Chapter 8
Highway Advertising Control

8.1 General

The department is directed by state law to regulate advertising signs that are visible to Interstate, Primary, and Scenic state highway systems. Advertising messages may be displayed by one of several methods:

- Billboards and other highway advertising signs may display business logos and advertising print along selected areas of state highways, outside state-owned right of ways. See *Highway Advertising Control* M 22-95.
- Advertising venues exist at a number of rest areas along Interstate highways, and at several Ferry Division locations.
- Motorist information signs display logos for specific types of motorist services on regulated signs within the right of way. See M 55-94.

8.2 Highway Advertising Signs

Federal and state laws regulate signs located on private property or on public right of ways other than state highway right of ways, which are visible to certain state highways. Many of the laws and regulations are written to express what may be done rather than what may not be done. Thus, signs installed contrary to what the law allows are illegal.

This chapter supplements and clarifies the text of the laws and regulations by providing procedural guidelines and technical information. The department uniformly applies the regulatory provisions to support traffic engineering principles, for procedural efficiency, and to treat the business community equitably.

A. *United States Code, Title 23, Section 131.* Federal laws provide direction to the states through the Federal Highway Administration and the Code of Federal Regulations regarding highway advertising along Interstate and National Highway System (NHS) non-Interstate highways, and at safety rest areas. The states are required to comply with these federal laws and regulations or become subject to a 10 percent reduction in federal aid highway funds.

B. *RCW 47.42.* State law, which may be referred to as either the *Highway Advertising Control Act*, or the *Scenic Vistas Act of 1971* or the *Act*, authorizes and directs the department to regulate highway advertising signs visible to Interstate, non-Interstate NHS, and Scenic highways in accordance with federal and state regulations. The purpose of the Act is to enhance roadside scenic beauty while assuring that information of specific interest to travelers is presented safely, reasonably, and effectively. *RCW 47.42* does not regulate advertising sign installations adjacent to other state highways, county roads, or city streets.
C. **WAC 468-66 and M 22-95.** The department’s manual, *Highway Advertising Control* M 22-95, contains the RCW and WAC rules, regulations, and figures that can be used to help interpret specific laws and regulations, maps to identify the various classes of the state highway system, and graphic appendices that illustrate some of the more complex regulatory language.

1. **Definitions.** WAC 468-66-010 defines specific terms that are key to the regulations. This section clarifies the intent of some of these terms, helping the department uniformly administer highway advertising control.

   a. **Unzoned Commercial or Industrial Areas.** RCW 47.42.020(9) and WAC 468-66-010(4) in part define an unzoned commercial or industrial area. “Unzoned” means either no zoning or zoning for general uses by county or municipal code. An unzoned commercial or industrial area is comprised of three parts, including the core area described as follows:

   - There are three or more commercial or industrial activities located within a space of 500 feet along a regulated highway. The maximum 500 foot core of the unzoned area is measured parallel to edge of the roadway’s main traveled way, and may include activities located on both sides of the roadway.

   - All measurements are made from the outer edges of regularly used buildings, parking lots, or storage or processing areas, rather than from the respective property lines. Measured accordingly, the outer measurements define the unzoned area core, up to 500 feet.

   - The commercial or industrial activities being considered must be located within 660 feet of the nearest edge of the right of way.

   The second and third parts of the unzoned commercial or industrial area are 500 foot longitudinal extensions, both upstream and downstream of the unzoned core area, on both sides of the roadway. Thus, an unzoned commercial or industrial area encompasses a space extending a maximum of 1,500 feet along a roadway as shown in Appendix 8-1.

   Signs are permissible in unzoned commercial or industrial areas in the same manner as zoned commercial or industrial areas, and are subject to all other regulations for the particular highway’s classification and local agency restrictions.
b. **Highway System Definitions.** For highway advertising control, there are two sets of highway system definitions, one at the federal level and one at the state level. The definitions below are those used by WSDOT and incorporate state RCWs and WACs. Use these in applying highway advertising control regulations.

**Interstate System,** as defined by WAC 468-66-010(12) refers to “any state highway that is or becomes part of the national system of interstate and defense highways as described.” These highways are specially noted in the *Design Manual* M 22-01, Division 3, Figures 325-2a and 325-2b (listing of National Highway System routes). Highway advertising control regulations apply to all Interstate routes.

**Primary System,** as defined by RCW 47.42.020(6) and WAC 468-66-010(19), refers to the Federal Aid Primary (FAP) federal highway classification. It includes state highways noted as “Primary” in the June 1, 1991 *Intermodal Surface Transportation Efficiency Act* and any highway not on that system but included on the National Highway System. Congress extended highway advertising control to the primary system in 1965. Prior to 1965, the federal highway advertising control regulations applied only to Interstate routes. Washington State began regulating signs on Primary highways in 1971 following passage of the revised *Highway Advertising Control Act*, aka, *Scenic Vistas Act*; RCW 47.42.

**National Highway System** (NHS), as referenced in WAC 468-66-010(19), refers to the route system created by the 1991 *Intermodal Surface Transportation Efficiency Act* (ISTEA) and the 1995 *National Highway System Designation Act*. ISTEA extended highway advertising control to all the routes on the National Highway System. The NHS includes Interstate routes and non-Interstate routes. Non-Interstate NHS routes include most of the Federal Aid Primary system together with other routes added by Congress. A list of NHS routes is shown in the *Design Manual*, Division 3, Figure 325-2.

**Nuance.** While the National Highway System includes the Interstate system, there are unique and specific highway advertising control rules for the Interstate System in federal and state law. Since there are more specific rules for the Interstate system, for the purpose of highway advertising control, the Interstate system is not considered to be part of the National Highway System or the Primary System.
The **Scenic System** is defined as those selected state highways designated by RCW 47.39.020 and RCW 47.42.140. For the purpose of highway advertising control, RCW 47.42.020(7) and WAC 468-66-010(21) further define the scenic system as:

- Any state highway within any public park, federal forest area, public beach, public recreation area, or national monument.
- Any national scenic byway or state highway or portion thereof, designated by the legislature as part of the Scenic System, that lies outside the corporate limits of any city or town.

RCW 47.42.020(7) and WAC 468-66-010(21) also exclude certain state highway segments from the Scenic System:

- Highway sections specifically excluded by RCW 47.42.025.
- On any highway designated by the legislature as Scenic, those portions within the corporate limits of any city or town.
- Any highway designated by the legislature as Scenic that is outside the corporate limits of any city or town, and in areas zoned by the governing county for predominantly commercial and industrial uses and having development visible to the highway, as determined by the department.

The complete list of designated Scenic highways is in RCW 47.39.020. (The RCW 47.42.140 listing of Scenic highways has not been updated to reflect more recent additions to the system.)

WAC 468-66-010(28) defines “visible development” as an area within a space of 500 feet along a highway, determined by the department to have development, both in type and location, that would create an unzoned commercial or industrial area prescribed by RCW 47.42.020(9). Development is deemed non-visible if visually obstructed by vegetation or other natural features on state highway right of way.

c. **Application of Regulations.** WAC 468-66-010(19) states that “primary system” also refers to “…any highway which is not on such (primary) system but which is on the national highway system.” Because the WAC incorporates non-Interstate NHS routes into the definition of “primary system” for the purpose of highway advertising control, non-Interstate NHS routes are regulated as primary highways.

The NHS system did not automatically include all FAP routes; there are former FAP route segments that are not part of the NHS system. When reviewing a non-Interstate highway segment that is excluded from the Scenic System consider the following:
If the segment is part of the NHS system, it is regulated.

If the segment was part of the FAP system as of 6/1/1991, but not included in the NHS System, it is regulated.

If the segment is not part of NHS system, or, was not part of the FAP system as of 6/1/1991, it is not regulated.

Type 4 and Type 5 signs are prohibited within view of Scenic System highways (RCW 47.42.040). There are two exemptions to this blanket prohibition provided in RCW 47.42.020(7):

- Type 4 or Type 5 signs may be allowed along Scenic System highways where the route is within the boundaries of an incorporated area.
- Type 4 or Type 5 signs may be allowed along Scenic System highways where the route passes through an area zoned for commercial or industrial use, and where there is “Visible Development” as defined in WAC 468-66-010(28). Both the commercial zoning and the commercial activities must be present to establish the exemption.

d. **Sign “Visibility” and Signs on Unregulated Roadways.**

RCW 47.42.065 and WAC 468-66-010(27) define sign visibility. In addition to the WAC definition, note that marginally visible signs located along unregulated highways intersecting with Interstate or other regulated state highways shall be considered “not visible” if they meet at least three of the criteria following:

- The sign faces are not substantially larger or at a substantially higher elevation above the ground line than other signs along the same unregulated intersecting roadway.
- The angles of sign faces are oriented toward unregulated intersecting roadways rather than Interstate or other regulated state highways.
- The length of time that the informative contents of signs can be viewed is substantially greater for travelers on unregulated intersecting roadways than for travelers on Interstate or other regulated state highways.
- The signs are visible to a motorist traveling at the posted speed limit on an Interstate or other regulated state highway, for a period of time that is less than what is required to read the entire sign message.
- The signs are only incidentally visible from Interstate or other regulated state highways.
- The signs advertise activities accessible from unregulated intersecting roadways along which the signs are located.
The Visibility Checklist for Signs on Unregulated Roadways (Appendix 8-2) is helpful when determining whether a sign on an unregulated roadway must be regulated under the Act.

2. **General Provisions.** WAC 468-66-030 describes general sign features and characteristics that are regulated on more than one classification of highway advertising sign. Refer to Section 3 of this chapter (Classification of Signs and Specific Provisions) for features and characteristics regulated on only one classification of highway advertising sign.

   a. **Moving Parts.** Signs visible from the main-traveled way of the Interstate, NHS non-Interstate, and the Scenic System that move or have any animated or moving parts are prohibited. Revolving signs giving public service information, as defined in WAC 468-66-010(20), tri-vision signs operating in compliance with WAC 468-66-030(2), and Type 3 signs visible from primary highways within city limits or commercial or industrial areas are exempt from this regulation.

   b. **Sign Lighting.** No signs are permitted which:

      • Contain, include, or are illuminated by any flashing, intermittent, or moving lights. Signs providing public service information, as defined in WAC 468-66-010(20), electronic signs operating in compliance with WAC 468-66-050(3)(g), and Type 3 on-premise signs along a primary system highway within city limits or commercial or industrial areas are exempt from this regulation.

      • Have lights that change intensity or color, lasers, strobe lights, or other lights having stroboscopic effect.

      • Use any lighting in any way, unless the lights are shielded to prevent beams or rays of light from being directed at any portion of the traveled way of the highway, or are of such low intensity or brilliance as not to cause glare or impair the vision of the driver of any motor vehicle, or otherwise interfere with any driver’s operation of a motor vehicle.

   The Traffic Control Devices statute (RCW 47.36.180, Forbidden Devices - Penalty) describes additional illegal lighting of signs and other devices and is another resource to assist with highway advertising sign control.

   c. **Local Agency Regulations.** In addition to meeting state laws and regulations, highway advertising signs must comply with all applicable county, city, or town ordinances and resolutions.
before they may be installed (RCW 47.42.048). Section 8.2.(5)(b) Permit Processing Procedures, discusses the relationship between the department’s highway advertising sign permits and local agency regulations.

3. **Classification of Signs and Specific Provisions.** WAC 468-66-050 describes the eight advertising sign classifications authorized by the *Highway Advertising Control Act*, and places specific restrictions on each sign type. The information in this section helps traffic operations staffs address matters pertaining to these eight sign types.

a. **Type 1** – Directional or other official signs or notices divided into three categories:

   (1) **Type 1a – Directional Signs.** Publicly or privately owned places may contain directional information about publicly or privately owned places that feature:
   
   - natural phenomena
   - historical, cultural, scientific, educational, or religious sites
   - areas of scenic beauty
   - outdoor recreation areas

   Publicly owned places may contain directional information about public places owned or operated by federal, state, or local government, or their agencies.

   Privately owned places may contain directional information about non-profit privately owned places that feature scenic attractions that are nationally or regionally known or of outstanding interest to travelers.

   See WAC 468-66-050(1) for other regulations about sign size, location, and message content limits.

   (2) **Type 1b – Official Signs.** Official signs shall be erected and maintained by public officers or public agencies, such as a county, city, or county commissioners, for the purpose of carrying out an official duty or responsibility.

   Official signs shall be located within the governing jurisdiction of the public officer or public agency.

   Official signs shall be pursuant to and in accordance with direction or authorization contained in federal, state, or local law.
Authority to Install Official Signs:

- The officer or agency authorizing the sign installation must exercise some form of governmental authority over the area upon which the sign is located – governmental authority means the authority to enact or administer the law.
- The officer or agency authorizing the sign installation must be directed by statute or local law and/or must have the specific authority by statute or local law to erect and maintain signs.

See WAC 468-66-050(1) for other regulations about sign size, location, and message content limits.

Crime Stopper signs are considered Type 1 signs under RCW 47.42.040(1). Crime Stopper signs are most similar to Type 1b signs, although Crime Stoppers International is a partnership between the community, the media, and law enforcement, rather than a public agency. The act limits the Crime Stopper sign message to the Crime Stopper name, logo, and local program phone number. While the signs are not regulated for visibility to highways, zoning requirements, number of signs, or spacing, they are limited to a maximum size of 20 feet in length, width, or height, or a total of 150 square feet in area.

(3) Type 1c – Service Activity Signs. These signs contain only a group name, and the location and meeting schedule. These organizations must be nonprofit, such as service clubs or religious organizations. The WAC duplicates a federal regulation that limits the maximum size of Type 1c signs to eight square feet.

b. Type 2 – For Sale or For Lease Signs. “FOR SALE” or “FOR LEASE” signs shall only advertise the sale or lease of the parcel or real property upon which the sign is located. The property owner or owner’s agent name and phone number shall not be displayed more conspicuously than the message “FOR SALE” or “FOR LEASE.” WAC 468-66-050(2) allows only the name of the property owner or owner’s agent, and their respective phone number as well as the for sale or lease message. No other message is allowed on the sign. Displaying an off-premise business name or other off-premise activity, in lieu of the name of the owner or his agent is not allowed.

Some current real estate signs may not include the words “FOR SALE” or “FOR LEASE,” especially on signs provided to agencies and agents by national conglomerates. Accordingly, real estate signs may require case-by-case evaluation to determine if they are located on property for sale or lease.
c. **Type 3 – On-Premise Signs.** These signs are divided into four categories:

(1) **Type 3a.** This on-premise sign advertises the activity conducted, or products available, on the property where the sign is located.

(2) **Type 3b.** This is a business complex on-premise sign that displays the name of a shopping center, mall, or business combination.

(3) **Type 3c.** This future site on-premise sign is allowed on properties where a planned business will be operating within a year. Signs will typically display the message “future site of” or similar wording.

(4) **Type 3d.** This temporary political campaign sign expresses a property owner’s endorsement of a political candidate or ballot issue.

Each year in April, the Headquarters Traffic Office distributes a campaign sign information packet to all the county auditors. The packet contains copies of the regulations political candidates must follow to assure lawful campaign sign placement. When candidates file for candidacy with the county auditor they receive a copy of the regulations, which are:

* Temporary political campaign signs are limited to a maximum size of 32 square feet.
* Temporary political campaign signs must be removed within ten days after the election, except that successful candidates during a primary election may leave signs up until 10 days after the following general election.
* Temporary political campaign signs may not be located on state highway right of ways.

(5) **Location of On-Premise Signs.** Along the Interstate system, Type 3a signs that exceed 20 feet in length, width, or height, or 150 square feet in area, may not be located more than 50 feet from the advertised activity.

The 50-foot distance is measured from the building, storage area, or other structure or processing area, which is most regularly used and essential to the conduct of the activity.

A Type 3(b) business complex on-premise sign advertising a shopping center, mall, or other combined business activity, may be located within 50 feet of the nearest portion of any
parking area that serves the business combination. The business complex sign does not have a size limitation; however, individual on-premise signs advertising specific businesses within the complex, which are displayed in array with the single on-premise sign, are limited to a maximum size of 150 square feet (Appendix 8.3).

(6) Location of On-Premise Signs Within Incorporated Areas and Commercial/Industrial Areas Along the NHS Non-Interstate System. Type 3(a) and Type 3(b) on-premise signs located within incorporated cities and towns and commercial and industrial areas, and visible to NHS non-Interstate highways, are not regulated by the Act. However, on-premise signs located in these areas are subject to city or county ordinance or resolution.

(7) Crop Identification Signs. Crop identification signs are considered on-premise signs, and identify specific agricultural crops grown on property adjacent to state highway right of way. Normally, an agriculture-oriented supporting group will present a region with a proposed crop identification sign project.

The regional HAC representative reviews the proposed sign project for compliance with the Act. The sign message is limited to the name of the crop, and the name of the sign sponsor. The crop message letter size should be two or three times larger than the sponsor message, to facilitate crop identification.

(8) Electronic Signs. Electronic signs may be used only to advertise activities conducted, or goods and services available, on the property on which the signs are located (Type 3 signs); or, to present public service information as defined in WAC 468-66-010(20).

WAC 468-66-030(1)(g) in part prohibits signs that contain, include, or are illuminated by any flashing, intermittent, or moving light or lights. This provision does not apply to electronic on-premise signs along Interstate highways and NHS non-Interstate highways, outside the corporate limits of cities and towns or outside commercial and industrial areas, displaying messages in compliance with WAC 468-66-050(3)(g).

d. Type 4 and Type 5 Signs. Off premise advertising signs, differentiated by the location of the advertised activity:
(1) **Type 4.** The business or activity advertised on a Type 4 sign shall be within 12 air miles of the sign.

(2) **Type 5.** The off-premise advertising message displayed on the sign must be of specific interest to the traveling public, as described in WAC 468-66-050(5)(b). There is no geographic proximity limitation, such as the 12 air mile limit imposed on Type 4 signs.

The regulations for Type 4 and Type 5 off-premise advertising signs visible to Interstate and non-Interstate NHS highways are provided in WAC 468-66-050(5). Size limits are based on roadway type and detailed in WAC 468-66-050(5)(c).

Type 4 and Type 5 sign locations are limited to commercial and industrial areas, and must meet the WAC prescribed spacing requirements shown in Appendices 8.4, 8.5a, and 8.5b.

WAC 468-66-050(5)(d)(i & v) specify that Type 4 and Type 5 signs visible to Interstate traffic are not permitted within 1,000 feet beyond the furthest point of the intersection of the mainline and the on-ramp. The 1,000-foot measurement begins at the intersection of the right fog line on the on-ramp taper and the right fog line of the mainline.

Additionally, Type 4 and Type 5 signs visible to Interstate traffic are not permitted within 2 miles preceding an interchange exit ramp. The measurement begins two miles before the intersection of the right fog line of the exit roadway and the right fog line of the main traveled way of the Interstate highway.

WAC 468-66-050(5)(g) provides measurement applications for sign spacing along horizontal curves where signs are located on opposite sides of the highway.

e. **Type 6 – “Landmark” Signs.** These are advertising signs of historic or artistic significance that were lawfully in place prior to October 22, 1965. Currently, there are no permitted Type 6 signs visible to state highways.

f. **Type 7 – Public Service Signs Located On School Bus Shelters.** Currently, there are no permitted Type 7 signs visible to state highways.

g. **Type 8 – Temporary, Seasonal Agricultural Signs.** These signs give directional information to specific agricultural activities, and are regulated through a permit process administered by the region. Specific requirements are found in WAC 468-66-050(8).
4. **Non-conforming Signs.** WAC 468-66-200 discusses signs that were lawfully erected and maintained, but later become illegal. These are called non-conforming signs, and are allowed to remain and be maintained (allowed to exist) as prescribed in the WAC. Based on definitions in law, any of the eight sign types could be or could become nonconforming signs. Currently, only Type 4 or Type 5 nonconforming signs are accounted for because of permitting requirements.

A major focus of the 1965 federal HBA was to buy out non-conforming signs. The Act created a June 1, 1971 date for removing existing signs that did not comply with the new laws (non-conforming signs). A three-year extension was later established, creating a May 10, 1974 deadline.

To remove these signs, the law also required that just compensation be paid to the sign owner, with federal funds contributing 75 percent of the compensation. Federal funding was not adequate to buy out all non-conforming signs on the state's highway systems by May 10, 1974. Under RCW 47.42.105, no sign can be required to be removed if the federal share of just compensation to be paid upon removal of the sign is not available. Due to the lack of federal funds, existing nonconforming signs that had not been compensated and removed by May 10, 1974, were allowed to remain and be maintained. These signs created the framework for today’s non-conforming sign inventory.

Today, additional non-conforming signs are allowed to exist, as follows:

- Signs lawfully installed after June 1, 1971, and that later became illegal because of changes in state law, state regulation, city or county ordinances or resolutions, state route revisions, or cessation of unzoned commercial or industrial areas, are allowed to remain and be maintained as non-conforming signs. The signs may also be removed through compensation.

- Non-conforming off-premise advertising signs are issued permits as Type 4 or 5 signs, as applicable. Non-conforming signs are included in the highway advertising sign inventory, and counted when evaluating available space for additional sign structures.

- Non-conforming signs that are damaged by weather related incidents, or other acts of nature, may be re-erected, provided that the sign remains at least 50 percent intact. Signs more than 50 percent damaged to the extent that the sign face has fallen to the ground, as determined by the department, may not be re-erected and are subject to permit revocation under WAC 468-66-220.

See Section (5)(h) that follows for discussion about the non-conforming sign inventory.
5. **Highway Advertising Control Permit Procedures.** Advertising sign permit issuance, maintenance, and renewal procedures are described in WAC 468-66-210.

a. **Signs Subject to Authorizing Permits.** State law and the WAC exempt Type 1, 2, and 3 signs from the permit requirements; therefore, permits are required for sign Types 4 through 8. The vast majority of permits issued are for Type 4 and Type 5 signs. Only a small number of Type 8 sign permits have been issued throughout the state. To date the department has not issued any permits for Type 6 and Type 7 signs; however, the WAC includes these as signs that must be placed under permit.

A department issued permit does not preempt the permit holder’s responsibility to comply with local agency rules, regulations, and ordinances pertaining to signs and sign structures (RCW 47.42.048). Accordingly, a department issued permit only grants a permit holder the right to erect a sign if it’s also authorized under local law.

b. **Permit Processing Procedures – Type 4 and Type 5 Signs**

- The application (Appendix 8-6) and the non-refundable $300 permit fee for each Type 4 and Type 5 sign structure are received at the Headquarters Traffic Office, or the region. Applications received at the region are forwarded to the Headquarters Traffic Office. The effective date is the date it is received in Headquarters.

- The Headquarters Traffic Office assigns the application a Log number, and deposits the permit fees into the Motor Vehicle Fund through the department’s Accounting Office.

- The Headquarters Traffic Office forwards the application with a permit application transmittal (Appendix 8-7) to the appropriate region and requests a site investigation. A checklist (Appendices 8.8a and 8.8b) is used to assist with investigating proposed sign sites. The region is requested to investigate the proposed sign site within 30 days to determine compliance with the zoning, size and spacing requirements of WAC 468-66-050.

Consider the following when reviewing the proposed sign installation location:

- Along NHS non-Interstate highways, focus special attention on whether the department has purchased full, partial, or modified access rights, through the procedures required by RCW 47.52. Limited access and non-limited access highway segments have specific sign spacing requirements prescribed in RCW 47.42.062(3) and WAC 468-66-050(4) and (5)(e).
Any highway section without purchased access rights is considered non-limited access for the purpose of sign spacing calculations. Limited access information can be obtained from the regional Real Estate Services work group that conducts limited access purchases and documentation, the Master Plan Limited Access Control Database, or the Headquarters Design Access Office.

- There are locations where permits have been issued, but signs have not been erected. Locations having these “permitted but unbuilt” signs are included in the count when determining available sign space. Consult the current permit inventory (rather than merely counting the existing permitted signs) to assure the department does not issue a permit in error.

- Consider the sign owner’s access to the sign for maintenance or copy change. Various RCW chapters prohibit or limit access to private property from highway right of way. There may be highway segments where it would be extremely difficult, if not impossible, to access a sign from properties other than state highway right of way. For proposed locations appearing to meet the requirements of law, but where access from private property appears to be a challenge, it’s reasonable to require the applicant to supply documentation that describes how the sign will be accessed (for example, the name of a private property owner for limited access highways or a WSDOT permit for managed access highways). Include this documentation in the package returned to Headquarters.

- Contact the local agency having land-use jurisdiction over the proposed sign site to determine if state law or local regulation is more restrictive. If the local regulation is more restrictive, and the location meets state law, encourage the applicant to obtain the local permit before approving the state application. (Also encourage the local agency to approve or deny sign permits based on their own regulation, regardless of status under state law). If a local agency denies the applicant a sign/building permit, the department can deny the state permit application citing RCW 47.42.048.

An applicant may refuse to obtain the local agency permit first. If so, the law does not give the department authority to withhold a permit for a location that meets the state requirements. Thus, the region may approve a permit application knowing that the local agency permit will be denied.
• If the location meets the permit requirements, assign an inventory number to each sign face indicated on the application. Inventory numbers are selected sequentially from a block provided by the Headquarters Traffic Office for a particular highway or highway section. For locations not meeting the permit requirements, the region notes on the checklist that it must be denied, and cites the RCW or WAC provisions not met.

• Return the application package to the Headquarters Traffic Office. Headquarters will notify the applicant about the permit’s approval or denial and send a copy to the appropriate local agency. Headquarters’ approval and denial notification letters include supporting discussion about local agency regulation compliance, sign access, and other pertinent matters.

c. Procedure for Reviewing Sign Permit Applications near Highway/Railroad At-Grade Intersections. Many railroads market their right of way to billboard companies for the purpose of erecting signs that are visible to nearby highways. Occasionally, the department receives HAC applications for signs on railroad properties adjacent to state highway/railroad at-grade intersections. In unincorporated areas, billboards are prohibited within 100 feet of a state highway/railroad at-grade intersection, and also at locations that could obstruct sight distance to an on-coming train. A billboard installation adjacent to a state highway/railroad grade intersection may obstruct the motorist’s sight distance, interfere with the train engineer’s sight distance, or otherwise compromise safe and efficient traffic operations. Thus, special emphasis is given to a site-specific safety review, in addition to the standard review to determine compliance with RCW 47.42, RCW 47.32.140, and WAC 468-66.

The following definitions and review procedures provide information and guidance to department personnel who review Highway Advertising Control permit applications.

(1) Traffic Control System. The traffic control system is a combination of devices installed at a specific highway/rail grade intersection. Three types of traffic control systems are discussed here:

• Passive systems consist of warning signs, including the crossbuck, and pavement markings. There are no lighted signals associated with the passive system.
• Active systems consist of warning signs, including the crossbuck, pavement markings, and post-mounted or cantilevered flashing lights. Train sensors installed upstream and downstream near the railroad tracks activate and deactivate these signals.

• Active-gated systems consist of warning signs, including the crossbuck, pavement markings, post-mounted or cantilevered flashing lights, and automatic gates that prohibit crossing the intersection. Train sensors installed upstream and downstream near the railroad tracks activate and deactivate the gates and signals.

(2) Clearing Sight Distance. At all ungated crossings, a driver stopped 15 feet before the nearest rail must be able to see far enough down the track in both directions to determine if sufficient time exists to move their vehicle safely across the tracks to a point 15 feet past the far rail prior to the arrival of a train. Required clearing sight distance along both directions of the track, from the stopped position of the vehicle, is dependent upon the maximum train speed and the acceleration characteristics of the “design” vehicle.

(3) Stopping Sight Distance. Stopping sight distance is the sum of two distances: the distance traversed by the vehicle from the instant the driver sights an object necessitating a stop to the instant the brakes are applied, plus the distance required to stop the vehicle from the instant the brake application begins. This distance varies with vehicle speed.

(4) Desired Vehicle Stopping Point. The point on the highway where a vehicle stops without encroaching into the intersection. This point should be located 15 feet before the nearest rail and is marked by a stop bar in accordance with MUTCD standards. At the stopping point, the driver’s eye location is considered to be an additional 10 feet from the nearest rail.

(5) Statutes and Rules. The following statutes and rules apply to billboards at highway/railroad at-grade intersections:

• RCW 47.32.140 prohibits billboard erection or maintenance within a distance of 100 feet from the point of intersection of a highway and railroad grade crossing. This applies only in unincorporated areas, and allows 30 days for a joint review by the department, the Washington Utilities and Transportation Commission (WUTC), and the railroad to determine if a billboard installation could potentially obscure sight distance of a motorist, or train engineer approaching an intersection.
• **WAC 468-66-030(1)(f)** and **CFR Title23, Chapter 1, part 750.154(2)** prohibit signs that prevent the driver of a vehicle from having a clear and unobstructed view of approaching or merging traffic.

(6) **Review Process.** If a proposed sign location at or near a state highway/railroad grade intersection meets zoning, spacing, and size requirements, and would otherwise qualify for an HAC permit, conduct an engineering study to determine the effect the sign may have on sight distance and safety at the intersection.

The engineering study should focus on vehicle and train speeds, stopping sight distance, clearing sight distance, highway and railroad geometry, and existing traffic control devices including pavement markings. Give special consideration to the traffic control system installed at the intersection, and whether the traffic control devices meet existing standards. Determine traffic volumes (and vehicle classification, if possible), for the state highway.

The WUTC has information about railroad operations including train speeds used in the tables below, railroad alignment (curves approaching the intersection), and number of crossings per day. Headquarters can provide WUTC contact information.

**For unincorporated areas,** determine whether the proposed sign is located within the 100 foot restricted zone (**RCW 47.32.140**). If it is, work with the WUTC and railroad to determine if the proposed sign may compromise safety at the intersection. There may be statutes, WAC rules, or policies that are specific to the WUTC or the railroad that will influence their decisions or recommendations. Document these partnership efforts and include all pertinent information in the engineering study records.

**For incorporated areas,** contact the city or town and work with them to review proposed billboard locations. In addition, ask the WUTC to perform a review of the location and consider their recommendations. There may be local agency rules or ordinances that influence a city’s decisions or recommendations. Document these partnership efforts and include all pertinent information in the engineering study records.
Consider the traffic control system at the intersection. Based on the type of system, use the following tables to determine if a proposed sign location creates an obstruction in the clear sight triangle, or the clearing sight triangle.

Review the proposed sign location under typical traffic operating conditions at the intersection. Place a stake or other object at the proposed sign location to assist with visualizing the potential sight distance obstruction. Drive through the intersection assuming the motorist’s perspective from a vehicle approaching the intersection and from one located at the stopping point. Consider the motorist’s perspective for driver eye-heights ranging from 3½ feet for a small car to 7 or 8 feet for a cab-over tractor. School buses are required to stop even if signals are not activated.

Passive Traffic Control System. A motorist approaching an intersection with passive control must have adequate sight distance to make decisions when a train is observed in the distance (Figure 8-1). If the proposed sign location lies within the approach clear sight triangle, it will obstruct the motorist’s view and compromise clear visibility at the intersection.

Use Table 8-1 to determine the track and highways distances:

- **Track Distance.** The top distance, (shown in normal type) represents the distance upstream or downstream along the railroad tracks that is required for a driver to determine if they can safely cross the tracks or must stop. This distance is measured from the edge of the traveled lane at the crossing.

- **Highway Distance.** The bottom distance (shown in bold) represents the clear visibility distance along the highway that is required for a driver to determine if they can safely cross the tracks or must stop. This distance will allow a motorist approaching the intersection at the given speed to safely cross the intersection or to stop the vehicle without encroaching past the stopping point. This distance is measured from the nearest rail.

- When plotted on a plan, or laid out in the field, these two distances create two line segments, each beginning at the intersection. Connect the far ends of the segments to create the clear sight triangle.
### Passive Traffic Control System

#### Figure 8-1

<table>
<thead>
<tr>
<th>Train Speed</th>
<th>Posted or 85th Percentile Speed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>10</td>
</tr>
<tr>
<td>10</td>
<td>146</td>
</tr>
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<td></td>
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<td>20</td>
<td>293</td>
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<td>30</td>
<td>439</td>
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<tr>
<td>70</td>
<td>1024</td>
</tr>
<tr>
<td></td>
<td>69</td>
</tr>
</tbody>
</table>

#### Moving Vehicle – Passive Traffic Control System

*Table 8-1*
Active Traffic Control System. At an un-gated active controlled intersection, the motorist must determine whether a train is approaching the crossing, then further determine if and when it is safe to cross and clear the tracks (Figure 8-2).

Table 8-2 provides clearing sight distances, based on train speed and vehicle type. The clearing sight distance is measured from the intersection along the tracks. Distances given in columns two through seven represent the clearing sight distance measured from the edge of traveled lane upstream or downstream along the tracks. Having clear visibility for this distance will allow a motorist to decide whether it is safe to enter the intersection, and clear the intersection to a point 15 feet beyond the far rail.

A car (column two) is typically used as the vehicle type. However, if available vehicle classification data demonstrates a high percentage of vehicle types, or if school busses or transit use this crossing, consider using that vehicle type to test visibility at the intersection.

Un-gated Active Traffic Control System

Figure 8-2
### Stopped Vehicle – Un-gated-Active System

**Table 8-2**

<table>
<thead>
<tr>
<th>Train Speed</th>
<th>Car (mph)</th>
<th>Single Unit-Truck</th>
<th>Bus (mph)</th>
<th>WB-50 Semi-Truck</th>
<th>65-foot Double Truck</th>
<th>Pedestrian</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>105</td>
<td>185</td>
<td>200</td>
<td>225</td>
<td>240</td>
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<td>25</td>
<td>255</td>
<td>455</td>
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<td>605</td>
<td>440</td>
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<td>1,570</td>
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<tr>
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<td>820</td>
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<td>1,790</td>
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<tr>
<td>90</td>
<td>920</td>
<td>1,640</td>
<td>1,790</td>
<td>2,015</td>
<td>2,165</td>
<td>1,585</td>
</tr>
</tbody>
</table>

### Active-gated Traffic Control System

At gated crossings, traffic control devices give clear direction on when to cross the intersection. In unincorporated areas, the 100 foot restricted zone must be maintained (**RCW 47.32.140**).

**Summary.** The department does not allow a billboard or other signs within the clear sight triangle for passive traffic control systems, or within the clearing sight triangle for un-gated active traffic control systems. Allowing placement of a billboard or sign within these areas may obstruct the driver’s view of approaching trains, compromising crossing safety.

In the event that the WUTC or a railroad company recommends that a sign not be allowed at the proposed location based on statute, law, or policy, the HAC permit application may be denied. If the recommendation to deny is based on the physical location of the proposed sign, e.g., it is located within the clearing sight triangle, or approach clear sight triangle, the department may consider alternate locations on the same parcel that are outside the triangles, under the same permit application. In such cases, a HAC permit may be issued if the WUTC concurs with approval of such alternate location.

**Table 8-1** is based on the *2001 AASHTO Policy on Geometric Design of Highways and Streets*, Exhibit 9-104.

**Table 8-2** is based on the USDOT publication, *Guidance on Traffic Control Devices at Highway-Rail Grade Crossing*, Table 2.
d. **Permit Procedures – Type 8 Signs.** Type 8 sign permit applications, along with the $50 permit fee per sign face, are submitted to the appropriate regional traffic office. Type 8 sign permits are valid for 5 years, and are renewable upon expiration (Appendix 8-9). Headquarters supplies the metal Type 8 permit tags to the regions.

e. **Annual Permit Renewal Certification.** Prior to December 1 of each year, the Headquarters Traffic Office will mail a permit renewal notice to each sign permit holder. If the permit holder intends to retain the permit in good standing for the upcoming calendar year, they certify that intent by signing the notice and returning it to the Headquarters Traffic Office by December 31 of that same year.

When a renewal notice is not returned to the Headquarters Traffic Office by December 31, the permit expires. The Headquarters Traffic Office may initiate legal proceedings to cause the removal of any sign constructed under the permit, as an illegal unpermitted sign.

f. **Change of Sign Ownership, Transfer of Sign Permit.** WAC 468-66-210(7) requires a permit holder to notify the department when permits in good standing are assigned to another sign owner. When the regions receive notification of a change in permit ownership, forward that information to the Headquarters Traffic Office for written permit reassignment and to facilitate inventory updating. There is no fee to the permit owner(s) for permit transfer.

g. **Sign Relocations.** When an existing permitted sign is intended for relocation, the sign owner must submit a new permit application and permit fee and the region will review the new location for approval (WAC 468-66-210(8)). The department will rescind the permit for the existing sign intended for relocation upon approval of the new permit, or upon the effective date of the existing lease termination, whichever occurs first.

h. **Inventories.** The Headquarters Traffic Office maintains an inventory of all Type 4, 5, and 8 sign permits. It is available to the regions in electronic format. The inventory is revised when the Headquarters Traffic Office receives notification from a permit holder, or when a region discovers changes during field review. The inventory must be updated when:

- New permits are issued.
- Existing permits are rescinded or revoked.
• Revisions are made to existing permitted signs, including changes in sign size, milepost location, sign owner/permit holder, compass direction of read, or sign removal.

• A region notifies HQ of a newly created non-conforming sign.

Non-conforming permitted Type 4 and Type 5 signs (Section 4) are included in the inventory, and noted in a searchable data field.

i. **Inventory of Signs on Local Jurisdiction NHS Roadways.** The National Highway System Act of 1995 (NHS) extended highway advertising control to all NHS routes. This means that signs on private property and visible to NHS routes, including NHS routes under local agency jurisdiction, are regulated under the Highway Advertising Control Act.

The Headquarters Traffic Office maintains an inventory of off-premise highway advertising signs (Types 4 and 5) visible to local NHS roadways. Although the control of such signs is the responsibility of the local jurisdiction or agency, the department is committed to providing technical assistance to a local agency when requested. Periodically the region HAC personnel conduct a review of local NHS routes to assure that the department’s inventory is up to date.

j. **Integrating Sign Information after Changes to the Scenic Highway System.** The Legislature occasionally adds state highways or highway segments to the Scenic System as defined in RCW 47.42.020 and WAC 468-66-010. Headquarters will request the regions to conduct a field review of any newly designated route(s) to provide a record of the advertising signs that existed at the time of enactment. The region compiles photos, location information (milepost, side of the roadway, direction of read, sign spacing), sign size, zoning designation, and other pertinent information and sends it to Headquarters.

Headquarters will integrate the data into the HAC files, place the signs under permit if the route was not regulated prior to the Scenic designation, and update the permit database. Headquarters correspondence with the sign and property owners will discuss information pertinent to the individual sign including:

• *Highway Advertising Control Act* requirements concerning permits.

• Permit renewals.

• Legal sign status (located in an area exempt from Scenic classification).
Highway Advertising Control

Chapter 8

• Non-conforming sign status.
• Other information pertinent to the individual sign
• Possible sign removal if appropriate

The Legislature may also delete highways or highway segments from the Scenic System. However, the route is still regulated as a scenic route if federal “Scenic” funds paid for any improvements on the route. Headquarters can help determine if “Scenic” federal funds paid for improvements to former Scenic highway segments that may otherwise appear eligible for signs. Such expenditures would prohibit the department from issuing new permits for those areas.

k. Integrating Sign Information after Changes to the National Highway System. Changes are sometimes made to the National Highway System, and are generally initiated by the department, the military, or through Congressional action. See the primary system definition in WAC 468-66-010. When NHS system additions are made, Headquarters will request that the regions conduct a field review of any newly designated route or segment(s) to provide a record of the advertising signs that existed at the time of enactment. The region compiles photos, location information (milepost, side of the roadway, direction of read, sign spacing), sign size, zoning designation, and other pertinent information and sends it to Headquarters. Headquarters will integrate the data into the highway advertising control files, place the signs under permit, and update the permit database. Headquarters correspondence with the sign and property owners will discuss information pertinent to the individual sign including:

• Highway Advertising Control Act requirements concerning permits.
• Permit renewals.
• Legal sign status.
• Lon-conforming sign status.
• Other information pertinent to the individual sign.
• Possible sign removal if appropriate.

Highways deleted from the National Highway System are still regulated as NHS routes if federal funds paid for any improvements on the route. Headquarters can help determine if “NHS” federal funds paid for any part of the improvements to former NHS highway segments that may otherwise appear eligible
for signs. Such expenditures would require continued adherence with the highway advertising sign requirements applicable to NHS routes.

6. **Permit Revocation, Remaining Signs Illegal.** WAC 468-66-220 discusses sanctions and penalties that may be applied against permit holders who maintain signs that do not comply with the provisions of the Act or the WAC. After a hearing conducted under the *Administrative Procedures Act* (RCW 34.05, WAC 10-08, WAC 468-10) HQ may revoke a permit, without refund, for any of the following reasons:

- Making false or misleading statements on either a permit application or a permit renewal, when the statements remain uncorrected for 30 days after the permittee receives a letter notifying him/her about them.

- Allowing a permitted sign to remain in disrepair for 30 days after the permittee receives a letter notifying him/her about the sign’s condition.

- Maintaining a permitted sign, that violates any provision of the Act or WAC 468-66, when the violation remains for 30 days after the permittee receives a letter notifying him/her about the violation(s).

- Allowing a nonconforming sign to remain, following written notice after it has become abandoned or destroyed, as defined by WAC 468-66-010.

- Allowing a discontinued sign, as defined by WAC 468-66-010, to remain without advertising content for 90 days after the permittee receives a letter notifying him/her about the absence of advertising.

The Headquarters Traffic Office will write the letters and, in consultation with the Attorney General’s Office, coordinate scheduling the administrative hearing. The regions’ role in this process is to conduct timely field reviews and provide supporting documentation and pictures as requested by the Headquarters Traffic Office. After a permit is revoked, any sign constructed under the permit is declared to be illegal. If a permit holder is convicted of violating the *Highway Advertising Control Act*, RCW 47.42.090, provides that the department may revoke other permits held by that person.

7. **Illegal Sign Removal.** RCW 47.42.080 states that any sign constructed or maintained contrary to the *Highway Advertising Control Act* or its companion regulation, WAC 468-66, is illegal and a public nuisance. The statute also describes illegal sign abatement procedures.
The department is directed by law to contact the permittee (or the property owner if there is no permittee) about illegal sign removal. In most cases the signs being investigated are not permitted, so the department must contact the property owner. It may be effective to also contact the business advertised on the sign, or the sign owner.

Initial contact may be made by way of a phone call or mail, at the discretion of department staff doing the investigation. Use the certified fifteen-day voluntary compliance letter as the mail contact or to follow up a phone call. Send to the property owner, sign owner, and advertiser on the sign, with a complimentary copy to the local agency having land use jurisdiction (Appendices 8.10a and 8.10b).

In the 15-day voluntary compliance letter (and any initial phone call), cite:

- Illegal aspects of the sign.
- Options available.
- Actions that must be taken to bring the sign into compliance with the law.
- That failure to comply will compel the department to seek abatement assistance from the Attorney General’s Office.

The sign owner or property owner must comply with the provisions of the abatement notice within 15 days after receiving the region’s certified letter. If compliance is not attained, the region Traffic Engineer requests abatement assistance from the State Traffic Engineer. Submit a completed “Transmittal Checklist, Request for AG Assistance to Remove Illegal Signs” (Appendix 8-11) and an abatement assistance request letter with the following information:

- A copy of all correspondence between the department and the sign owner and/or property owner including phone call logs and a brief summary discussion of any other conversations.
- Cite all applicable RCWs and WACs, and explain how they are violated.
- Include color photos of the sign and any other features that display the nature of the violation. Dated photos are most desirable.
- Include photos that demonstrate that the sign was not removed by the date certain established by the 15-day letter. Dated photos are most desirable.
- Include sketches, measurements, and other pertinent data that provide confirming evidence of the violation.
The State Traffic Engineer and the Assistant Attorney General (AAG) assigned to highway advertising control work together to secure sign removal. The AAG will prepare an ORDER TO REMOVE (OTR) letter authorized under RCW 47.42.080(2), for signature by the State Traffic Engineer. The order requires the property owner to remove the illegal sign within 15 days, and states that any review of the order must be filed in Thurston County Superior Court within 30 days after the order is served.

The region HAC representative conducts a follow-up review 15 calendar days after the property owner receives the OTR, to determine if the property owner has complied by removing the sign. The region reports findings back to the State Traffic Engineer, including photographs, videotape, or other documentation confirming the sign’s status. If the sign remains, the State Traffic Engineer may request in writing that the AAG pursue a legal remedy.

When WSDOT Highway Advertising Control personnel are contacted by any public or private person regarding matters that have been referred to the Attorney General’s Office, advise the caller that the department has engaged counsel and information is only available from the Assistant Attorney General. Obtain the caller’s name and phone number and explain that you will ask the AAG to contact them.

If a caller demands immediate attention, provide them the AAG’s name, phone number, and address. Then immediately advise the Assistant Attorney General about the development. It is not appropriate to refer a person to the AAG for any other highway advertising control question or interpretation.

a. **Surveillance.** Regularly scheduled surveillance programs are conducted by the regions (annually) to identify signs installed contrary to the requirements of the *Highway Advertising Control Act*. A more aggressive review schedule, perhaps quarterly, is recommended for areas of prolific illegal sign activity.

Use the HAC Field Review form ([Appendix 8-12](#)) to document any sign that may be non-compliant. Take two photos of each sign; one photo as a close-up of the sign that provides legible reading of the copy, and one that is far enough away from the sign to include a landmark of some kind. The landmark could be a street intersection, a group of trees, a building, utility pole, etc.; typically, things that could be identified on historical photos or video.

Route surveillance preparation includes right of way research. Having right of way information in the field is a necessary tool for identifying encroachments. Contract channelization/paving plans help identify highway centerline location where a highway segment is not constructed symmetrically about the centerline.
During a review, if electronic changeable message sign (ECMS) violations are observed, document the sign imagery violations using digital video or VHS tape and store as evidence. Sign operations that create safety concerns due to driver distraction, signs encroaching on state highway right of way, and signs with illegal off-premise advertising messages are the primary violations that require the department’s attention.

b. **Illegal Sign Inventory.** The regions maintain a current inventory of all illegal sign action activities. The FileMaker program (IllegalSignInv.FP5) is available to all region HAC personnel, and is the standard method of tracking illegal sign activities within the region.

Using the Illegal Signs Inventory, Data Entry Panel (Appendix 8.13), create a record for each illegal sign immediately after personal observation or after confirming an apparent violation reported by others.

All information, such as the name of the sign owner and the property owner, and a summary of all contact with the owner(s), whether by phone or letter, must be included on the form. Two digital images can be stored for each record.

c. **Illegal Sign Abatement on State Highway Right of Way.** The Highway Advertising Control Act declares that any unauthorized sign placed on the right of way of a regulated state highway is a public nuisance (RCW 47.42.080(5)). The department is authorized to immediately remove these illegal signs without notice. Signs removed from the right of way are stored for 30 days (7 days after an election, for illegal political campaign signs) or until they interfere with operations at the storage site. When contacted by a sign owner about recovering a sign that has been removed, advise the caller where the sign is stored, and that it may be recovered if it has not already been destroyed. Dispose of usable materials obtained from these signs in accordance with Disposal of Personal Property M 72-91.

In addition, WAC 468-30-100 states that no permits may be issued for any signs on any state highway right of way. Only traffic control signs consistent with the MUTCD (as well as state historical markers) are allowed. Thus, on both regulated and unregulated state route right of way, the department is authorized to immediately remove illegal signs.

d. **Illegal Sign Abatement on Highway Right of Way within Incorporated Cities and Towns.** RCW 47.42.080(5) declares signs placed on state highway right of way, contrary to the
Highway Advertising Control Act, to be public nuisances and authorizes the department to remove the signs without notice. The responsibility for removing illegal signs from state route right of way in an incorporated city or town depends on the access control designation for the highway segment being considered. The statute is clear when considering limited access highways established and purchased under the provisions of RCW 47.52. For routes where full, partial, or modified limited access control has been established and purchased, the department may remove illegal signs in the same manner as any other state highway right of way. RCW 47.24.020(2) states, “…within incorporated cities and towns the title to a state limited access highway vests in the state, and,… the department shall exercise full jurisdiction, responsibility, and control to and over such facility.”

For managed access control routes, RCW 47.24.020(2) states, “The city or town shall exercise full responsibility for and control over any such street beyond the curbs and if no curb is installed, beyond that portion of the highway used for highway purposes.” Because the department is responsible under federal law for the compliance of all signs visible to Interstate, Primary, or Scenic highway systems, coordination with the cities is needed to assure compliance along managed access routes within incorporated cities and towns.

The region may provide an explanatory letter to the city asking it to abate a sign that is under it’s control, but visible to a regulated route (Appendix 8-14). As an alternative, the department may enter into an inter-local agreement with the city (RCW 39.34) that authorizes the department to remove illegal signs. In the latter case, the agreement needs to specify that the city will pay all of the department’s costs.

e. Documentation of Illegal Sign Abatement Activities. Annually, the Headquarters Traffic Office provides the Director of the Maintenance and Operations Division with a summary of illegal sign abatement activities conducted during the previous year. A copy is also sent to the Federal Highway Administration (FHWA), Olympia Division, Right of Way Office.

The FHWA Division Right of Way Office is a valuable resource when responding to questions or investigating apparent ambiguities within the highway advertising control laws and regulations. For matters of statewide significance or implication, allow the Headquarters Traffic Office to provide liaison with the FHWA to help assure that any information gathered is equally shared.
8. Other Guidelines

a. Billboards on Indian Trust Lands. The states have no regulatory authority over billboards on Indian Trust land. A March 7, 1986 Federal Highway Administration (FHWA) memorandum contained information about advertising signs on Indian lands. It cited a United States Supreme Court ruling that upheld a California Supreme Court decision. The California court decision found the following:

• The California Department of Transportation could not use the state’s highway advertising control act to regulate billboards erected on reservation land held in trust by the United States for the beneficial use of the Morongo Indian Band.

• The Federal Highway Beautification Act (HBA) preempts the state’s regulatory authority in the area of highway advertising control on Indian reservations.

• The Federal Department of the Interior (Bureau of Indian Affairs) is the appropriate agency to enforce the HBA provisions on Indian land.

These decisions set a precedent that remains today. The department has not included signs on Indian land in its Type 4 and Type 5 sign inventory since 1986. However, off-premise advertising signs located on Indian land, and visible to state highways controlled under the Highway Advertising Control Act, should be included when determining the applicable sign space available for proposed sign sites.

b. Advertising on Transit Shelters and Bus Benches.

RCW 47.36.141 authorizes commercial advertising displays on transit authority bus shelters within state highway right of way, subject to applicable federal regulations. The law also provides that advertising panels may not exceed 24-square feet on each side of the shelter, and may not be placed on the shelter’s roof or the side facing oncoming traffic.

Small advertising plaques are sometimes placed on bus benches or other street furniture located within right of way in cities and towns. Such signs are typically mounted on the back of the furniture and oriented toward pedestrian traffic so they are visible when the bench is in use. Because the primary purpose of the bench is as street furniture and because of the small size and directional orientation of street furniture signing, the department does not regulate bus bench advertising under the Highway Advertising Control Act; however, local agency regulations do apply.
c. **Advertising on Commercial Trailers.** Advertising on commercial vehicles and trailers for normal business use is not regulated under the *Highway Advertising Control Act*. This includes times when these vehicles are intermittently parked at off-premise locations visible to state highways.

When a commercial vehicle or trailer is parked at an off-premise location visible to the state highway for an extended period, it must be determined whether it’s intended purpose is for off-premise advertising. Investigate and abate the commercial vehicles or trailers in the same manner as illegal advertising signs. An expired vehicle registration is a primary indicator that the vehicle is most likely being used for off-premise advertising.

d. **Digital or Lighted Signs Used for Advertising on Vehicles (Signs in Motion).** The Washington State Patrol WAC 204-65, Vehicle Lighting and Equipment, prohibits displaying any digital or lighted advertising sign from motor vehicles on state highway right of way. This includes any sign device towed behind a motor vehicle. The prohibition does not include messages displayed on traffic control vehicles, taxicabs, or destination placards on public transportation vehicles.

e. **Accessing Signs from State Highway Right of Way.**

WAC 468-66-210(3)(b) in part assumes that sign maintenance will be accomplished from private property rather than state highway right of way. The highway advertising sign permit application contains the property owner’s signature on the statement that he/she consents to the sign installation and maintenance.

On limited access facilities, highway advertising sign maintenance activities conducted on or across the right of way are illegal and a misdemeanor under RCW 47.52.120. When department personnel observe illegal sign maintenance activities occurring, immediately contact the Washington State Patrol and document the date, time, place, license number, and any identifying name on the service vehicle. Support the documentation with photos or videotape if possible. Notify the regional HAC representative and provide a copy of the documentation and visual records.

For non-limited access facilities, highway advertising sign maintenance activities are also conducted from private property. However, there may be locations where the maintenance could be accomplished from state highway right of way without interfering with traffic or damaging highway property. For these locations, a department issued General Agreement may be used in addition to the property owner’s statement and signature on the highway advertising sign permit application.
f. **Sign Area Measurement.** The department’s highway advertising control agreement with the FHWA provides that sign area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof that encompasses the entire sign.

g. **Sponsorship Logos on Motorist Call Boxes.** Sponsorship logos placed on emergency call boxes are authorized in Section 111 of the United States Code. The *National Highway System Designation Act* of 1995 included the provisions, which were incorporated into the MUTCD appendix beginning with the 2003 edition.

The United States Code provisions are:

- The states may permit motorist call boxes to be placed on the right of way of the National Highway System. The call box installations may include identification and sponsorship logos.
- Call box installations displaying sponsorship logos shall be approved by the agency having jurisdiction over the highway where the boxes are installed.
- A sponsorship logo may be placed on the call box, in a dimension not to exceed the size of the call box, or 12 inches by 18 inches.
- A sponsorship logo not to exceed 12 inches by 30 inches may be displayed on a call box identification sign affixed to the call box post. Sponsorship logos affixed to an identification sign on a call box post are limited to not more than one every 5 miles.
- The identification signs shall have a blue background with a white legend and border. The sponsorship logo can be either the sponsor’s identification symbol/trademark or a word message. Word messages should also be a white legend on a blue background.

Incidental to highway advertising control, the 1995 NHS Designation Act also placed four location or structural related regulations to call box installations:

- The call boxes and their location, posts, foundations, and mountings shall be consistent with the MUTCD or other federal requirements deemed necessary to assure that call boxes do not become a safety hazard.
- Supports for call boxes are required to meet the safety breakaway requirements of the AASHTO Standard Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals.
• Within a state, at least 20 percent of the call boxes displaying sponsorship logos shall be located on highways outside of urbanized areas with a population greater than 50,000.

• AASHTO recommends one-half mile spacing for call boxes as an optimum interval. On high volume roads with average daily traffic flows of 100,000 or more vehicles, one-quarter mile spacing may be considered. On certain rural roads, one mile spacing may be appropriate.

8.3 Advertising at Rest Areas and on Washington State Ferries

A. Advertising at State Highway Rest Areas. Businesses may purchase advertising space on displays in 20 rest areas located along Interstate 5, Interstate 90, Interstate 82, US 2, and US 395. The rest area advertising program features lighted display kiosks. In rest areas, the only requirement is that services advertised be of interest to travelers. For more information about this program, contact:

   Storeyco, Inc.
   PO Box 357
   East Olympia, WA 98540
   360-412-0066 or 800-558-7867
   www.storeyco.com

B. Advertising on Washington State Ferries. Businesses may purchase advertising space on several Washington State ferry runs and at 20 terminals. The state ferry advertising program features lighted display boards. For more information about this program, contact WSDOT’s sales contractor:

   Certified Folder Display, Inc.
   2407 South 200th Street
   SeaTac, WA 98198
   (206) 870-2470
   weldonv@certifiedfolder.com

   www.certifiedfolder.com
   (800) 799-7373
Appendix 8-1  Unzoned Commercial/Industrial Area

UNZONED COMMERCIAL OR INDUSTRIAL AREA
WAC. REF. 468-66-010(4)

- Commercial or Industrial Activity
- Qualifying Commerical/Industrial Area
- Additional Buffer Area – Where Applicable

(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.
In addition to the definition provided in WAC 468-66-010(27), consider the following information about signs located on unregulated roadways. Signs, located along unregulated roadways that intersect with interstate or other regulated state highways shall be considered ‘not visible’ if they meet at least three of the following criteria.

Sign Location – Visible from SR _________ MP _________ Located on ___________________________

Existing Permitted Sign Y ☐ N ☐ Permit # __________

- The sign faces are not substantially larger or at a substantially higher elevation above the ground line than other signs along the same unregulated intersecting roadways Y ☐ N ☐
- The angles of sign faces are generally oriented toward unregulated intersecting roadways rather than interstate or other regulated state highways Y ☐ N ☐
- The length of time that the informative contents of signs can be viewed is substantially greater for the travelers on unregulated intersecting roadways than from interstate or other regulated state highways Y ☐ N ☐
- The signs are visible to a motorist traveling at the posted speed on the interstate or other regulated state highway, for a period of time that is less than that required to read the entire sign message Y ☐ N ☐
- The signs are only incidentally visible from interstate or other regulated state highways Y ☐ N ☐
- The signs advertise activities accessible from unregulated intersecting roadways along which the signs are located Y ☐ N ☐

Determination

Sign Visible ☐ Sign not Visible ☐

Date _________________________________

Reviewer _____________________________
**WAC 468-66-050 (3)(b)**

Business Complex On-Premise Sign may be placed within 50 feet of combined parking area.

---

**Diagram:**

- Business Complex On-Premise Sign
- No Size Limit
- Individual Business Sign 150 sq ft max
- Individual Business Sign 150 sq ft max

---

*Plan View*
Appendix 8-4  Off Premise Sign Spacing – Interstate

Signs Not Permitted Within Right of Way

**Number and spacing of signs**

<table>
<thead>
<tr>
<th>Distance from On-Ramp Taper</th>
<th>Number of Signs</th>
<th>Spacing Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 2 Miles in Advance of Off-Ramp Taper</td>
<td>0 Signs</td>
<td></td>
</tr>
<tr>
<td>2 - 5 Miles</td>
<td>Maximum of 6 signs</td>
<td>Not more than 2 signs within any one mile distance from any point</td>
</tr>
<tr>
<td>More than 5 Miles</td>
<td>Average - 1 sign per mile</td>
<td>1000’ Minimum spacing between signs</td>
</tr>
<tr>
<td>1000’ Following On-Ramp Taper</td>
<td>0 Signs</td>
<td></td>
</tr>
</tbody>
</table>

**Note:**
Sign spacing includes all sign faces visible to traffic approaching from any one direction.

WSDOT Traffic Manual  M 51-02.03  October 2009
Off Premise Sign Spacing –
Appendix 8-5a NHS Non-Interstate Controlled Access

Signs Not Permitted Within Right of Way

1000' Minimum in advance of At-Grade Intersection

3000' Min. in advance of interchanges, safety rest areas, or Information Centers

Maximum total of 5 sign structures shall be permitted on both sides of the highway per mile

Double faced signs are prohibited

3000' Min. Following Interchanges, Safety Rest Areas or Information Centers

1000' Minimum Following At-Grade Intersection

- Billboard Sign

NHS NON-INTERSTATE CONTROLLED ACCESS
(Type 4 & 5)
WAC 468-66-050(5)(e)(i)
Off Premise Sign Spacing – NHS
Appendix 8-5b
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.

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.
Appendix 8-6  Sign Permit Application

Application - Outdoor Advertising Sign Permit

For WSDOT Use Only

Log Number
Date Received
Region
Permit Number
Year
Date Permit Issued
Inventory Number
SR Milepost
Nonconforming Limited Access

Application Fee:
$300.00 Per Sign Structure
Make checks or remittance payable to: “Department of Transportation”
Washington State Department of Transportation Outdoor Advertising Control
PO Box 47344
Olympia, WA 98504-7344

Mail with proper fee to:

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.

Print Applicant Name
Applicant Signature
Date Place

Name of Property Owner

Address City State Zip Code

Phone Property Tax I.D. No.

I, the undersigned, have consented to the erection and maintenance of the above described outdoor advertising sign on property which (I own) (I Lease) in conformance with the Washington Outdoor Advertising Control Act of 1961 as amended by the Scenic Vistas Act of 1971 (RCW 47.42) and the Department of Transportation rules and regulations for outdoor advertising control along interstate, primary, and scenic routes.

A Copy of a Completed Lease Accepted in Lieu of Signature

Signature

This permit shall not be considered to allow a sign to be erected or maintained that is otherwise prohibited by Statute or by the Resolution or Ordinance of any county, city or town of the State of Washington. By issuance of this permit the Department of Transportation does not warrant that this sign is not prohibited by such Statute, Resolution, or ordinance.

Signature of Department of Transportation representative validates this permit and acknowledges receipt of fee paid.

By

Supersedes Previous Versions

WSDOT Traffic Manual  M 51-02.03  Page 8-41
October 2009
DATE: Date

FROM: HQ Traffic Office

PHONE: 360-705-7296

SUBJECT: Highway Advertising Control

Sign Permit Application

TO: Regional HAC Representative

LOG # __________

We are enclosing __________________ sign permit applications from
______________ that have been received by this office. Please return the completed
application to this office no later than mm/dd/yy.

Please investigate the legality of the signs with respect to size, spacing, property owner
consent and highway right of way limits and furnish your recommendations for approval at
your earliest opportunity, together with all necessary information for issuance or reply to the
applicant.

If there are any discrepancies that arise concerning the permit application, please have them
clarified by the sign owner.

Approved: Y ☐ N ☐

Reason for disapproval:
### Interstate Sign

**Appendix 8-8a Permit Review Checklist**

Checklist for Outdoor Advertising Permits

New Sign on Interstate System

<table>
<thead>
<tr>
<th>SR</th>
<th>Milepost</th>
<th>Direction of Travel</th>
<th>Sign Type</th>
<th>Date</th>
</tr>
</thead>
</table>

**Proposed Location**

**Nature of Sign Site:**
- Scenic Area
  - Y [ ] N [ ]
- Commercial/Industrial Area
  - Y [ ] N [ ]

**Size:**
- Sign Length (20’ max) _______
- Sign Height (20’ max) _______
- Sign Area (150’ max) _______

**Spacing:**

<table>
<thead>
<tr>
<th>Distance Between Interchanges</th>
<th>Number/Spacing of Signs</th>
<th>Does site comply?</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-2 miles</td>
<td>No Signs Allowed</td>
<td>Y [ ] N [ ]</td>
</tr>
<tr>
<td>2-5 miles</td>
<td>Max of 6 signs.</td>
<td>Y [ ] N [ ]</td>
</tr>
<tr>
<td></td>
<td>Max of 2 within any 1 mile</td>
<td>Y [ ] N [ ]</td>
</tr>
<tr>
<td></td>
<td>1000’ min between signs</td>
<td>Y [ ] N [ ]</td>
</tr>
<tr>
<td>More than 5 miles</td>
<td>Average 1 sign per mile</td>
<td>Y [ ] N [ ]</td>
</tr>
<tr>
<td></td>
<td>1000’ min between signs</td>
<td>Y [ ] N [ ]</td>
</tr>
<tr>
<td>Within 1000’ of on-ramp terminal</td>
<td>No Signs Allowed</td>
<td>Y [ ] N [ ]</td>
</tr>
<tr>
<td>Within 2 miles of off-ramp taper</td>
<td>No Signs Allowed</td>
<td>Y [ ] N [ ]</td>
</tr>
</tbody>
</table>

**Sign Owner/Operator:** ____________________________

**Property Owner:** ____________________________

**Comments:** __________________________________

_________________________________________________________________
_________________________________________________________________
_________________________________________________________________
_________________________________________________________________
Appendix 8-8b  System Sign Permit Review Checklist

Checklist for Outdoor Advertising Permits
New Sign on NHS Non-Interstate or Scenic System

HQ Log Number ______

SR ______  Milepost ______  Direction of Travel ______  Sign Type ______  Date ______

Proposed Location ___________________________________________

Nature of Sign Site:
Scenic Area  Y ☐  N ☐  Commercial/Industrial Area  Y ☐  N ☐

Size:
Sign Length (50’ max) ______  Sign Height (25’ max) ______  Sign Area (672’ max) ______

Spacing:
A.  Inside Corporate Boundaries of City or Town – Not Controlled Access
   Including this sign, and counting both sides of the roadway, how many sign structures are located within any platted intersection; or any 660 ft.* section? ______  (4 max)
   Is the proposed sign location at least 100 ft.* from any existing sign?  Y ☐  N ☐

B.  Outside Corporate Boundaries – Not Controlled Access
   Is the proposed sign location at least 500 ft.* from an existing sign structure?  Y ☐  N ☐

C.  Limited Access Highways
   Is the proposed sign location at least 1000 ft.*from any existing sign, or any at grade intersection?  Y ☐  N ☐
   Is the proposed sign location at least 3000 ft.* from any interchange, safety rest area, or information center?  Y ☐  N ☐
   Is the sign double-faced?  Y ☐  N ☐ (not allowed on limited access roadways)
   Including this sign, and counting both sides of the roadway, how many signs are located within any 1 mile* section? ______  (5 max)
   Local Agency Approval  Y ☐  N ☐

*All distances measured parallel to edge of the highway’s main traveled way.

Sign Owner/Operator: ___________________________________________

Property Owner: ____________________________________________

Approve: ___________  Disapprove: ___________  Comments: ___________

_________________________________________________________________
_________________________________________________________________
_________________________________________________________________

_________________________________________________________________
_________________________________________________________________
_________________________________________________________________
Appendix 8-9  Agricultural Sign Permit Application

<table>
<thead>
<tr>
<th>Permit Application - Temporary Agricultural Directional Sign</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Name</strong></td>
</tr>
<tr>
<td><strong>Address</strong></td>
</tr>
<tr>
<td><strong>City</strong></td>
</tr>
<tr>
<td><strong>Phone</strong></td>
</tr>
</tbody>
</table>

**Location of Sign**

<table>
<thead>
<tr>
<th>State Highway No.</th>
<th>Side of Highway</th>
<th>Sign Facing</th>
<th>Direction and Distance from Center of Nearest Cross Road or Street</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>E</td>
<td>S</td>
</tr>
</tbody>
</table>

**Sign Description**

<table>
<thead>
<tr>
<th>Size ft. X ft.</th>
<th>Total Area sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Shape</th>
<th>Rectangular</th>
<th>Octagonal</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rectangular</td>
<td>Octagonal</td>
<td>Other</td>
<td></td>
</tr>
<tr>
<td>Square</td>
<td>Round</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Description of Sign Copy | |
|--------------------------| |

<table>
<thead>
<tr>
<th>Product(s) Being Advertised</th>
<th>Name and Address of Advertised Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The applicant agrees to remove the sign(s) at the expiration of this temporary permit or cover the sign(s) during the times when no sales occur, and further agrees to provide and maintain follow-through signing if required by the Department of Transportation. In addition, if the sign(s) remain up in non-compliance for longer than 10 days after notification to the applicant thereof, the applicant does hereby authorize the Washington State Department of Transportation and its agents or employees to remove and dispose of such sign(s) and waives all claims for damages against the Washington State Department of Transportation and its agents or employees for such removal and disposal of each sign(s).

This permission and waiver is granted in order to permit the removal of such sign(s) as required by the Washington Highway Advertising Control Act of 1961 as amended by the Scenic Vistas Act of 1971 (Chapter 47.42 RCW).

**Expiration Date**

**Application Fee:**

$50.00 Per Sign Face

Make checks or remittance payable to:

“Department of Transportation”

See Instructions for correct mailing address.

I, the undersigned, have consented to the erection and maintenance of the above described outdoor advertising sign on property which (I own) (I Lease) in conformance with the Washington Outdoor Advertising Control Act of 1961 as amended by the Scenic Vistas Act of 1971 (RCW 47.42) and the Department of Transportation rules and regulations for outdoor advertising control along interstate, primary, and scenic routes.

**A Copy of Lease Accepted in Lieu of Signature**

<table>
<thead>
<tr>
<th>Name</th>
<th>Property Tax I.D. No.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

This permit shall not be considered to allow a sign to be erected or maintained that is otherwise prohibited by Statute or by the Resolution or Ordinance of any county, city or town of the State of Washington. By issuance of this permit the Department of Transportation does not warrant that this sign is not prohibited by such Statute, Resolution, or ordinance.

Signature

<table>
<thead>
<tr>
<th>Land Owner Name</th>
<th>Phone</th>
<th>Property Tax I.D. No.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address</th>
<th>City</th>
<th>State</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Signature

I, the Department of Transportation representative, validates this permit and acknowledges receipt of fee paid.

By

For Department of Transportation
**Instructions:** Complete and sign this form and mail with the processing fee to the Department of Transportation. Send a picture, drawing, or sketch of the temporary sign(s) you desire along with this application. The Department will have final approval on any design of a temporary sign. Mail this application to the appropriate Region Administrator. The Region addresses are shown below.

**Northwest Region**
Region Administrator
15700 Dayton Avenue North
PO Box 330310
Seattle, WA 98133-9710

**North Central Region**
Region Administrator
1551 North Wenatchee Avenue
PO Box 98
Wenatchee, WA 98807-0098

**Southwest Region**
Region Administrator
11018 NE 51st Circle
PO Box 1709
Vancouver, WA 98682-6682

**South Central Region**
Region Administrator
2809 Rudkin Road (Union Gap)
PO Box 12560
Yakima, WA 98909-2560

**Olympic Region**
Region Administrator
5720 Capitol Blvd. (Tumwater)
PO Box 47440
Olympia, WA 98504-7440

**Eastern Region**
Region Administrator
2714 North Mayfair Street
Spokane, WA 99207-2090

---

DOT Form 224-068 EF
Revised 7/07
Date
Inside Address
CERTIFIED

Dear Mr. and/or Mrs./Ms.

The Department of Transportation is directed by state law to regulate signs on private property and visible to certain state highways. The statutes and regulations governing allowable visible signs are provided in Chapter 47.42 of the Revised Code of Washington (RCW), the Scenic Vistas Act, and Chapter 468-66 of the Washington Administrative Code (WAC), respectively.

Accordingly, the department conducts periodic reviews of state highway corridors to fulfill its statutory obligation. A recent review of SR WX in the vicinity of milepost YZ revealed that an advertising sign, displaying the message type the message here, is maintained on your property.

Please be advised that the sign is illegal because it can’t meet the eligibility requirements for permissible off-premise signs visible to note highway type, and is thus prohibited by RCW 47.42.030. Insert description of illegal aspects of the sign, e.g., spacing, sign type, sign size, zoning, etc., and cite all applicable RCWs and WACs. Further, under RCW 47.42.080, the sign is declared a public nuisance and must be removed within 15 days of the date you received this letter.

The department desires to provide you with the opportunity to voluntarily remove the sign without issuing a formal complaint or initiating enforcement action against you. Failure to remove the sign will cause the department to begin formal abatement procedures through the Attorney General’s Office.

Please call Mr./Ms. name of Regional Highway Advertising Control Representative of my staff, phone (123) 456-7890, should you have any questions or to notify the department that the sign has been removed.

Sincerely,

Regional Traffic Engineer

cc: Name of Sign Owner
    Name of Assistant Attorney General
    Name of Headquarters Highway Advertising Control Specialist
Illegal Signs, Certified Letter, Sign Owner

Date

Inside Address

CERTIFIED

Dear Mr. and/or Mrs./Ms.

The Department of Transportation is directed by state law to regulate signs on private property and visible to certain state highways. The statutes and regulations governing allowable visible signs are provided in Chapter 47.42 of the Revised Code of Washington (RCW), the Scenic Vistas Act, and Chapter 468-66 of the Washington Administrative Code (WAC), respectively.

Accordingly, the department conducts periodic reviews of state highway corridors to fulfill its statutory obligation. A recent review of SR WX in the vicinity of milepost Y.Z revealed that you maintain an advertising sign, displaying the message *type the message here*, on property owned by *Mr./Ms. name of property owner*.

Please be advised that the sign is illegal because it can’t meet the eligibility requirements for permitable off-premise signs visible to *note highway type*, and is thus prohibited by RCW 47.42.030. *Insert description of illegal aspects of the sign, e.g., spacing, sign type, sign size, zoning, etc., and cite all applicable RCWs and WACs.* Further, under RCW 47.42.080, the sign is declared a public nuisance and must be removed within 15 days of the date you received this letter.

The department desires to provide you with the opportunity to voluntarily remove the sign without issuing a formal complaint or initiating enforcement action against you. Failure to remove the sign will cause the department to begin formal abatement procedures through the Attorney General’s Office.

Please call Mr./Ms. *name of Regional Highway Advertising Control Representative* of my staff, phone (123) 456-7890, should you have any questions or to notify the department that the sign has been removed.

Sincerely,

Regional Traffic Engineer

cc:  *Name of Property Owner*
    *Name of Assistant Attorney General*
    *Name of Headquarters Highway Advertising Control Specialist*
Appendix 8-11

Request for AG Assistance to Remove Illegal Signs

Order to Remove – Transmittal Checklist
Region to HQs: Request for AG Assistance to Remove Illegal Signs

Sign Description ________________________________________________________________
Activity Advertised ______________________________________________________________
State Route __________ Milepost __________ Lt __________ Rt __________
Sign Owner __________________________________ Phone/E-mail _________________________
Address _____________________________________________________________

___________________________________________________________________________________

Property Owner ___________________________ Phone/E-mail __________________________
Address _____________________________________________________________

___________________________________________________________________________________

Cite RCW/WAC Violation ________________________________

Correspondence included:
15-day certified letter Y N Date of signed receipt ________________________________
15-day window expired Y N Date of follow up review ________________________________
Other correspondence/communication: _____________________________________________

Narrative/Timeline included? Y N Dated photos included? Y N
Map or Sketch of Vicinity showing:
North Arrow? Y N State Route and Milepost? Y N
Location of sign? Y N Property Boundaries? Y N
Offset Distances? Y N
Other Information ____________________________________________________________

___________________________________________________________________________________
Appendix 8-12

Highway Advertising
Control Field Review

Date ________________ Region __________ Highway Type ________________________

State Route __________ Milepost __________

Size of Sign __________ Lighted __________

Which Side of Highway?  Rt _____ Lt _____ Visible to: Inc. _____ Dec _____

Type of Structure  V-Type _____ Back2Back _____ Single _____ Flanking _____

Permitted Sign? _____ Permit # _____ Permit Tag Visible  Y ☐ N ☐

Does sign location match physical description on permit?  Y ☐ N ☐

Comments:  __________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

Photo # __________

On/Off R/W _____ R/W Distance _____ Distance Measured to Sign _____

For Signs That Are Not Permitted

Advertised Activity ________________________________________________________________

Phone # ________________ Parcel # ____________________________

E-mail __________________________ Zoning __________________________

Property Owner ________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

Comments ________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
## Appendix 8-13 Illega Sign Inventory

<table>
<thead>
<tr>
<th>Region</th>
<th>SR</th>
<th>MP</th>
<th>Month/Year Reported</th>
</tr>
</thead>
</table>

### Sign Message

<table>
<thead>
<tr>
<th>Reported By</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Sign Company</td>
</tr>
<tr>
<td>□ DOT Employee</td>
</tr>
<tr>
<td>□ Citizen</td>
</tr>
<tr>
<td>□ Other (List below)</td>
</tr>
</tbody>
</table>

### Sign Owner Information

<table>
<thead>
<tr>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
</tr>
<tr>
<td>City/State/Zip</td>
</tr>
<tr>
<td>Phone</td>
</tr>
</tbody>
</table>

### Property Owner Information

<table>
<thead>
<tr>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
</tr>
<tr>
<td>City/State/Zip</td>
</tr>
<tr>
<td>Phone</td>
</tr>
</tbody>
</table>

### Date of Initial Contact

<table>
<thead>
<tr>
<th>Response of Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ No Response</td>
</tr>
<tr>
<td>□ Refusal to Remove</td>
</tr>
<tr>
<td>□ Sign Removed</td>
</tr>
<tr>
<td>□ Other (Describe)</td>
</tr>
</tbody>
</table>

### Date of Order to Remove

<table>
<thead>
<tr>
<th>Response or Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ No Response</td>
</tr>
<tr>
<td>□ Refusal to Remove</td>
</tr>
<tr>
<td>□ Sign Removed</td>
</tr>
<tr>
<td>□ Other (Describe)</td>
</tr>
</tbody>
</table>

### Date AG Petitions Court

<table>
<thead>
<tr>
<th>Final Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ No Response</td>
</tr>
<tr>
<td>□ Refusal to Remove</td>
</tr>
<tr>
<td>□ Sign Removed</td>
</tr>
<tr>
<td>□ Other (Describe)</td>
</tr>
</tbody>
</table>

### Sign Status

| □ Closed |
| □ Open |
| □ Referred to AG |

<table>
<thead>
<tr>
<th>Date Closed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>
Letter to City for
Illegal Sign Removal

Date
City of
Address

RE: Illegal sign located within the public right of way of SR X within incorporated name of city or town.

Dear Mr. or Ms.:

The Washington State Department of Transportation is directed by federal and state law to regulate signs visible to the state highway system. The Highway Beautification Act, Title 23, United States Code (USC), Section 131 and the Scenic Vistas Act, RCW 47.42, and WAC 468-66 contain these laws. These statutes generally regulate signs placed on private property, but the Scenic Vistas Act also limits which types of signs may be located within the public right of way. Only directional or official signs required or sanctioned by law are authorized. Federal law also specifies that the national standards contained in the Manual of Uniform Traffic Control Devices (MUTCD) apply to all traffic control devices (including signing) on any public street or highway. Cities and towns are required to follow these standards. All advertising signs are prohibited in the public right of way.

RCW 47.24, City Streets as Part of State Highways, assigns jurisdiction and control for city streets that are part of the state highway system. As a highway type, signing along SR X within city or town’s corporate limits and located beyond the curb or main traveled way is the responsibility of city or town. The department interprets 47.24.020(2) to mean that city or town is responsible for abating any illegal signs in such locations and is requesting that city or town remove this illegal sign at its earliest convenience. As an alternative, the department would be pleased to discuss an inter-local agreement (per RCW 39.34) by which the department can remove the sign provided that city or town pays the department’s costs.

Washington State is subject to a 10 percent reduction in federal highway fund monies if the department does not pursue the expeditious removal of illegal signs. The sign in question is clearly in violation of the Highway Beautification Act, the Scenic Vistas Act and the MUTCD because it is located on the public right of way and is not a type authorized by the MUTCD. I am enclosing pictures and maps that identify the sign and its location to assist in sign removal. Please call WSDOT Contact of my staff at phone/e-mail should you have any questions, or to notify the department that this sign has been removed.

Thank you for your assistance in this matter.

Sincerely,

Region Traffic Engineer

Enclosures