



May 22, 2004

Re: New Advertising Sign Rules and Regulations for Highway Beautification Control Routes

### **Summary of Changes**

New Advertising Sign Rules for the Highway Beautification Control routes have been approved and signed by Governor Johanns and were filed with the Secretary of State on May 17, 2004 which makes them effective May 22, 2004. You may view these new regulations at <http://www.dor.state.ne.us/roway/>. Select the link On-Line Publications & Documents then select the link Chap. 3 - Sign Permits.

The erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Highway Beautification Control routes are controlled in order to protect the public investment on such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty. These rules have been in place for many years and there was a need for a comprehensive rewrite. The changes simplify, clarify, reorganize and/or eliminate existing requirements. Some changes have been made so we are no more restrictive than the Federal rules. In some areas, major changes were made to the rule.

We have major changes for on-premise signs. We have moved away from premise to property with the exception of Class IIF signs (because of Bonus Area requirements.) We don't view this as controversial, but instead, a lessening of the requirements. Attention should be focused on definitions in 002.01S, 002.01U, and 002.01X as well as rules for the specific on premise signs from 002.04A to 002.04F

We also have major changes in Directional Signs. Federal rules allow for directional signs for natural phenomena, scenic attractions, historic, educational, cultural, scientific, and religious sites and outdoor recreational areas provided we develop selection methods and criteria for these type of signs. Our previous rule didn't have any selection methods or criteria and, as a consequence, we had mistakenly issued permits for this type of sign. With our new rule, if the site is not under public ownership, we will restrict eligibility to those sites that are on the National Historic Register or eligible for the National Historic Register. See rule 002.06B and sub paragraphs.

We also have some major changes in service club and religious notice type of signs. Previously, we were inconsistent with the Federal requirements. The Federal rules say "meetings of nonprofit service clubs or charitable associations" we said "civic organizations, nonprofit clubs, churches, schools" and "noncommercial activities." Our new rule 002.06C and sub paragraphs bring us into compliance, but it is drastically different from our past practices.

We have added new requirements on reconstruction or modification of a sign. See rule 002.12A4. We have also changed our definition of erect at 002.01G and have added new definitions for maintenance at 002.01M, modification at 002.01N and reconstruction at 002.01Y.

We now also allow for technological advances in changing messages on signs. See rule 002.05D and sub paragraphs.

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Sincerely,

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