

## BIENNIAL BILLBOARD REPORT

<b>Citation of Law or Resolution:</b>	SL 1991-689
<b>Section Number:</b>	208
<b>Due Date:</b>	January 1
<b>Submission Date:</b>	April 12, 2013

**Receiving Entities:**

North Carolina General Assembly

**Submitting Entity:**

Department of Transportation

NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS

**OFF-PREMISE SIGN REGULATORY PROGRAM**  
**BIENNIAL REPORT**

Prepared for  
2013 General Assembly  
April 2013

In accordance with 1991 Session Laws  
Chapter 689, Section 208

## **Introduction**

This report is intended to fulfill the requirements of a request by Representative Holt in the 1991 Appropriations Act, 1991 Session Law, Chapter 689, House Bill 83, "Biennial Billboard Report by Department of Transportation."

## **Outdoor Advertising**

As a result of the Federal Highway Beautification Act of 1965, the 1967 North Carolina General Assembly enacted the "Outdoor Advertising Control Act" codified as Article 11, G.S. 136-126 through 136-140.

G.S. 136-127. Declaration of policy, states:

The General Assembly hereby finds and declares that outdoor advertising is a legitimate commercial use of private property adjacent to roads and highways but that the erection and maintenance of outdoor advertising signs and devices in areas in the vicinity of the right-of-way of the interstate and primary highway systems within the State should be controlled and regulated in order to promote the safety, health, welfare and convenience and enjoyment of travel on and protection of the public investment in highways within the State, to prevent unreasonable distraction of operators of motor vehicles and to prevent interference with the effectiveness of traffic regulations and to promote safety on the highways, to attract tourists and promote the prosperity, economic well-being and general welfare of the State, and to preserve and enhance the natural scenic beauty of the highways and areas in the vicinity of the State highways and to promote the reasonable, orderly and effective display of such signs, displays and devices. It is the intention of the General Assembly to provide and declare herein a public policy and statutory basis for the regulation and control of outdoor advertising.

In 1972, an agreement between the US Department of Transportation and the NC Department of Transportation was finalized. The effective date of the program in North Carolina was set as October 15, 1972.

In 1978, under amendments to the Surface Transportation Assistance Act, Congress provided that "just compensation" must be paid for the forced removal of all legally erected outdoor advertising signs adjacent to interstate and/or federal-aid primary routes. This prohibited states and local governments from amortizing signs along Interstate and Federal-aid Primary routes prior to removal. The penalty for failure to provide just compensation was set at loss of ten (10) percent of all Federal-aid highway apportionments.

In 1982, the North Carolina General Assembly enacted legislation requiring local authorities to carry out the just compensation requirement should they require the removal of the sign structure(s) adjacent to interstate and federal-aid primary routes.

General Statute 136-130 authorizes the Department of Transportation to promulgate rules and regulations governing the erection and maintenance of outdoor advertising permitted by the Act.

Title 19A, NC Administrative Code (NCAC), Section 04A .0107 provides the Secretary of Transportation is delegated the authority by the Board of Transportation to adopt all necessary rules to control and regulate outdoor advertising in accordance with related state and federal rules and statutes.

### **Fees**

Initial and annual renewal fees are required to be paid of the owners of outdoor advertising structures in order to defer the costs of the administrative and inspection expenses incurred by the Division of Highways of the NC Department of Transportation.

An initial non-refundable fee of \$120 per outdoor advertising structure must be submitted with each application and an annual renewal fee of \$60 per sign structure must be paid by the owner by April 15 of each year.

## **DATA FOR BIENNIAL REPORT**

### **Number of Conforming and Non-Conforming Off-Premise Signs**

There are 5583 off-premise signs (billboards) that conform to state and local regulations.

There are 2174 off-premise signs (billboards) that do not conform to State and local regulations, of which 521 are "grandfather clause" signs.

### **Number of Off-Premise Signs on State-Owned Railroad Right of Way**

There are only 2 off-premise signs reported on state-owned railroad right of way.

### **Number of Non-Conforming Off-Premise Signs Removed During the Reporting Period**

During the reporting period 2011-2012, a total of 322 non-conforming off-premise signs with a state permit have been removed.

### **Permitted Tree Cuttings in Front of Off-Premise Signs**

There were 1084 Selective Vegetation Removal permits issued for owners of off-premise signs during the reporting period.

### **Illegal Tree Cuttings in front of Off-Premise Signs**

During the reporting period, there were 11 recorded incidents of illegal tree cuttings in front of off-premise signs.

### **Expenses Incurred in Regulating Off-Premise Signs**

For Fiscal Years 2011 and 2012, the department incurred expenses of \$315,699.00 and \$317,504.00, respectively, in regulating the outdoor advertising control program.

### **Receipts from Application and Renewal Permit Fees**

For the same reporting period, receipts from permit application and annual renewal fees totaled \$486,590.00 in FY 2011 and \$476,990.00 in FY 2012.