1; 2005 c 398 § 2; 1993 c 430 § 10; 1991 c 94 § 1; 1990 c 258 § 1; 1987 c 469 § 2; 1985 c 376 § 2; 1984 c 7 § 222; 1977 ex.s. c 258 § 1; 1974 ex.s. c 80 § 1; 1971 ex.s. c 62 § 1; 1961 c 96 § 2.]

Notes:

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015 (2)(k).

Legislative findings and intent -- 1990 c 258: See note following RCW 47.40.100.

Legislative intent -- 1985 c 376: "It is the intent of the legislature that state highway information and directional signs provide appropriate guidance to all motorists traveling throughout the state. Such guidance should include the identity, location, and types of recreational, cultural, educational, entertainment, or unique or unusual commercial activities whose principle source of visitation is derived from motorists not residing in the immediate locale of the activity. Such informational and directional signs shall comply with Title 23, United States Code and the rules adopted by the department under RCW 47.42.060." [1985 c 376 § 1.]

47.42.025

Exclusions from scenic system.

The following sections of the scenic and recreational highway system are excluded from the scenic system as defined in subsection (7) of *RCW 47.42.020:

- (1) Beginning on state route number 101 at the junction with Airport Road north of Shelton, thence north to a point two thousand feet north of Airport Road.
- (2) Beginning on state route number 101 at the junction with Mill Creek Road south of Forks, thence north two and four-tenths miles to the Calawah River bridge.
- (3) Beginning on state route number 105 at a point one-half mile southwest of the boundary of Aberdeen, thence northeast to the boundary of Aberdeen.
- (4) Beginning on state route number 17 at a point nine-tenths of a mile west of Grape Drive in the vicinity of Moses Lake, thence easterly to a junction of Grape Drive.
- (5) Beginning on state route number 12 at a point one-half mile south of the south boundary of Dayton, thence northerly to the south boundary of Dayton.
- (6) Beginning on state route number 14 one-half mile west of the west boundary of Bingen, thence east to a point one-half mile east of the east boundary of Bingen.

[1971 ex.s. c 62 § 2.]

Notes:

***Reviser's note:** RCW 47.42.020 was alphabetized pursuant to RCW 1.08.015(2)(k), changing subsection (7) to subsection (9).

47.42.030

Signs visible from interstate, primary, or scenic systems restricted.

Except as permitted under this chapter, no person shall erect or maintain a sign which is visible from the main traveled way of the interstate system, the primary system, or the scenic system. In case a highway or a section of highway is both a part of the primary system and the scenic system, only those signs permitted along the scenic system shall be erected or maintained.

[1971 ex.s. c 62 § 3; 1961 c 96 § 3.]

47.42.040

Permissible signs classified.

It is declared to be the policy of the state that no signs which are visible from the main traveled way of the interstate system, primary system, or scenic system shall be erected or maintained except the following types:

(1) Directional or other official signs or notices that are required or authorized by law including signs with the Crime Stoppers name, logo, and telephone number;

(2) Signs advertising the sale or lease of the property upon which they are located;

(3) Signs advertising activities conducted on the property on which they are located;

(4) Signs, not inconsistent with the policy of this chapter and the national policy set forth in section 131 of title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, and the national standards promulgated thereunder by the secretary of commerce or the secretary of transportation, advertising activities being conducted at a location within twelve miles of the point at which such signs are located: PROVIDED, That no sign lawfully erected pursuant to this subsection adjacent to the interstate system and outside commercial and industrial areas shall be maintained by any person after three years from May 10, 1971;

(5) Signs, not inconsistent with the policy of this chapter and the national policy set forth in section 131 of title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, and the regulations promulgated thereunder by the secretary of commerce or the secretary of transportation, designed to give information in the specific interest of the traveling public: PROVIDED, That no sign lawfully erected pursuant to this subsection adjacent to the interstate system and outside commercial and industrial areas shall be maintained by any person after three years from May 10, 1971;

(6) Signs lawfully in existence on October 22, 1965, determined by the commission, subject to the approval of the United States secretary of transportation, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purposes of chapter 47.42 RCW;

(7) Public service signs, located on school bus stop shelters, which:

(a) Identify the donor, sponsor, or contributor of said shelters;

(b) Contain safety slogans or messages which occupy not less than sixty percent of the area of the sign;

(c) Contain no other message;

(d) Are located on school bus shelters which are authorized or approved by city, county, or state law, regulation, or ordinance, and at places approved by the city, county, or state agency controlling the highway involved; and

(e) Do not exceed thirty-two square feet in area. Not more than one sign on each shelter may face in any one direction.

Subsection (7) of this section notwithstanding, the department of transportation shall adopt regulations relating to the appearance of school bus shelters, the placement, size, and public service content of public service signs located thereon, and the prominence of the identification of the donors, sponsors, or contributors of the shelters;

(8) Temporary agricultural directional signs, with the following restrictions:

- (a) Signs shall be posted only during the period of time the seasonal agricultural product is being sold;
- (b) Signs shall not be placed adjacent to the interstate highway system unless the sign qualifies as an on-premise [on-premises] sign;
- (c) Signs shall not be placed within an incorporated city or town;
- (d) Premises on which the seasonal agricultural products are sold must be within fifteen miles of the state highway, and necessary supplemental signing on local roads must be provided before the installation of the signs on the state highway;
- (e) Signs must be located so as not to restrict sight distances on approaches to intersections;
- (f) The department shall establish a permit system and fee schedule and rules for the manufacturing, installation, and maintenance of these signs in accordance with the policy of this chapter;
- (g) Signs in violation of these provisions shall be removed in accordance with the procedures in RCW 47.42.080;

Only signs of types 1, 2, 3, 7, and 8 may be erected or maintained within view of the scenic system. Signs of types 7 and 8 may also be erected or maintained within view of the federal aid primary system.

[2001 c 107 § 1; 1991 c 94 § 2; 1990 c 258 § 2; 1985 c 376 § 3; 1979 c 69 § 1; 1975 1st ex.s. c 271 § 1; 1971 ex.s. c 62 § 4; 1961 c 96 § 4.]

Notes:

Legislative findings and intent -- 1990 c 258: See note following RCW 47.40.100.

Legislative intent -- 1985 c 376: See note following RCW 47.42.020.

47.42.045

Number of signs — Spacing — Tourist facility, business or agricultural signs.

(1) Not more than one type 3 sign visible to traffic proceeding in any one direction on an interstate system, primary system outside an incorporated city or town or commercial or industrial area, or scenic system highway may be permitted more than fifty feet from the advertised activity;

(2) A type 3 sign, other than one along any portion of the primary system within an incorporated city or town or within any commercial or industrial area, permitted more than fifty feet from the advertised activity pursuant to subsection (1) of this section shall not be erected or maintained a greater distance from the advertised activity than one of the following options selected by the owner of the business being advertised:

(a) One hundred fifty feet measured along the edge of the protected highway from the main entrance to the activity advertised (when applicable);

(b) One hundred fifty feet from the main building of the advertised activity; or

(c) Fifty feet from a regularly used parking lot maintained by and contiguous to the advertised activity.

(3) In addition to signs permitted by subsections (1) and (2) of this section, the commission may adopt regulations permitting one type 3 sign visible to traffic proceeding in any one direction on an interstate, primary or scenic system highway on premises which, on June 25, 1976, are used wholly or in part as an operating business, farm, ranch or orchard which sign bears only the name of the business, farm, ranch or orchard and a directional arrow or short directional message. Regulations adopted under this subsection shall prohibit the erection or maintenance of such type 3 signs on narrow strips of land a substantial distance from but connected with a business, farm, ranch or orchard. Signs permitted under this subsection shall not exceed fifty square feet in area.

(4) The commission with advice from the parks and recreation commission shall adopt specifications for a uniform system of official tourist facility directional signs to be used on the scenic system highways. Official directional signs shall be posted by the commission to inform motorists of types of tourist and recreational facilities available off the scenic system which are accessible by way of public or private roads intersecting scenic system highways.

[1975-'76 2nd ex.s. c 55 § 2; 1974 ex.s. c 154 § 1; 1974 ex.s. c 138 § 1; 1971 ex.s. c 62 § 5.]

47.42.050

Information signs by governmental units.

Information signs may be erected and maintained by the state, any county, city, or town.

[1961 c 96 § 5.]

47.42.055

Roadside area information panels or displays.

The department is authorized to erect roadside area information panels or displays adjacent to the state highway system within this state. The department may contract with private persons for the erection and operation of the information panels or displays. Compensation to the contractors shall be derived solely from the reasonable fees that the contractors will be permitted to charge participating businesses for making and exhibiting business signs and displays and for rendering services to tourists.

[1985 c 376 § 5; 1984 c 7 § 225; 1977 ex.s. c 258 § 2.]

Notes:

Legislative intent -- 1985 c 376: See note following RCW 47.42.020.

Severability -- 1984 c 7: See note following RCW 47.01.141.

47.42.060

Rules for signs visible from interstate and scenic systems — Judicial review.

The department shall adopt rules for the erection and maintenance of signs that are visible from the main traveled way of the interstate system and the scenic system and that are permitted by this chapter and other rules for the administration of this chapter consistent with the policy of this chapter and the national policy set forth in section 131, title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342 and the regulations promulgated thereunder by the secretary of commerce or the secretary of transportation. Proceedings for review of any action taken by the department pursuant to this chapter shall be instituted by filing a petition only in the superior court of Thurston county.

[1984 c 7 § 226; 1971 ex.s. c 62 § 6; 1961 c 96 § 6.]

Notes:

Severability -- 1984 c 7: See note following RCW [47.01.141](#).

47.42.062

Signs visible from primary system in commercial and industrial areas — Requirements, restrictions, and prohibitions.

Signs within six hundred and sixty feet of the nearest edge of the right-of-way which are visible from the main traveled way of the primary system within commercial and industrial areas and whose size, lighting, and spacing are consistent with the customary use of property for the effective display of outdoor advertising as set forth in this section may be erected and maintained: PROVIDED, That this section shall not serve to restrict type 3 signs located along any portion of the primary system within an incorporated city or town or within any commercial or industrial area.

(1) General: Signs shall not be erected or maintained which (a) imitate or resemble any official traffic sign, signal, or device; (b) are erected or maintained upon trees or painted or drawn upon rocks or other natural features and which are structurally unsafe or in disrepair; or (c) have any visible moving parts.

(2) Size of signs:

(a) The maximum area for any one sign shall be six hundred seventy-two square feet with a maximum height of twenty-five feet and maximum length of fifty feet inclusive of any border and trim but excluding the base or apron, supports and other structural members: PROVIDED, That cut-outs and extensions may add up to twenty percent of additional sign area.

(b) For the purposes of this subsection, double-faced, back-to-back, or V-type signs shall be considered as two signs.

(c) Signs which exceed three hundred twenty-five square feet in area may not be double-faced (abutting and facing the same direction).

(3) Spacing of signs:

(a) Signs may not be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device, obstruct or physically interfere with the

driver's view of approaching, merging, or intersecting traffic.

(b) On limited access highways established pursuant to chapter 47.52 RCW no two signs shall be spaced less than one thousand feet apart, and no sign may be located within three thousand feet of the center of an interchange, a safety rest area, or information center, or within one thousand feet of an intersection at grade. Double-faced signs shall be prohibited. Not more than a total of five sign structures shall be permitted on both sides of the highway per mile.

(c) On noncontrolled access highways inside the boundaries of incorporated cities and towns not more than a total of four sign structures on both sides of the highway within a space of six hundred sixty feet shall be permitted with a minimum of one hundred feet between sign structures. In no event, however, shall more than four sign structures be permitted between platted intersecting streets or highways. On noncontrolled access highways outside the boundaries of incorporated cities and towns minimum spacing between sign structures on each side of the highway shall be five hundred feet.

(d) For the purposes of this subsection, a back-to-back sign and a V-type sign shall be considered one sign structure.

(e) Official signs, and signs advertising activities conducted on the property on which they are located shall not be considered in determining compliance with the above spacing requirements. The minimum space between structures shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway and shall apply to signs located on the same side of the highway.

(4) Lighting: Signs may be illuminated, subject to the following restrictions:

(a) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather, or similar information.

(b) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the highway and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.

(c) No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.

(d) All such lighting shall be subject to any other provisions relating to lighting of signs presently applicable to all highways under the jurisdiction of the state.

[1975 1st ex.s. c 271 § 3; 1974 ex.s. c 154 § 2; 1974 ex.s. c 138 § 2; 1971 ex.s. c 62 § 7.]

47.42.063

Signs visible from primary system in commercial and industrial areas — Preexisting signs — Permissible signs — Spacing.

(1) Signs within six hundred and sixty feet of the nearest edge of the right-of-way lawfully erected and maintained which are visible from the main traveled way of the primary system within commercial and industrial areas on June 1, 1971 shall be permitted to remain and be maintained.

(2) Signs within six hundred and sixty feet of the nearest edge of the right-of-way which are visible from the main traveled way of the primary system within commercial and industrial areas whose size, lighting, and spacing are consistent with customary use as set forth in RCW 47.42.062 may be erected and maintained. Signs lawfully erected and maintained on June 1, 1971 shall be included in the determination of spacing requirements for additional signs.

[1975 1st ex.s. c 271 § 4; 1971 ex.s. c 62 § 8.]

47.42.065

Signs viewable from other highways or streets — Requirements.

Notwithstanding any other provision of chapter 47.42 RCW, signs may be erected and maintained more than six hundred and sixty feet from the nearest edge of the right-of-way which are visible from the main traveled way of the interstate system, primary system, or scenic system when designed and oriented to be viewed from highways or streets other than the interstate system, primary system, or the scenic system and the advertising or informative contents of which may not be clearly comprehended by motorists using the main traveled way of the interstate system, primary system or scenic system.

[1975 1st ex.s. c 271 § 5; 1971 ex.s. c 62 § 9.]

47.42.070

State and local prohibitions.

Nothing in this chapter shall be construed to permit a person to erect or maintain any sign that is otherwise prohibited by statute or by the resolution or ordinance of any county, city, or town of the state of Washington.

[1961 c 96 § 7.]

47.42.080

Public nuisance — Abatement — Penalty.

(1) Any sign erected or maintained contrary to the provisions of this chapter or rules adopted hereunder that is designed to be viewed from the interstate system, the primary system, or the scenic system is a public nuisance, and the department, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall notify the permittee or, if there is no permittee, the owner of the property on which the sign is located, by certified mail at his or her last known address, that it constitutes a public nuisance and must comply with the chapter or be removed.

(2) If the permittee or owner, as the case may be, fails to comply with the chapter or remove any such sign within fifteen days after being notified to remove the sign he or she is guilty of a misdemeanor. In addition to the penalties imposed by law upon conviction, an order may be entered compelling removal of the sign. Each day the sign is maintained constitutes a separate offense.

(3) If the permittee or owner, as the case may be, fails to comply with this chapter or rules adopted

under this chapter or fails to remove any sign erected or maintained contrary to the provisions of this chapter or rules adopted under this chapter within fifteen days after being notified to remove the sign, the department shall assess a fine of one hundred dollars per calendar day until the sign is brought into compliance or is removed. The one hundred dollar per calendar day fine is not contingent on a misdemeanor conviction. Fines collected under this subsection must be deposited with the state treasurer to the credit of the motor vehicle fund.

(4) If the permittee or the owner of the property upon which it is located, as the case may be, is not found or refuses receipt of the notice, the department, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall post the sign and property upon which it is located with a notice that the sign constitutes a public nuisance and must be removed. If the sign is not removed within fifteen days after such posting, the department, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall abate the nuisance and destroy the sign, and for that purpose may enter upon private property without incurring liability for doing so.

(5) Nothing in this section may be construed to affect the provisions contained in RCW 47.42.102 requiring the payment of compensation upon the removal of any signs compensable under state law.

(6) Any sign erected or maintained on state highway right-of-way contrary to this chapter or rules adopted under it is a public nuisance, and the department is authorized to remove any such sign without notice.

[2013 c 312 § 2; 2010 c 8 § 10016; 1985 c 376 § 6; 1984 c 7 § 227; 1975-'76 2nd ex.s. c 55 § 1; 1971 ex.s. c 62 § 10; 1961 c 96 § 8.]

Notes:

Legislative intent -- 1985 c 376: See note following RCW 47.42.020.

Severability -- 1984 c 7: See note following RCW 47.01.141.

47.42.090

Revocation of permit.

If any person is convicted of a violation of this chapter, or any rule adopted hereunder, the department may revoke any permit issued to that person under this chapter.

[1984 c 7 § 228; 1961 c 96 § 9.]

Notes:

Severability -- 1984 c 7: See note following RCW 47.01.141.

47.42.100

Preexisting signs — Moratorium.

(1) No sign lawfully erected in a protected area as defined by section 2, chapter 96, Laws of 1961 (before the amendment thereof), prior to March 11, 1961, within a commercial or industrial zone within the boundaries of any city or town, as such boundaries existed on September 21, 1959, wherein the

use of real property adjacent to the interstate system is subject to municipal regulation or control but which does not comply with the provisions of this chapter or any regulations promulgated hereunder, shall be maintained by any person after March 11, 1965.

(2) No sign lawfully erected in a protected area as defined by section 2, chapter 96, Laws of 1961 (before the amendment thereof), prior to March 11, 1961, other than within a commercial or industrial zone within the boundaries of a city or town as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the interstate system is subject to municipal regulation or control but which does not comply with the provisions of this chapter or any regulations promulgated hereunder, shall be maintained by any person after three years from March 11, 1961.

(3) No sign lawfully erected in a scenic area as defined by section 2, chapter 96, Laws of 1961 (before the amendment thereof), prior to the effective date of the designation of such area as a scenic area shall be maintained by any person after three years from the effective date of the designation of any such area as a scenic area.

(4) No sign visible from the main traveled way of the interstate system, the primary system (other than type 3 signs along any portion of the primary system within an incorporated city or town or within a commercial or industrial area), or the scenic system which was there lawfully maintained immediately prior to May 10, 1971, but which does not comply with the provisions of chapter 47.42 RCW as now or hereafter amended, shall be maintained by any person (a) after three years from May 10, 1971, or (b) with respect to any highway hereafter designated by the legislature as a part of the scenic system, after three years from the effective date of the designation. Signs located in areas zoned by the governing county for predominantly commercial or industrial uses, that do not have development visible to the highway, as determined by the department, and that were lawfully installed after May 10, 1971, visible to any highway now or hereafter designated by the legislature as part of the scenic system, shall be allowed to be maintained.

[1993 c 430 § 11; 1974 ex.s. c 154 § 3; 1974 ex.s. c 138 § 3; 1971 ex.s. c 62 § 11; 1963 ex.s. c 3 § 55; 1961 c 96 § 10.]

47.42.102

Compensation for removal of signs — Authorized — Applicability.

(1) Except as otherwise provided in subsection (3) of this section, just compensation shall be paid upon the removal of any sign (pursuant to the provisions of chapter 47.42 RCW), lawfully erected under state law, which is visible from the main traveled way of the interstate system or the primary system.

(2) Such compensation shall be paid for the following:

(a) The taking from the owner of such sign, display, or device of all right, title, leasehold, and interest in such sign, display, or device; and

(b) The taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain such signs, displays, and devices thereon.

(3) In no event, however, shall compensation be paid for the taking or removal of signs adjacent to the interstate system and the scenic system which became subject to removal pursuant to chapter 96, Laws of 1961 as amended by section 55, chapter 3, Laws of 1963 ex. sess. prior to May 10, 1971.

[1975 1st ex.s. c 271 § 2; 1971 ex.s. c 62 § 12.]

47.42.103**Compensation for removal — Action determining amount — Payment — State's share.**

(1) Compensation as required by RCW 47.42.102 shall be paid to the person or persons entitled thereto for the removal of such signs. If no agreement is reached on the amount of compensation to be paid, the department may institute an action by summons and complaint in the superior court for the county in which the sign is located to obtain a determination of the compensation to be paid. If the owner of the sign is unknown and cannot be ascertained after diligent efforts to do so, the department may remove the sign upon the payment of compensation only to the owner of the real property on which the sign is located. Thereafter the owner of the sign may file an action at any time within one year after the removal of the sign to obtain a determination of the amount of compensation he or she should receive for the loss of the sign. If either the owner of the sign or the owner of the real property on which the sign is located cannot be found within the state, service of the summons and complaint on such person for the purpose of obtaining a determination of the amount of compensation to be paid may be by publication in the manner provided by RCW 4.28.100.

(2) If compensation is determined by judicial proceedings, the sum so determined shall be paid into the registry of the court to be disbursed upon removal of the sign by its owner or by the owner of the real property on which the sign is located. If the amount of compensation is agreed upon, the department may pay the agreed sum into escrow to be released upon the removal of the sign by its owner or the owner of the real property on which the sign is located.

(3) The state's share of compensation shall be paid from the motor vehicle fund, or if a court having jurisdiction enters a final judgment declaring that motor vehicle funds may not be used, then from the general fund.

[2010 c 8 § 10017; 1984 c 7 § 229; 1971 ex.s. c 62 § 13.]

Notes:

Severability -- 1984 c 7: See note following RCW 47.01.141.

47.42.104**Compensation for removal — Federal share — Acceptance.**

The department may accept any allotment of funds by the United States, or any agency thereof, appropriated to carry out the purposes of section 131 of title 23, United States Code, as now or hereafter amended. The department shall take such steps as may be necessary from time to time to obtain from the United States, or the appropriate agency thereof, funds allotted and appropriated, pursuant to section 131, for the purpose of paying the federal share of the just compensation to be paid to sign owners and owners of real property under the terms of subsection (g) of section 131 and RCW 47.42.102, 47.42.103, and 47.42.104.

[1984 c 7 § 230; 1971 ex.s. c 62 § 14.]

Notes:

Severability -- 1984 c 7: See note following RCW 47.01.141.

47.42.105**Unavailability of federal share.**

No sign, display, or device shall be required to be removed if the federal share of the just compensation to be paid upon the removal of such sign, display, or device is not available to make such payment.

[1971 ex.s. c 62 § 15.]

47.42.107**Compensation for removal under local authority.**

(1) Just compensation shall be paid upon the removal of any existing sign pursuant to the provisions of any resolution or ordinance of any county, city, or town of the state of Washington by such county, city, or town if:

(a) Such sign was lawfully in existence on May 10, 1971 (the effective date of the Scenic Vistas Act of 1971); or

(b) Such sign was erected subsequent to May 10, 1971 (the effective date of the Scenic Vistas Act of 1971), in compliance with existing state and local law.

(2) Such compensation shall be paid in the same manner as specified in RCW 47.42.102(2) for the following:

(a) The taking from the owner of such sign, display, or device of all right, title, leasehold, and interest in such sign, display, or device; and

(b) The taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain such signs, displays, and devices thereon.

[1977 ex.s. c 141 § 1.]

Notes:

Severability -- 1977 ex.s. c 141: "If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 ex.s. c 141 § 2.]

47.42.110**Agreements for federal aid.**

The department is authorized to enter into agreements (and such supplementary agreements as may be necessary) consistent with this chapter, with the secretary of commerce or the secretary of transportation authorized under section 131(b) of title 23, United States Code, as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, in order that the state may

become eligible for increased federal aid as provided for in section 131 of title 23, United States Code, as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342.

[1984 c 7 § 231; 1971 ex.s. c 62 § 16; 1961 c 96 § 11.]

Notes:

Severability -- 1984 c 7: See note following RCW [47.01.141](#).

47.42.120

Permits — Application — Fees — Renewal — Permissible acts — Revocation.

Notwithstanding any other provisions of this chapter, no sign except a sign of type 1 or 2 or those type 3 signs that advertise activities conducted upon the properties where the signs are located, may be erected or maintained without a permit issued by the department. Application for a permit shall be made to the department on forms furnished by it. The forms shall contain a statement that the owner or lessee of the land in question has consented thereto. For type 8 signs (temporary agricultural directional signs), when the land in question is owned by the department, the consent statement must be reviewed and, if the sign does not create a safety concern, be approved within ten days of application by the department. The application shall be accompanied by a fee established by department rule to be deposited with the state treasurer to the credit of the motor vehicle fund. Permits shall be for the remainder of the calendar year in which they are issued, and accompanying fees shall not be prorated for fractions of the year. Permits must be renewed annually through a certification process established by department rule. Advertising copy may be changed at any time without the payment of an additional fee. Assignment of permits in good standing is effective only upon receipt of written notice of assignment by the department. A permit may be revoked after hearing if the department finds that any statement made in the application or annual certification process was false or misleading, or that the sign covered is not in good general condition and in a reasonable state of repair, or is otherwise in violation of this chapter, if the false or misleading information has not been corrected and the sign has not been brought into compliance with this chapter or rules adopted under it within thirty days after written notification. Beginning July 1, 2014, the department shall establish and charge by rule an annual fee for type 4 and 5 sign permits. The fee must reasonably recover costs for outdoor advertising control program administration and enforcement and may not exceed one hundred fifty dollars. The department shall establish by rule exemptions from payment of the annual fee for type 4 and 5 signs that do not generate rental income.

[2013 c 312 § 1; 2010 c 138 § 2; 1999 c 276 § 1; 1984 c 7 § 232; 1971 ex.s. c 62 § 17; 1961 c 96 § 12.]

Notes:

Severability -- 1984 c 7: See note following RCW [47.01.141](#).

47.42.130

Permit identification number.

Every permit issued by the department shall be assigned a separate identification number, and each permittee shall fasten to each sign a weatherproof label, not larger than twenty-eight square inches, that shall be furnished by the department and on which shall be plainly visible the permit number. The

permittee shall also place his or her name in a conspicuous position on the front or back of each sign. The failure of a sign to have such a label affixed to it is prima facie evidence that it is not in compliance with the provisions of this chapter.

[2013 c 312 § 3; 1999 c 276 § 2; 1984 c 7 § 233; 1961 c 96 § 13.]

Notes:

Severability -- 1984 c 7: See note following RCW [47.01.141](#).

47.42.140

Scenic areas designated.

The following portions of state highways are designated as a part of the scenic system:

(1) State route number 2 beginning at the crossing of Woods creek at the east city limits of Monroe, thence in an easterly direction by way of Stevens pass to a junction with state route number 97 in the vicinity of Peshastin.

(2) State route number 7 beginning at a junction with state route number 706 at Elbe, thence in a northerly direction to a junction with state route number 507 south of Spanaway.

(3) State route number 11 beginning at the Blanchard overcrossing, thence in a northerly direction to the limits of Larabee state park (north line of section 36, township 37 north, range 2 east).

(4) State route number 12 beginning at Kosmos southeast of Morton, thence in an easterly direction across White pass to the Oak Flat junction with state route number 410 northwest of Yakima.

(5) State route number 90 beginning at the westerly junction with West Lake Sammamish parkway in the vicinity of Issaquah, thence in an easterly direction by way of North Bend and Snoqualmie pass to a junction with state route number 970 at Cle Elum.

(6) State route number 97 beginning at a junction with state route number 970 at Virden, thence via Blewett pass to a junction with state route number 2 in the vicinity of Peshastin.

(7) State route number 106 beginning at the junction with state route number 101 in the vicinity of Union, thence northeasterly to the junction with state route number 3 in the vicinity of Belfair.

(8) State route number 123 beginning at a junction with state route number 12 at Ohanapecosh junction in the vicinity west of White pass, thence in a northerly direction to a junction with state route number 410 at Cayuse junction in the vicinity west of Chinook pass.

(9) State route number 165 beginning at the northwest entrance to Mount Rainier national park, thence in a northerly direction to a junction with state route number 162 east of the town of South Prairie.

(10) State route number 206, Mt. Spokane Park Drive, beginning at the junction with state route number 2 near the north line section 3, township 26 N, range 43 E, thence northeasterly to a point in section 28, township 28 N, range 45 E at the entrance to Mt. Spokane state park.

(11) State route number 305, beginning at the ferry slip at Winslow on Bainbridge Island, thence

northwesterly by way of Agate Pass bridge to a junction with state route number 3 approximately four miles northwest of Poulsbo.

(12) State route number 410 beginning at the crossing of Scatter creek approximately six miles east of Enumclaw, thence in an easterly direction by way of Chinook pass to a junction of state route number 12 and state route number 410.

(13) State route number 706 beginning at a junction with state route number 7 at Elbe thence in an easterly direction to the southwest entrance to Mount Rainier national park.

(14) State route number 970 beginning at a junction with state route number 90 in the vicinity of Cle Elum thence via Teanaway to a junction with state route number 97 in the vicinity of Virden.

[1993 c 430 § 12; 1992 c 26 § 3; 1975 c 63 § 9; 1974 ex.s. c 138 § 4. Prior: 1971 ex.s. c 73 § 28; 1971 ex.s. c 62 § 18; 1961 c 96 § 14. Cf. 1974 ex.s. c 154 § 4.]

47.42.900

Severability — 1961 c 96.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected.

[1961 c 96 § 16.]

47.42.901

Severability — 1963 ex.s. c 3.

If any provision of *section 55 of this amendatory act shall be held to be invalid or shall be held to invalidate any provision of chapter 96, Laws of 1961 (chapter 47.42 RCW), then that provision of this amendatory act shall be of no force and effect and the provisions of chapter 96, Laws of 1961 (chapter 47.42 RCW) shall continue in effect.

[1963 ex.s. c 3 § 56.]

Notes:

***Reviser's note:** The reference to "section 55 of this amendatory act" is to the 1963 amendment of RCW 47.42.100.

47.42.902

Severability — 1971 ex.s. c 62.

If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1971 ex.s. c 62 § 20.]

47.42.910

Short title — 1961 c 96.

This chapter shall be known and may be cited as the highway advertising control act of 1961.

[1961 c 96 § 17.]

47.42.911

Short title — 1971 ex.s. c 62.

This chapter may be cited as the "Scenic Vistas Act."

[1999 c 276 § 3; 1971 ex.s. c 62 § 19.]

47.42.920

Federal requirements — Conflict and accord.

If the secretary of the United States department of transportation finds any part of this chapter to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this chapter is hereby declared to be inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this chapter in its application to the agencies concerned. The rules under this chapter shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

[1985 c 142 § 4.]

Chapter 468-66 WAC

HIGHWAY ADVERTISING CONTROL ACT

Last Update: 10/30/14

Chapter Listing

WAC Sections

468-66-010	Definitions.
468-66-020	Restrictions on signs.
468-66-030	General provisions.
468-66-050	Sign classifications and specific provisions.
468-66-200	Nonconforming signs.
468-66-210	Permit issuance and maintenance.
468-66-220	Permit revocation, remaining signs illegal.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

468-66-040	Measurements of distance. [Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-040, filed 12/20/78. Formerly WAC 252-40-030.] Repealed by WSR 80-04-095 (Order 52), filed 4/1/80. Statutory Authority: RCW 47.42.060.
468-66-055	National scenic byway demonstration project. [Statutory Authority: Chapter 47.42 RCW and RCW 47.01.101(5). WSR 94-12-049 (Order 144), § 468-66-055, filed 5/27/94, effective 6/27/94.] Repealed by WSR 06-03-005, filed 1/4/06, effective 2/4/06. Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750.
468-66-060	Signs along scenic, primary, and interstate systems. [Statutory Authority: Chapter 47.42 RCW and RCW 47.01.101(5). WSR 94-12-049 (Order 144), § 468-66-060, filed 5/27/94, effective 6/27/94. Statutory Authority: Chapter 47.42 RCW. WSR 85-17-012 (Order 96), § 468-66-060, filed 8/12/85. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-060, filed 12/20/78. Formerly WAC 252-40-050.] Repealed by WSR 06-03-005, filed 1/4/06, effective 2/4/06. Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750.
468-66-070	On-premise signs (Type 3). [Statutory Authority: Chapter 34.05 RCW and RCW 47.42.060. WSR 99-24-083 (Order 195), § 468-66-070, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 47.42.060. WSR 80-05-055 (Order 55), § 468-66-070, filed 4/18/80. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-070, filed 12/20/78. Formerly WAC 252-40-055.] Repealed by WSR 06-03-005, filed 1/4/06, effective 2/4/06. Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750.
468-66-080	Number of signs and spacing requirements along interstate system. [Statutory Authority: Chapter 47.42 RCW. WSR 96-03-031 (Order 161), § 468-66-080, filed 1/9/96, effective 2/9/96. Statutory Authority: Chapter 47.42 RCW and RCW 47.01.101(5). WSR 94-12-049 (Order 144), § 468-66-080, filed 5/27/94, effective 6/27/94. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-080, filed 12/20/78. Formerly WAC 252-40-070.] Repealed by WSR 06-03-005, filed 1/4/06, effective 2/4/06. Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750.
468-66-090	Preference of applicants for Type 4, Type 5, and Type 8 sites. [Statutory Authority: Chapter 47.42 RCW. WSR 92-09-043 (Order 130), § 468-66-090, filed 4/10/92, effective 5/11/92; WSR 85-17-012 (Order 96), § 468-66-090, filed 8/12/85. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-090, filed 12/20/78. Formerly WAC 252-40-080.] Repealed by WSR 06-03-005, filed 1/4/06, effective 2/4/06. Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750.
468-66-100	Advertising copy. [Statutory Authority: Chapter 47.42 RCW. WSR 87-01-055 (Order 107), § 468-66-100, filed 12/16/86; WSR 85-17-012 (Order 96), § 468-66-100, filed 8/12/85. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-100, filed 12/20/78. Formerly WAC 252-40-090.] Repealed by WSR 06-03-005, filed 1/4/06, effective 2/4/06. Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750.
468-66-110	Signs within commercial and industrial areas of primary system. [Statutory Authority: Chapter 34.05 RCW and RCW 47.42.060. WSR 99-24-083 (Order 195), § 468-66-110, filed 11/30/99, effective

12/31/99. Statutory Authority: Chapter 47.42 RCW. WSR 85-17-012 (Order 96), § 468-66-110, filed 8/12/85. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-110, filed 12/20/78. Formerly WAC 252-40-095.] Repealed by WSR 06-03-005, filed 1/4/06, effective 2/4/06. Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750.

- 468-66-120 Signs erected prior to June 1, 1971 in commercial and industrial areas along the primary system. [Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-120, filed 12/20/78. Formerly WAC 252-40-097.] Repealed by WSR 06-03-005, filed 1/4/06, effective 2/4/06. Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750.
- 468-66-130 Signs to be removed. [Statutory Authority: Chapter 47.42 RCW and RCW 47.01.101(5). WSR 94-12-049 (Order 144), § 468-66-130, filed 5/27/94, effective 6/27/94. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-130, filed 12/20/78. Formerly WAC 252-40-098.] Repealed by WSR 06-03-005, filed 1/4/06, effective 2/4/06. Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750.
- 468-66-140 Permits. [Statutory Authority: Chapter 34.05 RCW and RCW 47.42.060. WSR 99-24-083 (Order 195), § 468-66-140, filed 11/30/99, effective 12/31/99. Statutory Authority: Chapter 47.42 RCW. WSR 92-09-043 (Order 130), § 468-66-140, filed 4/10/92, effective 5/11/92. Statutory Authority: RCW 47.42.060. WSR 88-22-002 (Order 116), § 468-66-140, filed 10/20/88. Statutory Authority: Chapter 47.42 RCW. WSR 87-01-055 (Order 107), § 468-66-140, filed 12/16/86; WSR 85-17-012 (Order 96), § 468-66-140, filed 8/12/85. Statutory Authority: RCW 47.42.060. WSR 80-04-095 (Order 52), § 468-66-140, filed 4/1/80. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-140, filed 12/20/78. Formerly WAC 252-40-100.] Repealed by WSR 06-03-005, filed 1/4/06, effective 2/4/06. Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750.
- 468-66-150 Penalties. [Statutory Authority: Chapter 47.42 RCW. WSR 97-17-010 (Order 170), § 468-66-150, filed 8/7/97, effective 9/7/97. Statutory Authority: RCW 47.42.060. WSR 86-01-063 (Order 99), § 468-66-150, filed 12/17/85. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-150, filed 12/20/78. Formerly WAC 252-40-110.] Repealed by WSR 06-03-005, filed 1/4/06, effective 2/4/06. Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750.
- 468-66-175 Highway fatality markers. [Statutory Authority: RCW 47.42.060. WSR 88-22-002 (Order 116), § 468-66-175, filed 10/20/88.] Repealed by WSR 94-12-049 (Order 144), filed 5/27/94, effective 6/27/94. Statutory Authority: Chapter 47.42 RCW and RCW 47.01.101(5).

468-66-010

Definitions.

The following terms when used in this chapter shall have the following meanings:

- (1) "Abandoned" means a sign for which neither sign owner nor land owner claim any responsibility.
- (2) "Act" means the Highway Advertising Act of 1961, as amended and embodied in chapter 47.42 RCW.
- (3) "Centerline of the highway" means a line equidistant from the edges of the median separating the main-traveled ways of a divided highway, or the centerline of the main-traveled way of a nondivided highway.
- (4) "Commercial and industrial areas" means any area zoned commercial or industrial by a county or municipal code; or, if unzoned or zoned for general uses by a county or municipal code, that area occupied by three or more separate and distinct commercial and/or industrial activities within a space of five hundred feet and the area within five hundred feet of such activities on both sides of the highway. The area shall be measured from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activity and not from the property lines of the parcels upon which such activities are located. Measurements shall be along or parallel to the edge of the main-traveled way of the highway. The following shall not be considered commercial or industrial activities:

- (a) Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;
- (b) Transient or temporary activities;
- (c) Railroad tracks and minor sidings;
- (d) Signs;
- (e) Activities more than six hundred and sixty feet from the nearest edge of the right of way;
- (f) Activities conducted in a building principally used as a residence. Residences are buildings used as homes, located in areas where individuals and families typically reside. Residence buildings no longer used as homes may be considered commercial or industrial activities, if used for commercial or industrial purposes and located in areas having either mixed or primarily commercial and industrial development.

If any commercial or industrial activity that has been used in defining or delineating an unzoned commercial or industrial area ceases to operate for a period of six continuous months resulting in fewer than three commercial or industrial activities remaining within that area, the unzoned area is deemed to no longer exist. Any signs located within the former unzoned area are declared nonconforming.

(5) "Department" means the Washington state department of transportation.

(6) "Destroyed" means a nonconforming sign shall be considered destroyed if more than fifty percent of the sign structure components are dislocated or damaged to the extent that the sign face has fallen to the ground.

(7) "Discontinued" means a sign shall be considered discontinued if, after receiving notice from the department of absence of advertising content for ninety days, the permit holder fails to put advertising content on the sign within ninety days of the notice. The department may extend the ninety-day compliance time to a maximum of one year, if the sign owner provides documentation of unique circumstances creating involuntary discontinuance and preventing the sign owner from placing advertising content on the sign.

(8) "Electronic sign" means an on-premise advertising sign having a signboard display that can be changed by an electrical, electronic, or computerized process.

(9) "Entrance roadway" means any public road or turning roadway including acceleration lanes, by which traffic may enter the main-traveled way of a limited access highway from the general road system within the state, including rest areas, view points, and sites used by the general public, irrespective of whether traffic may also leave the main-traveled way by such road or turning roadway.

(10) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(11) "Exit roadway" means any public road or turning roadway including deceleration lanes, by which traffic may leave the main-traveled way of a limited access highway to reach the general road system within the state, including rest areas, view points, and sites used by the general public, irrespective of whether traffic may also enter the main-traveled way by such road or turning roadway.

(12) "Interstate system" means any state highway that is or becomes part of the national system of interstate and defense highways as described in section 103(e) of Title 23, United States Code.

(13) "Legible" means capable of being read without visual aid by a person of normal visual acuity.

(14) "Limited access highway" means a state highway, or a portion of a state highway, along which the department has acquired access rights as provided by chapter 47.52 RCW. A state highway, or a portion of a state highway, along which the department has not acquired access rights as provided by chapter 47.52 RCW is termed herein as a "nonlimited access highway."

(15) "Maintain" means to allow to exist.

(16) "Main-traveled way" means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, entrance roadways, exit roadways, or parking areas.

(17) "National scenic byway" means any state highway designated as part of the national scenic byway system authorized by the 1991 Intermodal Surface Transportation Efficiency Act.

(18) "Person" means this state or any public or private corporation, firm, partnership, association, as well as any individual, or individuals.

(19) "Primary system" means any state highway which is part of the federal-aid primary system as described in section 103(b) of Title 23, United States Code, in existence on June 1, 1991, as enacted in the 1991 Intermodal Surface Transportation Efficiency Act, and any highway which is not on such system but which is on the national highway system.

(20) "Public service information" means a message on an electronic sign that provides the time, date, temperature, weather, or information about nonprofit activities sponsored by civic or charitable organizations.

(21) "Scenic system" means:

(a) Any state highway within any public park, federal forest area, public beach, public recreation area, or national monument;

(b) Any state highway or portion thereof outside the boundaries of any incorporated city or town designated in RCW 47.42.140 by the legislature as a part of the scenic system; or

(c) Any national scenic byway or state highway or portion thereof, outside the boundaries of any incorporated city or town, designated by the legislature in chapter 47.39 RCW as a part of the scenic and recreational highway system except for the sections of highways specifically excluded in RCW 47.42.025 or located within areas zoned by the governing county for predominantly commercial and industrial uses, and having development visible to the highway as determined by the department.

(22) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system or other state highway. The term includes the sign face(s), and the sign structure unless the sign is painted on a building, and applies to portable, temporary, and permanent installations. Signs are further defined by the provisions following:

(a) A single-faced sign may display only one advertised business activity or other activity that may be of interest to motorists.

(b) A double-faced (flanking or side-by-side) sign may only be patterned so that not more than two single-faced signs on one sign structure are visible to traffic approaching from one direction of travel.

(c) A V-type and back-to-back sign displays messages to opposing directions of travel from one sign structure. A V-type and back-to-back sign may only be patterned so that not more than one single-faced sign or double-faced (flanking or side-by-side) sign is visible to traffic approaching from each of the opposing directions of travel.

(d) A nonconforming sign means a sign that was lawfully erected but does not comply with provisions of state law or state regulations passed at a later date, or later fail to comply with the state law or state regulations due to changed conditions.

(e) Illegal signs are those erected or maintained in violation of state law or local law or ordinance.

(f) Pursuant to RCW 47.42.020(8) and 47.36.030(3), the term "sign" does not include signs, banners, or decorations that are devoid of commercial advertising and installed over a state highway to promote a local agency sponsored event.

(g) A "rental income" sign is a permitted Type 4/5 sign actively involved in the business of outdoor advertising. Rental income signs offer advertising display space in exchange for rental fees paid to the sign owner or operator. The term includes signs during periods of vacancy. Pursuant to RCW 47.42.120, permits for rental income signs are subject to an annual renewal fee of one hundred fifty dollars per permit.

(23) "Trade name" shall include brand name, trademark, distinctive symbol, or other similar device or thing used to identify particular products or services.

(24) "Traveled way" means the portion of a roadway for the movement of vehicles, exclusive of shoulders.

(25) "Tri-vision sign" means a sign having a series of three-sided rotating slats arranged side by side, either horizontally or vertically, which are rotated by an electric-mechanical process, capable of displaying a total of three separate and distinct messages, one message at a time.

(26) "Turning roadway" means a connecting roadway for traffic turning between two intersection legs of an interchange.

(27) "Visible" means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

(28) "Visible development area" means a five hundred-foot area along a scenic system state highway, that is zoned for predominantly commercial or industrial uses by the governing county, having three or more commercial or industrial activities within the five hundred-foot area that are visible to traffic in both directions. The consideration of commercial or industrial activities, and measurements that establish the area shall conform with RCW 47.42.020(9).

[Statutory Authority: RCW 47.42.120. WSR 14-22-055, § 468-66-010, filed 10/30/14, effective 11/30/14. Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750. WSR 06-03-005, § 468-66-010, filed 1/4/06, effective 2/4/06. Statutory Authority: Chapter 47.42 RCW. WSR 97-17-010 (Order 170), § 468-66-010, filed 8/7/97, effective 9/7/97; WSR 96-13-007, § 468-66-010, filed 6/6/96, effective 7/7/96. Statutory Authority: Chapter 47.42 RCW and RCW 47.01.101(5). WSR 94-12-049 (Order 144), § 468-66-010, filed 5/27/94, effective 6/27/94. Statutory Authority: Chapter 47.42 RCW. WSR 92-09-043 (Order 130), § 468-66-010, filed 4/10/92, effective 5/11/92. Statutory Authority: RCW 47.42.060. WSR 88-22-002 (Order 116), § 468-66-010, filed 10/20/88; WSR 86-01-063 (Order 99), § 468-66-010, filed 12/17/85. Statutory Authority: Chapter 47.42 RCW. WSR 85-17-012 (Order 96), § 468-66-010, filed 8/12/85. Statutory Authority: RCW 47.42.060. WSR 85-03-031 (Order 94), § 468-66-010, filed 1/10/85; WSR 80-06-057 (Order 56), § 468-66-010, filed 5/19/80. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution 13), § 468-66-010, filed 12/20/78. Formerly WAC 252-40-010.]

468-66-020

Restrictions on signs.

(1) Except as permitted by the act and these regulations, no person shall erect or maintain a sign which is visible from the main-traveled way of the interstate system, the primary system, or the scenic system. Signs visible to other types of state highways are not restricted by the Scenic Vistas Act or these regulations, but are subject to local ordinances.

(2) In case a highway or a section of highway is a part of both the primary system and the scenic system, only those signs permitted along the scenic system may be erected or maintained.

[Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750. WSR 06-03-005, § 468-66-020, filed 1/4/06, effective 2/4/06. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-020, filed 12/20/78. Formerly WAC 252-40-015.]

468-66-030

General provisions.

(1) Notwithstanding any other provision of the act or these regulations, no signs visible from the main-traveled way of the interstate system, primary system, or scenic system which have any of the following characteristics shall be erected or maintained:

(a) Signs advertising activities that are illegal under state or federal laws or regulations in effect at the location of such signs or at the location of such activities.

(b) Illegal, destroyed, abandoned, or discontinued signs.

(c) Signs that are not clean and in good repair.

(d) Signs that are not securely affixed to a substantial structure.

(e) Signs which attempt or appear to attempt to direct the movement of traffic or which interfere with, imitate, or resemble any official traffic sign, signal or device.

(f) Signs which prevent the driver of a vehicle from having a clear and unobstructed view of at-grade intersections, approaching or merging traffic, official traffic control signs, or other traffic control devices.

(g)(i) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights, except public service information signs, Type 3 on-premise signs along a primary system highway within an incorporated city or town or commercial or industrial area, or electronic on-premise signs operating in compliance with WAC 468-66-050.

(ii) Signs which have lights that change intensity or color, lasers, strobe lights, or other lights with stroboscopic effect.

(h) Signs which use any lighting in any way unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the highway or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.

(i) Signs which move or have any animated or moving parts, except revolving public service information signs, Type 3 on-premise signs along a primary system highway within an incorporated city or town or commercial or industrial area, or tri-vision signs operating in compliance with WAC 468-66-030(2).

(j) Signs which are erected or maintained upon trees, power poles or painted or drawn upon rocks or other natural features.

(2) Tri-vision signs may be used as Type 3, Type 4, or Type 5 signs, with the provisions following:

(a) Visible to interstate highways, tri-vision signs may only be used as Type 3 signs.

(b) Rotation of one sign face to another sign face is no more frequent than every eight seconds and the actual rotation process shall be accomplished in four seconds or less.

(c) Tri-vision signs shall contain a default mechanism that will stop the sign in one position should a malfunction occur.

(d) Maximum size limitations shall independently apply to each sign face, including framework and border.

(e) Tri-vision signs are subject to all other applicable provisions of chapter 47.42 RCW and chapter 468-66 WAC.

[Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750. WSR 06-03-005, § 468-66-030, filed 1/4/06, effective 2/4/06. Statutory Authority: Chapter 34.05 RCW and RCW 47.42.060. WSR 99-24-083 (Order 195), § 468-66-030, filed 11/30/99, effective 12/31/99. Statutory Authority: Chapter 47.42 RCW. WSR 97-17-010 (Order 170), § 468-66-030, filed 8/7/97, effective 9/7/97; WSR 85-17-012 (Order 96), § 468-66-030, filed 8/12/85. Statutory Authority: RCW 47.42.060. WSR 85-03-031 (Order 94), § 468-66-030, filed 1/10/85; WSR 80-04-095 (Order 52), § 468-66-030, filed 4/1/80. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution 13), § 468-66-030, filed 12/20/78. Formerly WAC 252-40-020.]

468-66-050

Sign classifications and specific provisions.

Signs shall be classified and restricted to the provisions following:

(1) Type 1 - Directional or other official signs and notices. Directional or other official signs and notices may be erected and maintained on private property or public property, other than state highway right of way, for the purposes of carrying out an official duty or responsibility. The signs may only be installed by public offices or public agencies within their territorial or zoning jurisdiction and shall follow federal, state, or local law.

(a) Type 1(a) - Directional sign. A directional sign may only be installed in accordance with the provisions following:

(i) Publicly or privately owned places - Directional signs for publicly or privately owned places that feature natural phenomena; historical, cultural, scientific, or educational opportunities; areas of scenic beauty, or outdoor recreation areas:

- Publicly owned places - Directional signs for public places owned or operated by federal, state, or local government, or their agencies;
- Privately owned places - Directional signs for nonprofit privately owned places that feature scenic attractions. The attractions must be nationally or regionally known, or of outstanding interest to travelers.

(ii) A sign message shall be limited to identification of the activity or attraction and directional information. Directional information is limited to that which helps the motorist locate the activity, such as providing mileage to the activity, highway route or exit numbers.

(iii) Descriptive words, phrases, and photographic or pictorial representations of the activity or attraction are prohibited.

(iv) Type 1(a) signs shall not exceed twenty feet in length, width, or height, or one hundred fifty square feet in area, including border and trim but excluding supports.

(v) The department must approve the proposed installation location.

(vi) Along the interstate system and other limited access highways having grade separations (interchanges), a sign shall not be located within two thousand feet of an interchange or rest area, measured from the ramp physical gore, or within two thousand feet of a parkland or scenic area.

(vii) Type 1(a) signs shall not be spaced closer than one mile apart.

(viii) Visible to a state route approaching an activity or attraction, a maximum of three signs per direction of travel are allowed for each activity or attraction.

(ix) Type 1(a) signs located along the interstate system shall be within seventy-five air miles of the activity or attraction.

(x) Type 1(a) signs located along the primary and scenic systems shall be within fifty air miles of the activity or attraction.

(b) Type 1(b) - Official sign. An official sign may be installed subject to the provisions following:

(i) Type 1(b) signs may only be erected and maintained by public offices or public agencies.

(ii) Type 1(b) signs may only be located within the governing jurisdiction of the public office or public agency.

(iii) Type 1(b) signs shall follow federal, state, or local law.

(iv) Type 1(b) sign message content is limited to providing information that furthers an official duty or responsibility.

(v) Type 1(b) signs shall not exceed twenty feet in length, width, or height, or one hundred fifty square feet in area, including border and trim but excluding supports.

(vi) Type 1(b) signs may be historical markers authorized by federal, state, and local law.

(vii) Type 1(b) signs are not regulated by the act with regard to visibility to highways, zoning requirements, number of signs, or spacing.

(c) Type 1(c) - Service activity sign. A service activity sign may be installed subject to the provisions following:

(i) Type 1(c) signs shall contain only the name of a nonprofit organization, its address, and the time of its meeting or service.

(ii) Type 1(c) signs shall not exceed eight square feet in area.

(iii) Type 1(c) signs are not regulated by the act with regard to visibility to highways, zoning requirements, number of signs, or spacing.

(2) Type 2 - For sale or lease sign. A Type 2 sign may only advertise the sale or lease of the parcel of real property upon which the sign is located. The name of the owner of the property offered for sale or lease, or the owner's agent and phone number shall not be displayed more conspicuously than the words "for sale" or "for lease." No other message may be displayed on the sign.

(a) Type 2 signs shall not exceed twenty feet in length, width, or height, or one hundred fifty square feet in area, including border and trim but excluding supports.

(b) Not more than one Type 2 sign may be installed that is visible to traffic proceeding in any one direction on an interstate, primary, or scenic system highway.

(c) The act does not regulate Type 2 signs with regard to zoning requirements or spacing.

(3) Type 3 - On-premise signs.

(a) Type 3(a) - On-premise sign. A Type 3(a) on-premise sign may only advertise an activity conducted on the property upon which the sign is located.

(i) A Type 3(a) on-premise sign shall be limited to advertising the business or the owner, or the products or services offered on the property. A sign consisting mainly of a brand name, trade name, product or service incidental to the main products or services offered on the property, or a sign bringing rental income to the property, is not an on-premise sign.

(ii) A Type 3(a) on-premise sign more than fifty feet from the advertised activity may not exceed twenty feet in length, width, or height, or one hundred fifty square feet in area, including border and trim but excluding supports. The act does not regulate the size of Type 3(a) on-premise signs located within fifty feet of the advertised activity.

(iii) A Type 3(a) on-premise sign located at a shopping center, mall, or business combination is not authorized more than fifty feet from the individual activity it advertises, unless it is installed together with a Type 3(b) business complex on-premise sign as described in (b)(i) of this subsection.

(b) Type 3(b) - Business complex on-premise sign. A Type 3(b) business complex on-premise sign may display the name of a shopping center, mall, or business combination.

(i) Where a business complex erects a Type 3(b) on-premise sign, the sign structure may display additional individual business signs identifying each of the businesses conducted on the premises. A Type 3(b) on-premise sign structure may also have attached a display area, such as a manually changeable copy panel, reader board, or electronically changeable message center, for advertising on-premise activities and/or presenting public service information.

(ii) Type 3(b) on-premise signs are not regulated by the act with regard to size. Any Type 3(a) on-premise sign and any display area, installed together with a Type 3(b) on-premise sign, may not exceed twenty feet in length, width, or height, or one hundred fifty square feet in area, including border and trim.

(c) Type 3(c) - Future site on-premise sign. A Type 3(c) future site on-premise sign may only display the name of a business activity, or other activity of interest to motorists, planned for the property upon which the sign is located and the anticipated opening date of such activity.

(i) The owner, or owner's representative, shall by letter notify the department at least thirty days prior to the installation of the proposed Type 3(c) future site on-premise sign. Said notice shall include the location, sign message, and installation date.

(ii) Type 3(c) future site on-premise signs may remain until the business activity is operational, but shall not exceed one year from the planned installation date. The sign must be removed at the end of one year after the planned installation date if the business activity is not yet operational.

(iii) Type 3(c) future site on-premise signs shall not exceed twenty feet in length, width, or height, or one hundred fifty square feet in area.

(d) Type 3(d) - Temporary political campaign sign. A Type 3(d) temporary political campaign sign may express a property owner's endorsement of a political candidate or ballot issue.

(i) Type 3(d) temporary political campaign signs are limited to a maximum size of thirty-two square feet.

(ii) Type 3(d) temporary political campaign signs must be removed within ten days after an election. After primary elections, temporary political campaign signs endorsing a successful candidate may remain up to ten days after the succeeding general election.

(e) Not more than one Type 3(a) or 3(b) sign, visible to traffic proceeding in any one direction on an interstate system highway; on a primary system highway outside an incorporated city or town or commercial or industrial area; or on a scenic system highway, may be permitted more than fifty feet from the advertised activity. Not more than one Type 3(c) sign may be installed visible to traffic proceeding in any one direction on an interstate system highway; on a primary system highway outside an incorporated city or town or commercial or industrial area; or on a scenic system highway. The act does not regulate Type 3(d) signs with regard to the number of signs installed, visibility from highways, zoning requirements, or spacing.

(i) For Type 3(a) on-premise signs, the fifty-foot distance from the advertised activity shall be measured from the sign to the nearest portion of that building, storage, or other structure or processing

area, which is the most regularly used and essential to the conduct of the advertised activity as determined solely by the department.

(ii) For Type 3(b) on-premise signs, the fifty-foot distance from the advertised activity may be measured in the same manner as for Type 3(a) on-premise signs, or may be measured fifty feet from the nearest portion of a combined parking area.

(f) A Type 3(a) or 3(b) on-premise sign more than fifty feet from the advertised activity shall not be erected or maintained at a greater distance from the advertised activity than one of the options following, as applicable, selected by the owner of the business being advertised:

(i) One hundred fifty feet measured along the edge of the protected highway from the nearest edge of the main entrance to the activity advertised;

(ii) One hundred fifty feet from any outside wall of the main building of the advertised activity; or

(iii) Fifty feet from any outside edge of a regularly used parking lot maintained by, and contiguous to, the advertised activity.

(g) Electronic signs may be used only as Type 3 on-premise signs and/or to present public service information, as follows:

(i) Advertising messages on electronic signboards may contain words, phrases, sentences, symbols, trademarks, and logos. A single message or a message segment must have a static display time of at least two seconds after moving onto the signboard, with all segments of the total message to be displayed within ten seconds. A one-segment message may remain static on the signboard with no duration limit.

(ii) Displays may travel horizontally or scroll vertically onto electronic signboards, but must hold in a static position for two seconds after completing the travel or scroll.

(iii) Displays shall not appear to flash, undulate, or pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights. Displays shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or otherwise portray graphics or animation as it moves onto, is displayed on, or leaves the signboard.

(iv) Electronic signs requiring more than four seconds to change from one single message display to another shall be turned off during the change interval.

(v) No electronic sign lamp may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. In no case may the brightness exceed 8,000 nits or equivalent candelas during daylight hours, or 1,000 nits or equivalent candelas between dusk and dawn. Signs found to be too bright shall be adjusted as directed by the department.

(h) The act does not regulate Type 3(a), 3(b), 3(c), and 3(d) on-premise signs located along primary system highways inside an incorporated city or town or a commercial or industrial area.

(4) Type 4 - Off-premise signs; and

(5) Type 5 - Off-premise signs. Type 4 off-premise signs are distinguishable from Type 5 off-premise signs only by message content. Type 4 off-premise sign messages are those that do not qualify as Type 5 sign messages described in (b) of this subsection.

(a) A Type 4 sign shall be located within twelve air miles of the advertised activity. A Type 4 sign that displays any trade name which refers to or identifies any service rendered or product sold, used, or otherwise handled more than twelve air miles from such sign shall not be permitted unless the name of the advertised activity, which is within twelve air miles of such sign, is displayed as conspicuously as such trade name.

(b) A Type 5 sign displays a message of specific interest to the traveling public. On Type 5 signs, only information about public places operated by federal, state, or local governments, natural phenomena, historic sites, areas of natural scenic beauty or outdoor recreation, and places for lodging, camping, eating, and vehicle service and repair is deemed to be in the specific interest of the traveling public. A trade name is authorized on a Type 5 sign only if it identifies or represents a place of specific interest to the traveling public; or identifies vehicle service, equipment, parts, accessories, fuels, oils, or lubricants being offered for sale at such place. The display of any other trade name is not permitted on Type 5 signs.

(c) Type 4 and Type 5 signs are restricted in size to the following:

(i) Visible to interstate highways, signs may not exceed twenty feet in length, width, or height, or one hundred fifty square feet in area including border and trim but excluding supports.

(ii) Visible to primary highways, the maximum area for any one sign, except as provided in (c)(iii) of this subsection, shall be six hundred seventy-two square feet with a twenty-five-foot maximum height and a fifty-foot maximum length, including the border and trim but excluding the base or apron, supports, and structural members. Cut-outs and extensions may add up to twenty percent of additional sign area.

(iii) Each sign face of a double-faced (flanking and side-by-side) sign may not exceed three hundred twenty-five square feet.

(d) The spacing of Type 4 and Type 5 signs along interstate highways and visible to traffic traveling in one direction shall be restricted as follows:

(i) Type 4 and Type 5 signs visible to traffic approaching an intersection of the main-traveled way of an interstate highway and an exit roadway may not exceed the number following:

Distance from intersection	Number of signs
0 - 2 miles . . .	0
2 - 5 miles . . .	6
More than 5 miles . . .	Average of one sign per mile

The specified distances shall be measured to the nearest point of intersection of the traveled way of the exit roadway and the main-traveled way of the interstate highway.

(ii) Not more than two such signs may be permitted within any mile distance and no such signs may be permitted less than one thousand feet apart.

(iii) Type 1, 2, and 3 signs shall not be considered in determining compliance with the above spacing requirements.

(iv) Type 4 and Type 5 signs may not be permitted adjacent to interstate highway right of way within the limits of an interchange, including its entrance or exit roadways.

(v) Type 4 and Type 5 signs visible to interstate highway traffic, which has passed an entrance roadway, may not be permitted within one thousand feet of the point where the entrance roadway intersects with the interstate highway. The distance shall be measured from the intersection point farthest from the preceding interchange.

(vi) Not more than one Type 4 or Type 5 sign, advertising activities conducted as a single enterprise or giving information about a single place, may be erected or maintained in such manner as to be visible to traffic moving in any one direction on any one interstate highway.

(e) The spacing of Type 4 and Type 5 signs visible to primary highways shall be restricted as follows:

(i) On limited access highways, no two signs may be spaced less than one thousand feet apart, and no sign may be located within three thousand feet of the center of a grade separated interchange, a safety rest area, or an information center, or within one thousand feet of an at-grade intersection. Not more than a total of five sign structures may be permitted per mile, including both sides of the highway. Double-faced (flanking or side-by-side) signs are prohibited.

(ii) On nonlimited access highways inside the boundaries of incorporated cities or towns, not more than a total of four sign structures, including both sides of the highway, may be permitted within a space of six hundred sixty feet or between platted intersecting streets or highways. There shall also be a minimum of one hundred feet between sign structures, including both sides of the highway.

(iii) On nonlimited access highways outside the boundaries of incorporated cities or towns, the minimum spacing between sign structures on each side of the highway shall be five hundred feet.

(iv) Back-to-back signs and V-type signs shall be considered one sign structure.

(f) The minimum space between sign structures located on the same side of the highway shall be measured between two points along the nearest edge of pavement. The measurement points are established at the origin of lines extending perpendicular from the edge of pavement to the apparent centers of the sign structures.

(g) The minimum space between sign structures located on opposite sides of the highway shall be measured in the applicable manner following:

(i) Along tangent sections, sign spacing is measured between two points along the edge of pavement in the increasing milepost direction of travel. One measurement point is established at the origin of a line extending perpendicular from the edge of pavement to the apparent center of the sign structure located in the increasing direction of travel. The second measurement point is established at the origin of a line extending perpendicular from the edge of pavement to the apparent center of the sign structure located in the decreasing direction of travel.

(ii) Along horizontal curve sections, sign spacing is measured between two points on the edge of pavement along the arc on the inside of the curve. One measurement point is established at the origin of a line extending perpendicular from the edge of pavement to the apparent center of the sign structure located along the highway in the increasing milepost direction of travel. The second measurement point is established at the origin of a line extending perpendicular from the edge of pavement to the apparent center of the sign structure located along the highway in the decreasing milepost direction of travel.

(h) Type 1, 2, 3, 7, and 8 signs shall not be considered in determining compliance with the above spacing requirements.

(i) Type 4 and Type 5 signs may be permitted within commercial and industrial areas adjacent to interstate and primary highways, provided that spacing is available as specified in (d) and (e) of this subsection.

(j) Type 4 and Type 5 signs are not permitted visible to the scenic system.

(k) Pursuant to the 1991 Intermodal Surface Transportation Efficiency Act, a National Scenic Byway Demonstration Project is established on State Route 101, from the Astoria/Megler Bridge to Fowler Street in Raymond and from the junction with State Route 109 near Queets to the junction with State Route 5 near Olympia. No new Type 4 or Type 5 signs may be permitted within the limits of this project. Type 4 or Type 5 signs installed prior to July 25, 1993, may remain as nonconforming signs.

(6) Type 6 - Landmark signs.

(a) Type 6 signs shall have been lawfully in existence on October 22, 1965, and have historic or artistic significance, including signs on farm structures or natural surfaces.

(b) Historic or artistic significance shall be determined by the department and approved by the Federal Highway Administration.

(c) Within the limits of the National Scenic Byway Demonstration Project identified in (5)(h) of this subsection, Type 6 signs may remain as nonconforming signs.

(7) Type 7 - Public service signs located on school bus stop shelters. Type 7 signs may display safety slogans or messages, and identify the donor, sponsor, or contributor of a school bus stop shelter. No other message(s) may be displayed.

(a) Safety slogans or messages must occupy at least sixty percent of the sign area, and appear more predominant than the name of the donor, sponsor, or contributor.

(b) Type 7 signs may be located on school bus stop shelters only as authorized or approved by state law or regulation, or city or county ordinance or resolution, and may be installed visible to primary and scenic system highways.

(c) Type 7 signs may not exceed thirty-two square feet. A sign shall not protrude above the roofline or beyond the sides of the school bus stop shelter.

(d) Not more than one sign on each shelter may face in any one direction.

(e) The act does not regulate Type 7 signs with regard to zoning requirements or spacing between Type 7 signs and other types of signs.

(8) Type 8 - Temporary agricultural directional signs. Type 8 signs provide directional information to places of business having seasonal agricultural products for sale.

(a) Type 8 signs may display the business name, product(s) for sale, travel direction, and travel distance to the nearest mile from the state highway to the business.

(b) Type 8 signs may not exceed thirty-two square feet.

(c) There shall be at least three hundred feet spacing between Type 8 signs.

(d) Not more than two signs advertising a place of temporary agricultural business may be installed visible to traffic proceeding in one direction of travel on any one state route.

(e) Premises on which the seasonal agricultural products are sold must be within fifteen air miles of the state highway.

(f) Type 8 signs may be posted only during the period of time the seasonal agricultural product(s) is being sold.

(g) Any necessary supplemental follow-through signs along city streets or county roads must be installed before the Type 8 signs may be installed visible to the state highway.

(h) The signs may be installed visible to primary system highways outside incorporated cities or towns, and scenic system highways.

(i) Type 8 signs may not be installed visible to interstate highways, including interstate highways that are also part of the scenic system, or visible to primary system highways within incorporated cities or towns.

(j) The act does not regulate Type 8 signs with regard to zoning requirements or spacing between Type 8 signs and other types of signs.

[Statutory Authority: RCW 47.42.120. WSR 14-22-055, § 468-66-050, filed 10/30/14, effective 11/30/14. Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750. WSR 06-03-005, § 468-66-050, filed 1/4/06, effective 2/4/06. Statutory Authority: Chapter 34.05 RCW and RCW 47.42.060. WSR 99-24-083 (Order 195), § 468-66-050, filed 11/30/99, effective 12/31/99. Statutory Authority: Chapter 47.42 RCW and RCW 47.01.101(5). WSR 94-12-049 (Order 144), § 468-66-050, filed 5/27/94, effective 6/27/94. Statutory Authority: RCW 47.42.060. WSR 88-22-002 (Order 116), § 468-66-050, filed 10/20/88. Statutory Authority: Chapter 47.42 RCW. WSR 85-17-012 (Order 96), § 468-66-050, filed 8/12/85. Statutory Authority: RCW 47.42.060. WSR 80-05-055 (Order 55), § 468-66-050, filed 4/18/80. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-050, filed 12/20/78. Formerly WAC 252-40-040.]

468-66-200

Nonconforming signs.

(1) Nonconforming signs may be maintained, except as provided in subsection (3) of this section, unless otherwise removed pursuant to chapter 47.42 RCW.

(2) A nonconforming sign may be sold or leased, or otherwise transferred without affecting its status, but its location may not be changed. A nonconforming sign removed as a result of a right of way taking or for any other reason may be relocated to a conforming location but cannot be reestablished at another nonconforming location.

(3) A nonconforming sign may not be maintained if:

(a) The sign face size is increased more than fifteen percent over the original sign face size as of May 10, 1971 (the effective date of the Scenic Vistas Act), or as of the effective date of Scenic Vistas Act control over a given route, whichever applies;

(b) There are substantial changes to the sign structure's original construction materials, such as upgrades from wooden to steel signposts; or

(c) It is abandoned, destroyed, discontinued, or relocated, except as provided under subsection (2) of this section.

(4) Nonconforming signs shall be considered for sign spacing requirements pursuant to WAC 468-66-050.

(5) Destroyed nonconforming signs may only be reerected, and only in kind, if destroyed due to vandalism or other criminal or tortious acts.

[Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750. WSR 06-03-005, § 468-66-200, filed 1/4/06, effective 2/4/06.]

468-66-210

Permit issuance and maintenance.

(1) No signs except Type 1, Type 2, or Type 3 signs, shall be erected or maintained adjacent and visible to interstate system, primary system, or scenic system highways without a permit issued by the department. A permit to erect and maintain a sign that complies with the requirements of this chapter and is adjacent and visible to an interstate system, primary system, or scenic system highway will be issued by the department in accordance with this section.

(2) Permit applications for Types 4, 5, 6, and 7 signs will be accepted only at the department's headquarters located in Olympia, Washington. Applications transmitted by mail shall be considered received as of the date delivered to the department, rather than the postmarked date of mailing.

(3) Application forms for Type 4, 5, 6, and 7 signs, titled Application - Outdoor Advertising Sign Permit, shall be certified by the sign owner under penalty of perjury under the laws of the state of Washington and contain the information following:

(a) The name and address of the sign owner, with a signed statement that says "I, the undersigned applicant, declare under penalty of perjury under the laws of the state of Washington that the information provided herein, concerning the location of sign, sign description, and property owner/lessee, is accurate and true. I also acknowledge that any discrepancy in such information discovered hereafter is cause for the department of transportation to revoke this sign permit; and further declare that, after permit revocation, I shall remove without compensation any sign erected under such permit." The signature block shall also contain space for the sign owner to list the location, city, county, and state, where the sign owner signs the application.

(b) The statement and signature of the owner of the property on which the sign is to be erected and maintained, which states that the property owner consents to the sign installation and maintenance. A complete and valid lease between the sign owner and the property owner may be accepted in lieu of the property owner's statement and signature.

(c) A statement or site map that describes or shows both the precise location of the proposed sign site and a readily identifiable stake or other marker placed in the ground at the site.

(d) A description of the proposed sign's size, shape, and directional orientation to an identified state route.

(e) A description of the advertising copy or message to be placed on the sign, if the sign is intended to be visible to the interstate system.

(f) Other information that the department may require.

(4) Applications for Type 4, 5, 6, and 7 signs shall be accompanied by a nonrefundable fee of one hundred fifty dollars for each sign structure.

(5) Type 4, 5, 6, and 7 sign permits shall be for the remainder of the calendar year in which they are issued; accompanying fees shall not be prorated for fractions of the year. Permits are renewed annually through the certification process following:

(a) Prior to January 1 of each year the department shall require, through the use of a permit renewal certification form, permit renewal certification from each permit holder.

(i) To renew a permit, the permit holder or the permit holder's representative shall recertify by signature under penalty of perjury under the laws of the state of Washington that all information on the permit is accurate and that the permit holder desires to retain the permit in good standing for the upcoming calendar year.

(ii) Type 4 and 5 rental income signs shall be charged an annual renewal fee of one hundred fifty dollars per permit.

(iii) The completed permit renewal certification shall be returned to the department not later than December 31.

(b) If the department does not receive the required permit renewal certification and any required permit renewal fees by December 31, the permit will automatically terminate, the sign will become an illegal sign, and the department will initiate proceedings as authorized by RCW 47.42.080 to remove the illegal sign. The department shall cause the permit renewal certification form to contain this information.

(6) Changes in size, shape, or position of a permitted sign shall be reported to the department in Olympia at least ten days before a change is to be made. In the case of Type 4 and Type 5 signs permitted along the interstate system, changes in copy shall be reported to the department in Olympia at least ten days before a change is to be made to assure compliance with WAC 468-66-050 (5)(d)(vi).

(7) The department shall be notified when permits in good standing are assigned to another sign owner.

(8) If a permitted sign is intended for relocation, the sign owner must submit a new permit application.

(9)(a) Pursuant to RCW 47.42.130, for every permit issued the department shall also issue a tag that has the department-assigned permit number stamped on its face.

(b) The permittee shall fasten the tag to the sign so it is plainly visible to the highway.

(c) The department will replace a lost or otherwise missing tag after the sign owner pays a replacement fee of thirty dollars.

(10) For Type 8 signs, permit application forms, titled Permit Application - Temporary Agricultural Directional Sign, accompanied by a fee of fifty dollars for each sign face must be submitted to the department's headquarters located in Olympia, Washington. Submittals must include the same information required by subsection (3)(a) through (f) of this section for Types 4, 5, 6, and 7 signs, and:

(a) An exact description of the location of the temporary agricultural business activity;

(b) A description of the proposed sign copy;

(c) Identification of the products sold;

(d) Expected weeks/months of sales; and

(e) The Uniform Business Identifier number assigned by the Washington state department of licensing.

After the department approves the application, the permit becomes valid. The sign may be erected at the beginning of the sale season and shall be removed at the end of the sale season. The permit shall be valid for five consecutive years from the date of application approval. A new permit application must be submitted and approved by the department prior to erecting a sign at a location where the five-year permit has expired.

(11) Where the number of applications for available Types 4, 5, 6, and 7 sign sites exceeds the number of available sites, permits shall be awarded on the basis of first received by date and time at the department's headquarters office in Olympia. In the case of a tie between applicants, and upon notification thereof by the department, the department shall determine by lot which applicant shall receive the permit.

(12) A permit issued under this chapter does not relieve the permittee from the duty to comply with all local ordinances or resolutions pertaining to signs and sign structures.

(13) In the event the department has initiated permit revocation proceedings under WAC 468-66-220, the department shall not accept new permit applications for the sign location at issue until such proceedings are concluded and any required signs removed.

[Statutory Authority: RCW 47.42.120. WSR 14-22-055, § 468-66-210, filed 10/30/14, effective 11/30/14. Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750. WSR 06-03-005, § 468-66-210, filed 1/4/06, effective 2/4/06.]

468-66-220

Permit revocation, remaining signs illegal.

(1) Pursuant to RCW 47.42.120, after hearing the department may revoke a permit without refund for any of the reasons following:

(a) For making any false or misleading statement on an application for a new permit or during the annual permit renewal certification process, whether or not the statement is material to or relied upon

by the department in issuing or renewing the permit; and when such false or misleading statement remains uncorrected after the expiration of thirty days following written notice thereof.

(b) For allowing a sign to remain in a condition of disrepair or unreasonable state of repair after the expiration of thirty days following written notification thereof.

(c) For maintaining a sign, for which a permit has been issued, in violation of any provision of the act or these regulations after the expiration of thirty days following written notice thereof.

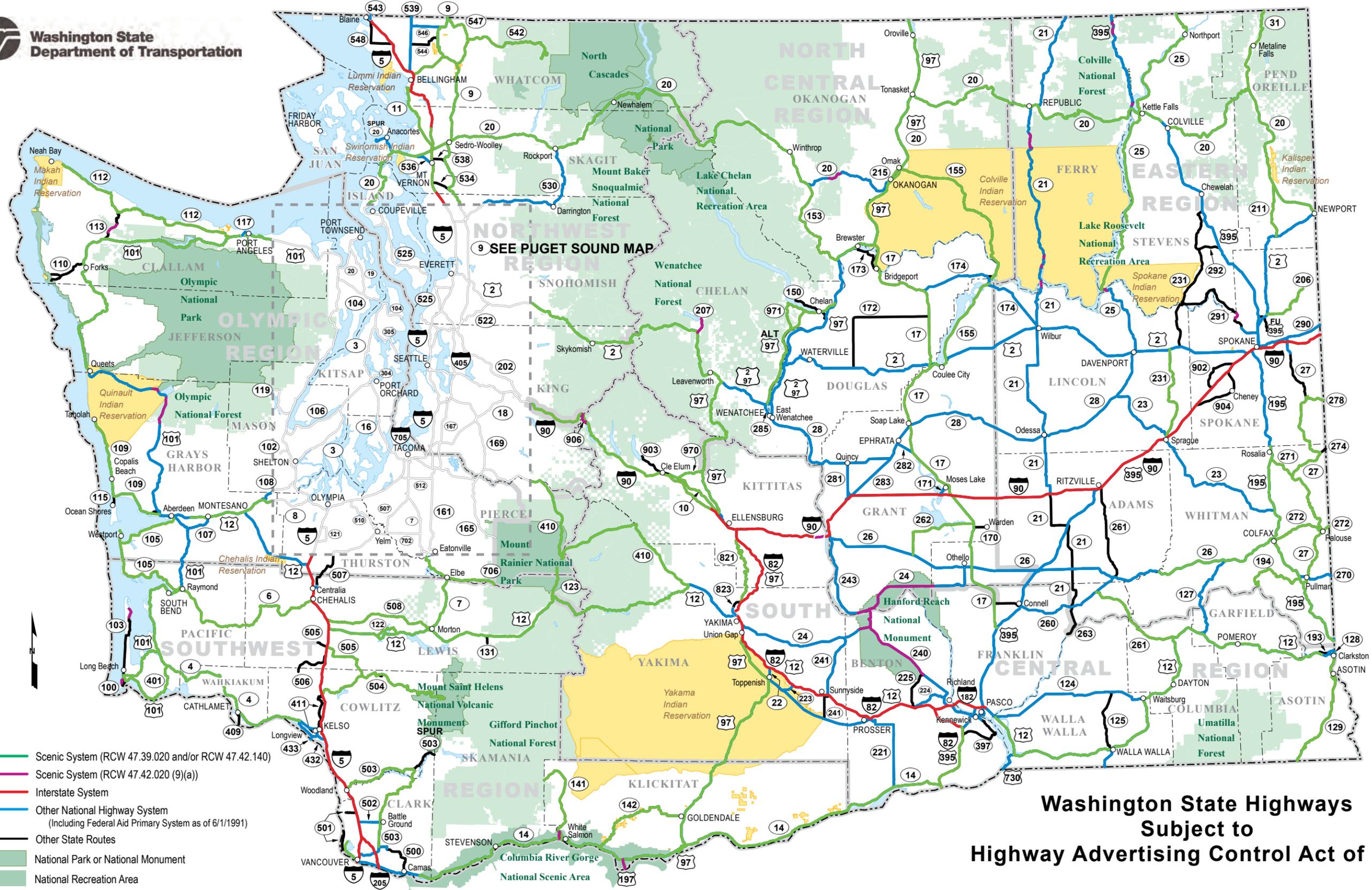
(d) For any convictions of a violation of the act or any of these regulations, any permit held by the convicted person may be revoked after the expiration of thirty days following written notice thereof whether or not such violation is related to the sign for which the permit is revoked.

(e) For allowing a sign to remain after it has become abandoned, destroyed or discontinued, as defined in WAC 468-66-010, following written notice thereof. For abandoned or destroyed signs, the department will revoke the permit after the expiration of thirty days following written notice thereof. For discontinued signs, the department will cease permit revocation proceedings if the sign owner places advertising content on the sign within ninety days following written notice thereof.

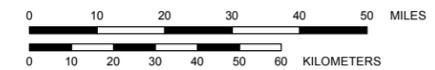
(2)(a) Any written notice referenced in subsection (1) of this section shall be sent by first class mail, postage prepaid, to the permittee at their last known address on file with the department; and the permittee's receipt of said notice shall be deemed the third day after mailing.

(b) If the permittee does not comply with the written notice within thirty days, the department shall conduct a hearing, revoke the permit, and send written notice of the permit revocation to the permittee. Upon permit revocation the sign will become an illegal sign, and the department will initiate proceedings as authorized by RCW 47.42.080 to remove the illegal sign. Review of the department's action shall be in compliance with RCW 47.42.060.

[Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750. WSR 06-03-005, § 468-66-220, filed 1/4/06, effective 2/4/06.]



- Scenic System (RCW 47.39.020 and/or RCW 47.42.140)
- Scenic System (RCW 47.42.020 (9)(a))
- Interstate System
- Other National Highway System
(Including Federal Aid Primary System as of 6/1/1991)
- Other State Routes
- National Park or National Monument
- National Recreation Area
- National Forest
- Indian Reservation

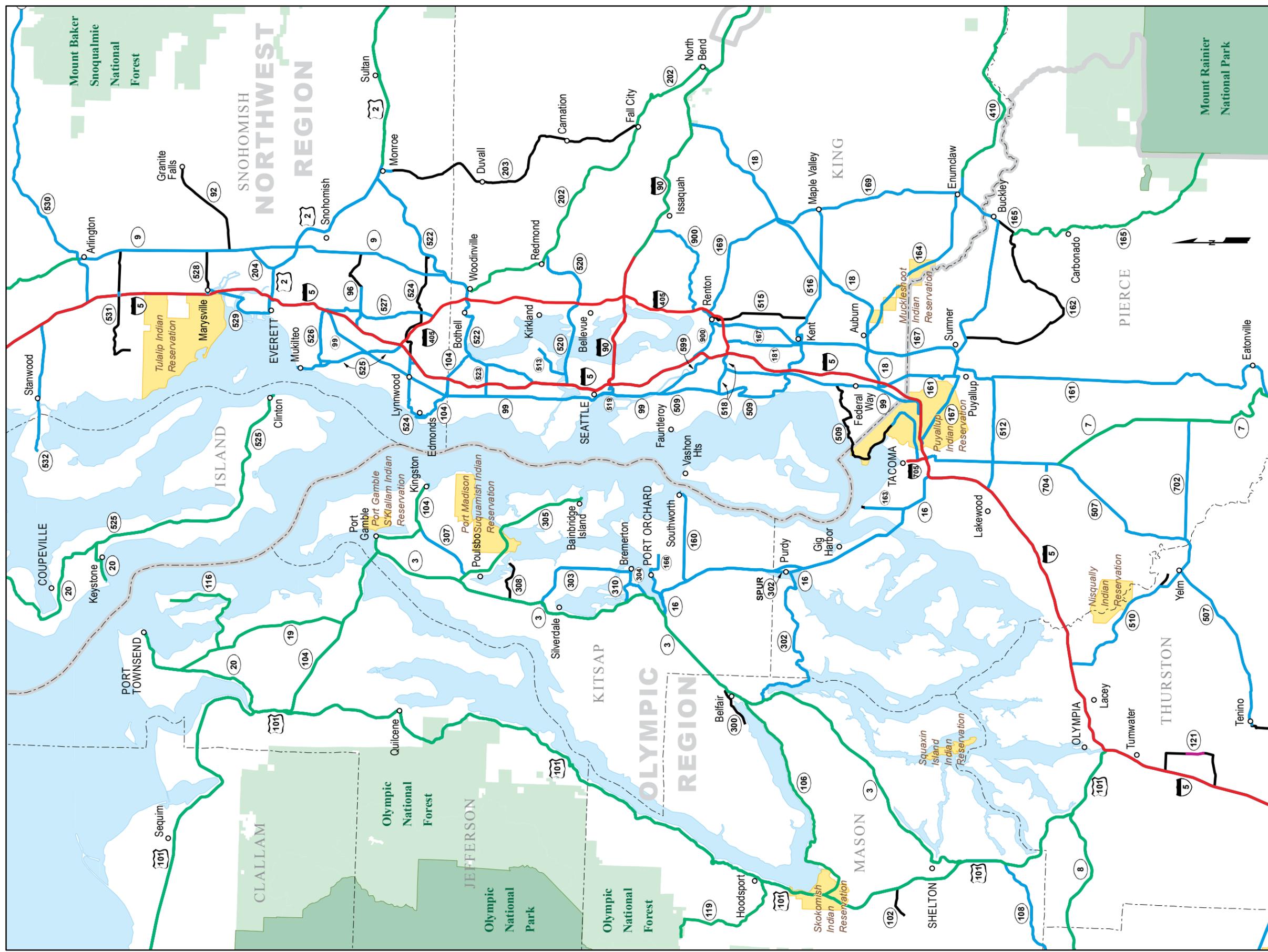


**Washington State Highways
Subject to
Highway Advertising Control Act of 1971**

**June 2013
(Updated July 2014)**

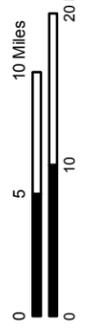
Washington State Highways Subject to Highway Advertising Control Act of 1971

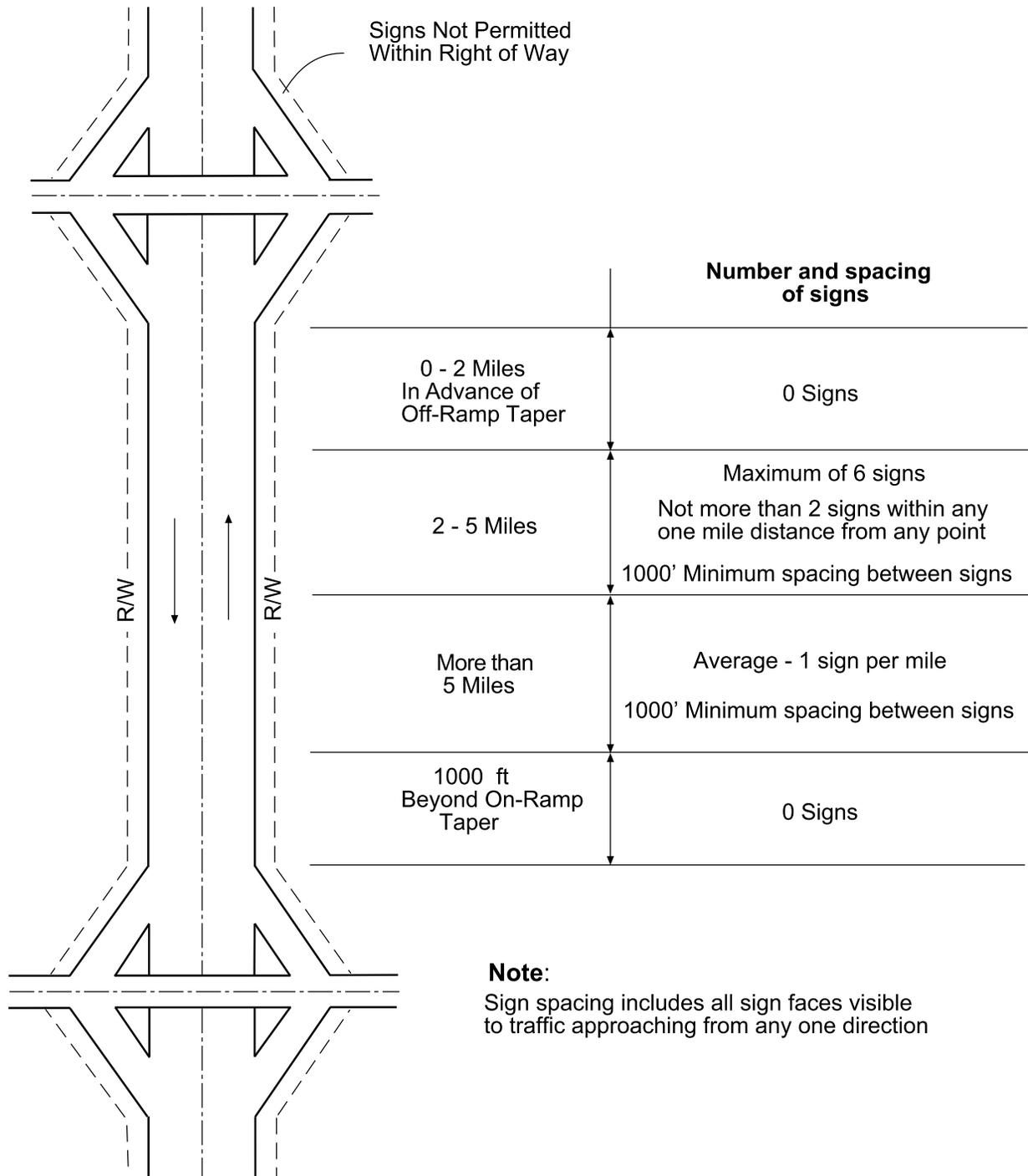
Puget Sound Area
June 2013



- Scenic System (RCW 47.39.020 and/or RCW 47.42.140)
- Scenic System (RCW 47.42.020 (9)(a))
- Interstate System
- Other National Highway System (including Federal Aid Primary System as of 6/1/1991)
- Other State Routes

- National Park or National Monument
- National Recreation Area
- National Forest
- Indian Reservation

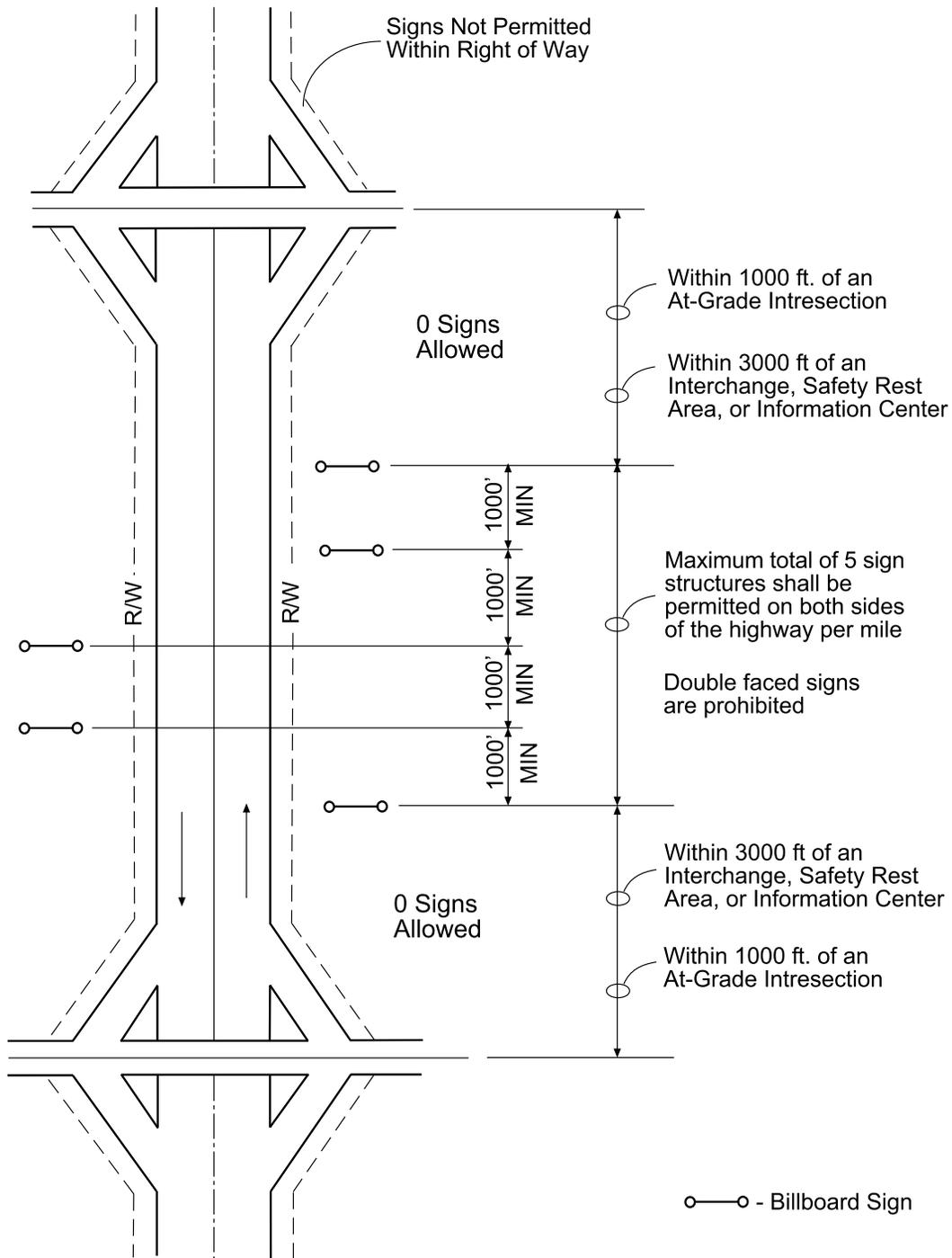




Note:

Sign spacing includes all sign faces visible to traffic approaching from any one direction

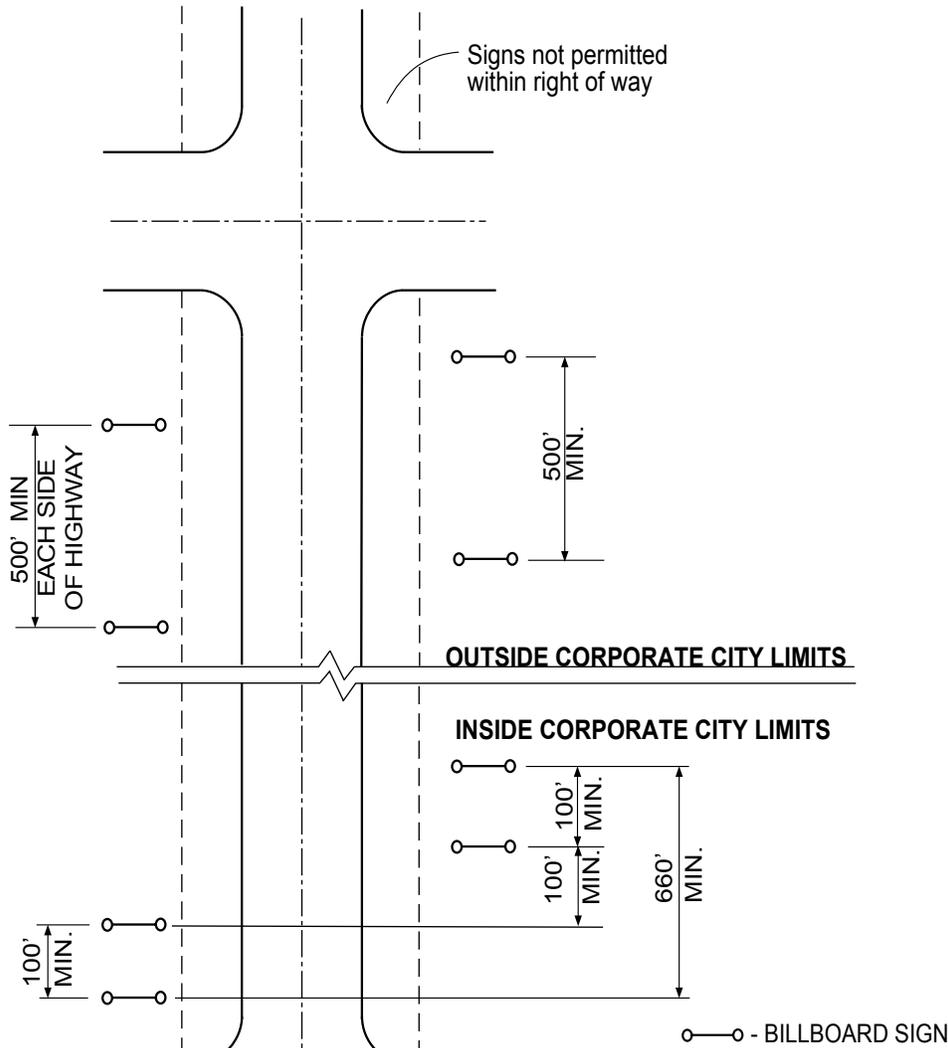
Interstate
WAC 468-66-050(5)(d)



**NHS Non-Interstate Controlled Access
WAC 468-66-050(5)(e)(i)**

Type 4/5 Sign Spacing –

Appendix C NHS Non-Interstate Non-Controlled Access



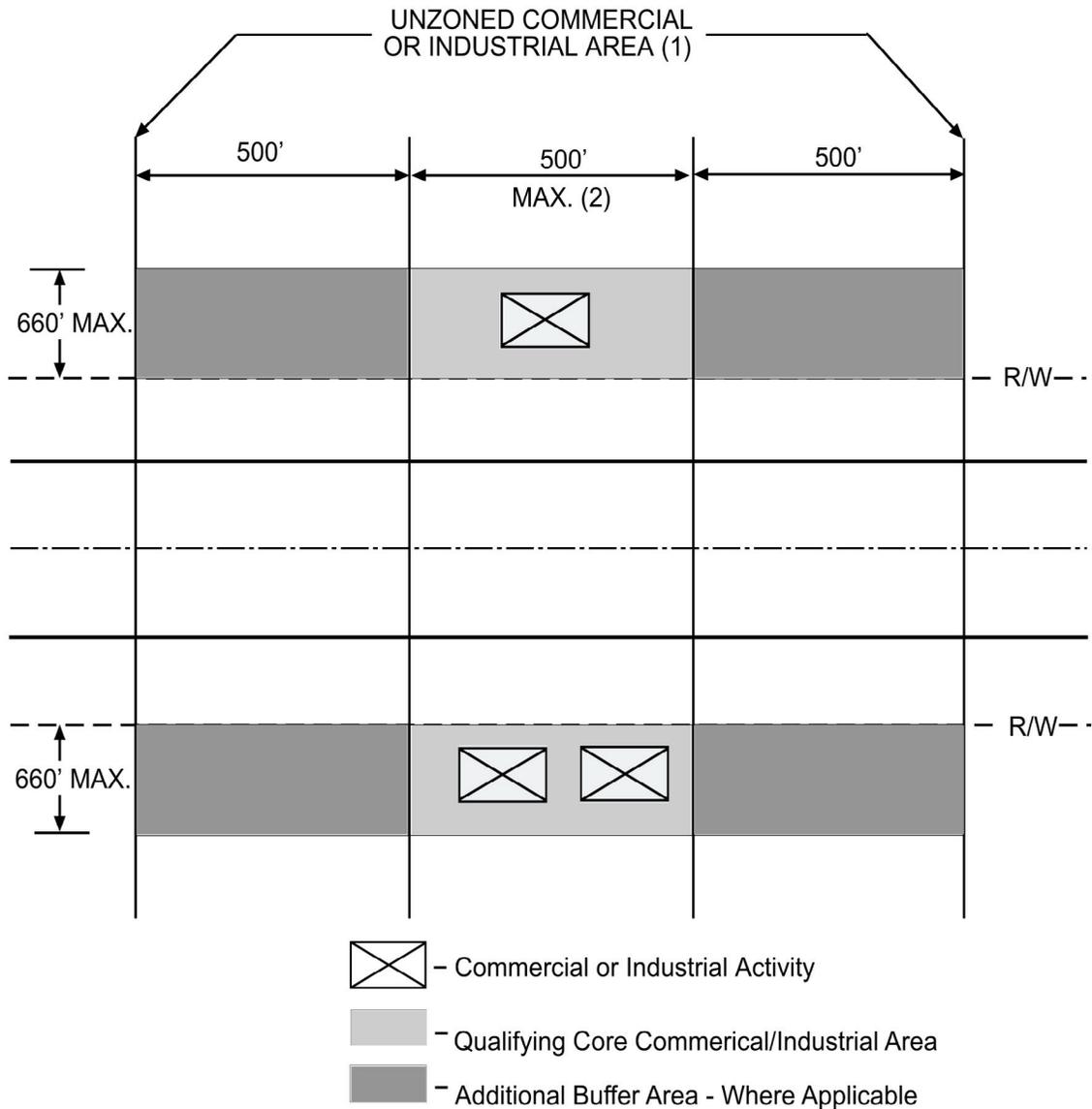
1. Within corporate limits, a maximum of 4 sign structures shall be permitted within a space of 660', or between platted intersections. This includes signs on both sides of the highway

100' min. spacing between sign structures on both sides of the highway

2. Outside corporate city limits the minimum spacing is 500' between structures on each side of the highway

3. In areas where one side of a highway is within corporate limits and the other side of the highway is outside corporate limits, the appropriate sign spacing shown above applies

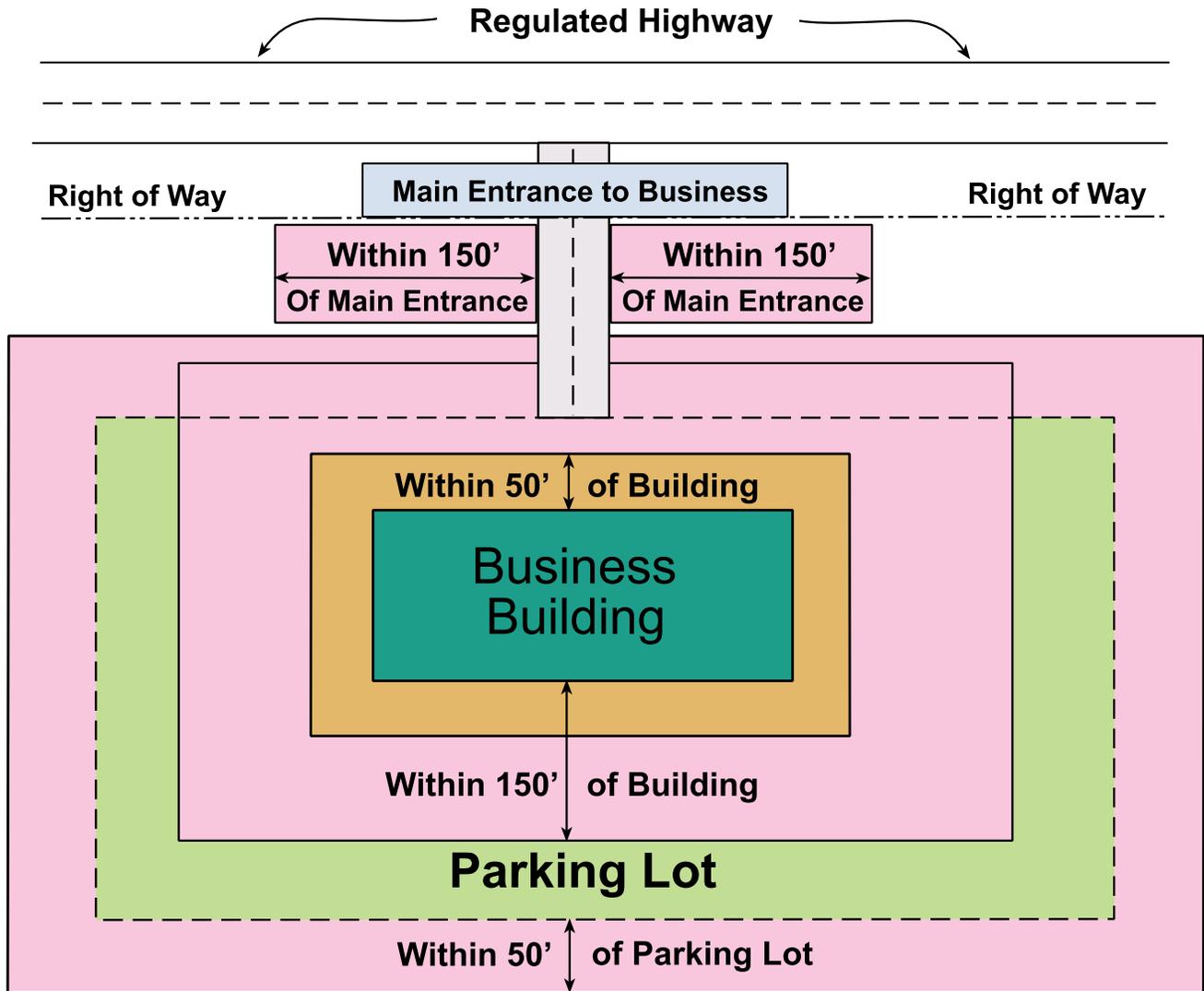
NHS Non-Interstate Non-Controlled Access WAC 468-66-050(5)(e)(ii) & (iii)

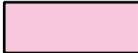


1. Billboards may be permitted within this 1500' max. area, measured parallel to the highway.

2. Three or more separate and distinct commercial and/or industrial activities are required within 500'. Activities may be located on either or both sides of the highway and must be within 660' of the right of way line to qualify.

Unzoned Commercial/Industrial Area
WAC 468-66-010(4)



 - One Sign per Direction of Travel - Maximum 150 Sq. Ft.

 - Signs Not Regulated by Scenic Vistas Act

Not to Scale - Dimensions are typical

Type 3(a) Sign Location Map
WAC 468-66-050(3)(e) & (f)

