



INDIANA DEPARTMENT OF TRANSPORTATION

OUTDOOR ADVERTISING CONTROL MANUAL

Interim Revisions – February 6, 2014



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Indiana Department of Transportation

Outdoor Advertising Control Manual

INTRODUCTION

PURPOSE

This Manual has been prepared by the Indiana Department of Transportation (“INDOT”) in order to establish the procedures involved in erecting and maintaining outdoor advertising Signs adjacent to the Interstate System, Federal-Aid Primary Highways, the National Highway System, and other Control Routes within the State of Indiana in compliance with Federal Law and State Law.

DEFINITIONS

Abandoned – The cessation of use of an outdoor advertising Sign upon a site for a period in excess of twelve months.

Adjacent Area – An area that is adjacent to and within 660 feet of the nearest edge of the right-of-way of an interstate or primary highway. 23 USC 131(c) further expands this to include areas located beyond six hundred and sixty feet of the right-of-way located outside of urban areas, visible from the Main-Traveled Way of the system, and erected with the purpose of their message being read from such Main-Traveled Way of any Control Route.

Advertise or To Advertise or Advertisement – To describe or apprise publicly, to call public attention to or inform or give information by words, symbols, or pictures.

Blank Sign – A Sign devoid of Advertisement. With respect to Non-Conforming Signs, Advertising themselves are considered blank.

Business – Any commercial establishment, such as a store or factory, from which buying or selling of goods and/or services takes place. Seasonal activities such as produce stands in an Adjacent Area to a highway do not qualify as a Business.

Centerline of the Highway – A line equidistant from the edges of the median separating the Main-Traveled Ways of an Interstate or divided federal or state highway, or the centerline of the Main-Traveled Way of a non-divided federal or state highway.

Changeable Message Sign – A Sign that satisfies all of the following:

- (1) The message on the Sign may be changed mechanically, electronically, or by remote control.
- (2) The static display on the face of the Sign:
 - a. Does not display any copy or message that moves, appears to move, or flashes; and
 - b. Lasts at least eight seconds.
- (3) A message change takes no more than two seconds.

The term includes electronic billboards and tri-movement Signs.

Control Routes – Those highways for which Outdoor Advertising Regulatory responsibility has been delegated to the State of Indiana. Control Routes are comprised of any highway on the Federal Aid Primary System as of June 1, 1991, highways on the National Highway System, intermodal connectors, Scenic Byways, and any route identified in MAP – 21 Federal Legislation. Those routes are illustrated on the Billboard Control Maps, which are located on the Internet at <http://www.in.gov/indot/2782.htm>. For more detailed explanation of exact locations, contact the nearest INDOT District Office.

Change in any Aspect or in the Character of any Off-Premise Advertising Device – A change in appearance to the eye or mind of a feature or peculiarity placed upon or attached to an Advertising device including, but not limited to, lighting, an increase in overall height, the addition of faces, or change from wood posts and frame to metal posts and frame (or vice versa).

Conditional Permit (also known as a Legal Non-Conforming Permit) – The permit (designated by a “C”-Plate or tag) granted to an outdoor advertising Sign erected prior to the signing of the Federal and State Agreement for Control of Outdoor Advertising (August 4, 1971) that does not comply with the provisions of this agreement or 23 U.S.C. 131, 23 CFR 750.708, and IC 8-23-20; or to a Sign originally awarded a Legal Conforming “L”-Plate but due to changing conditions or changes to Federal Law or to State Law has been downgraded to legal non-conforming status.

Conforming Sign – A Sign that meets the current criteria of 23 U.S.C. 131, 23 CFR 750.708, and IC 8-23-20.

Damaged – A Sign, as a result of wear and tear, storms, or other natural causes, including, but not limited to insect damage, is rendered to a point that repair and modification are necessary to return the Sign to its intended purpose.

Destroyed – A Sign that has been Damaged in excess of fifty percent (50%) of the overall Sign structure so that, to be structurally and visually acceptable, requires modification of:

1. A guy or strut;
2. New supports or poles by splicing or attaching to an existing support;
3. Separate new auxiliary supports or poles;
4. New or replacement peripheral or integral structural bracing or framing; or
5. New or replacement panels or facing.

Discontinued – A Sign containing obsolete, blank, or outdated Advertising for a period in excess of twelve (12) months.

Erect – To construct, build, or raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or normal maintenance or repair of Sign structure.

Federal-Aid Primary Highway – Any highway which was part of the federal aid primary system in existence on June 1, 1991.

Federal Law - A constitutional provision, statute, or administrative rule adopted by the United States of America or any administrative agency thereof.

Full Control – Full control of access is achieved by giving priority to through traffic by providing access only at interchanges with selected public roads. No at-grade crossings or private driveway connections are allowed. “Freeway” is the common term used for this type of highway. Full control of access maximizes the capacity, safety, and vehicular speeds on the freeway.

Good Condition – The description given to a Sign that is not Destroyed, decayed, insecure, lacking any part or portion thereof, and is otherwise safe and the painted or printed message is not unsightly and is clearly visible.

Illegal Sign – A Sign which was erected or maintained in violation of Federal Law or State Law, any provision of this Manual, or local law or ordinance.

Interstate System – The part of the national system of interstate and defense highways located within Indiana as officially designated by the United States Department of Transportation and approved by the United States Secretary of Commerce under 23 U.S.C 103(c).

Lease, Contract, or Authorization – A written agreement by which possession or use of land or interests therein is given by the owner of the land to another person, partnership, business, organization, association, corporation, etc., for a specified purpose and period of time.

Main-Traveled Way – The traveled way of the highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separate roadways for traffic in opposite directions is a Main-Traveled Way. It does not include such facilities as frontage roads, turning roadways, or parking areas.

Municipality – An incorporated municipality (city, village, or town) must exist inside the bounds of an urban area to qualify for special spacing criteria.

National Highway System – System of highways designated and defined in 23 U.S.C. 103(b) and added to in 23 U.S.C. 131(t).

Non-Conforming Sign – A Sign which was lawfully erected but does not comply with the provisions of Federal Law or State Law or any provision of this Manual adopted at a later date or which later fails to comply with Federal Law or State Law or any provision of this Manual due to changed conditions (see also *Conditional Permit*).

Obstruction – Substantial structures or terrain that blocks or obstructs vision of a Sign.

On-Premise Sign – A Sign that indicates the name of the Business, activities or profession conducted on the property or which identifies solely those goods produced, items sold or services rendered on the property; a Sign promoting the sale or lease of the property on which it is located. **NOTE: *On-Premise changeable message Signs may NOT have any OFF-premise outdoor advertising intermixed.***

Parkland - Any publicly-owned land which is designated or used as a public park, recreation area, wildlife or waterfowl refuge or historic site.

Premises – The central, actual physical location where a commercial or industrial activity is routinely conducted. The premises include the primary structures, parking facilities, and private roadway if they are necessary to the principal activity.

Property – An area of land under single ownership that is not severed by land owned by another.

Safety Rest Area – An area or site established and maintained within or adjacent to the highway right-of-way by or under public supervision or control, for the convenience of the travelling public.

Reasonable Maintenance – Modifications or repairs to a Sign that includes only:

1. Changing the Advertising;
2. Replacing electrical wiring and bulbs;
3. Painting the Sign Structure;
4. Clearing nearby vegetation, provided that no vegetation located on the right-of-way may be cleared;
5. Reinforcing the Sign Structure with banding or nails; and
6. Repairing the apron or catwalk.

Scenic Area – Any area which has been designated by the State of Indiana as being of scenic beauty or historical significance.

Scenic Byway - A highway corridor that has been nominated for this designation from the grass-roots level, is supported by the affected Metropolitan Planning Organizations (MPOs), has been recommended for this designation by the INDOT Commissioner, and approved by the Lieutenant Governor. Once a corridor has been identified for potential Scenic Byway status, INDOT will continue to accept outdoor advertising permits up to the date of the state’s designation. Any Sign not fully completed by such date will have its permit revoked and the owner must remove the uncompleted portion. Once Scenic Byway status is granted, no new outdoor advertising structures may be erected unless they are in accordance with 23 U.S.C. 131(s). There is no change to the status of existing structures should a corridor become designated as a scenic byway.

Sign - Any outdoor sign, display, device, notice, bulletin, figure, painting, message, placard, poster, billboard or other thing which is designated, intended or used to advertise or inform, any part of the Advertising or informative contents of which is located within an Adjacent Area and is visible from any place on the Main-Traveled Way of any portion of the Interstate System, Federal-Aid Primary Highway system, National Highway System, or other Control Route, whether the Sign is a permanent or portable installation.

Sign Face – The portion of an Advertising surface viewable to the motoring public, the total surface area of which cannot exceed 1,000 square feet. “Side-by-side” and “Stacked” Signs constitute a single Sign Face that cannot exceed 1,000 square feet in area. Signs may display no more than 2 messages per Sign Face.

Sign Structure – The assembled components which make up a Sign, including but not limited to supports, poles, guys, struts, panels, facing, bracing and trim.

Special-Use Zoning – A temporary variance to the property’s intended use. This will not be acknowledged by INDOT for the issuance of permits to Erect outdoor advertising Signs. The property’s intended use will usually supersede any variances. The status of a Sign permit will be reevaluated once the “special use” consideration is no longer viable. The review will determine if the Sign is still legally conforming (“L”-Plate) or legally non-conforming (“C”-Plate). Transient and temporary activities do not rise to the level of Special-Use Zoning for the purposes of permitting outdoor advertising Signs.

State Law – A constitutional provision, statute, or administrative rule adopted by the State of Indiana or any administrative agency thereof.

Transient or Temporary Activities – Such Business activities as roadside flower vendors and seasonal fireworks stands are examples of Transient or Temporary Activities. These activities shall not qualify as Business activity for the purpose of allowing outdoor advertising Signs on that property.

Unzoned Commercial or Industrial Area – Those areas which are not zoned by State Law or local law, regulation, or ordinance, and on which there is located one or more permanent structures devoted to a commercial or industrial activity or on which a commercial or industrial activity is actually conducted, whether or not a permanent structure is located thereon, and the area along the highway extending outward 600 feet from and beyond the edge of such activity on both sides of the highway. Provided however, the unzoned area shall not include land on the opposite side of an Interstate highway or dual-lane limited access Primary highway from the commercial or industrial activity establishing the unzoned commercial or industrial area or land on the opposite side of other Federal-Aid Primary highways which land is designated as a Scenic Area or a Scenic Byway.

All measurement shall be taken from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activities, not from the property lines of the activities, and shall be along or parallel to the edge of the pavement of the highway. Such an area shall not include any area which is:

1. Within 300 feet of any building used primarily as a residence, unless the owner of the building consents in writing to the particular commercial use or uses to be made of such lands;
2. Within 500 feet of any public park, garden, recreation area or forest preserve, church, school, an officially designated historical battlefield, any museum or historical monument and any safety rest area, publicly owned, controlled and maintained pursuant to Section 319 of Title 23 of the United States Code, any sanitary or other facility for the accommodation of the motorist, publicly owned, controlled and maintained pursuant to section 319 of Title 23 of the United States Code; or
3. Within 750 feet of any strip of land, an interest in which has been acquired by this State for the restoration, preservation, or enhancement of scenic beauty, and which is publicly controlled and maintained, pursuant to Section 319 of Title 23 of the United States code.

Urban Area – An urban area is:

1. An urbanized area designated by the Bureau of the Census, or
2. If an urbanized area lies within more than one state, the part of the area that lies within the boundaries of Indiana; or
3. An urban place designated by the Bureau of the Census having a population of at least 5,000 that is not within an urbanized area and is within the boundaries cooperatively established by INDOT and local officials.

Visible – Capable of being seen (whether or not legibly) without visual aid by a person of normal visual acuity using the highway system.

Zoned Commercial and Industrial Area – Those areas which are zoned for business, industry, commerce or trade under a zoning ordinance.

HISTORY

The Highway Beautification Act of 1965 (“HBA-65”), Public Law 89-285, required all states to make provisions for effective control of outdoor advertising within 660 feet of the right-of-way or lose ten percent of federal-aid highway funding. As a result of HBA-65, Indiana entered into an Agreement for Control of Outdoor Advertising (the “Agreement”) with the U.S. Department of Transportation. In 1971 the Indiana General Assembly authorized the Agreement. This authorization states:

The General Assembly of the State of Indiana hereby finds and declares:

- (a) That the Congress of the United States has enacted legislation entitled “Highway Beautification Act of 1965” (being Section 131, Title 23, United States Code “Highways”), which provides for scenic development and road beautification of the federal interstate and primary highway systems; that said act provides that each state shall make provision for the effective control of the erection and maintenance along said systems or outdoor advertising signs, displays and devices; that since said act provides for certain penalties if a state fails to make provision for such control, Indiana is compelled to make such provision, in order to comply with the terms and provisions of said act and with the congressional intent as therein expressed, all to the end that this state and its citizens will not be subject to said penalties;
- (b) That it is contemplated that each state and the secretary shall reach an agreement in order to establish certain standards consistent with customary use concerning size, lighting and spacing of such signs, displays and devices located in areas adjacent to said systems, whether such areas are zoned or un-zoned, and the definitions of commercial or industrial areas;
- (c) That outdoor advertising is a legitimate, commercial use of private property adjacent to roads and highways and constitutes an integral part of the business and marketing function; further, that such advertising is an established segment of the national economy and should be allowed to operate where other business and commercial activities are conducted; that the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to interstate highways and primary highways should be regulated in order to protect the public investment in such highways, to promote the recreational value of public travel to preserve natural beauty and to promote the reasonable, orderly and effective display of such signs, displays and devices.

Highway Amendments of 1974 (effective July 1, 1976) extended the control of outdoor advertising beyond 660 feet of the right-of-way in rural areas. In 1993, the General Assembly passed P.L. 112-1993, which required INDOT to establish a permit system for the effective control of outdoor advertising. The law was effective April 27, 1993. In 2007, the General Assembly passed P.L. 66-2007, which authorized Changeable Message Signs along Indiana's highways and interstates.

SIGN RULES AND REGULATIONS

GENERAL DISCUSSION

The HBA-65 applies only to highways on the Control Routes. The HBA-65 excludes from control and regulation the following outdoor advertising:

1. On-Premise Signs; and
2. Outdoor advertising which advertises the sale or lease of property upon which it is located.

Within 660 feet of the right-of-way, the HBA-65 regulates the erection and maintenance of outdoor advertising Signs in zoned and unzoned commercial or industrial areas. It prohibits the erection of all outdoor advertising except official signs, public utility signs, service club and religious notices, public service warning signs and directional signs, in all other areas within 660 feet of the right-of-way on controlled highways.

The HBA-65 also prohibited the erection and maintenance of outdoor advertising beyond 660 feet of the right-of-way of controlled highways outside of urban areas, which is visible and intended to be read from the main-traveled way. An amendment to the HBA-65 in 1974 (codified in Indiana under IC 8-23-20-25(5)) provides that a permit may not be issued for a Sign erected after June 30, 1976, outside of urban areas, beyond six hundred sixty (660) feet of the right-of-way, visible from the traveled way, and erected with the purpose of a message being read from the traveled way, unless the Sign qualifies for a conditional (non-conforming) permit.

Outdoor advertising Signs erected within 660 feet of the controlled highway system right-of-way on or after January 1, 1968, or erected after the date the route became a part of the controlled highway system, and which are not in compliance with Federal Law and State Law are illegal.

It is the responsibility of the Sign owner to ensure that all outdoor advertising Signs are erected and maintained as permitted. Any person, firm, corporation or association placing or erecting outdoor advertising along the controlled highway system in violation of Federal Law or State Law shall be guilty of a Class C infraction (an offense against property for which the penalty is a fine of less than or equal to \$500.00 per day – with each day subsequent to a 30-day opportunity-to-remove period becoming a new offense – and revocation of permit.

CHANGEABLE MESSAGE SIGNS

Conditions under which Changeable Message Signs may be used are as follows:

1. A permit holder shall not convert a conforming Sign to a Changeable Message Sign without the approval of INDOT. Approval may be sought by filing an application under the Indiana Administrative Code (see 105 IAC 7-3-1.5).
2. Only a conforming Sign structure may be converted to a Changeable Message Sign upon approval from INDOT. A Non-Conforming Sign structure may not be modified to a Changeable Message Sign under any circumstances.
3. A Changeable Message Sign shall only be constructed as one (1) of the following:
 - a. A single-face sign.
 - b. A “V”-shaped structure.
 - c. A back-to-back structure.

A stacked or side-by-side Sign is not allowed under this section.

4. The permit holder shall provide INDOT with a contact person and phone number for every permitted Changeable Message Sign. The contact person must have the ability and authority to make modifications to the display and lighting levels should the need arise. INDOT may direct the permit holder to disable the Changeable Message Sign:
 - a. in cases of emergency; or
 - b. when the contact is not responsive within a reasonable period of time.
5. If INDOT determines that the Changeable Message Sign:
 - a. impairs the vision of the driver of any motor vehicle; or
 - b. otherwise interferes with the operation of a motor vehicle;

then upon request from INDOT the permit holder of the Changeable Message Sign shall take appropriate action within twelve hours. Failure to remedy the problem within twelve hours may be cause for revocation of the Sign’s permit.

6. A Changeable Message Sign shall contain a default design that will freeze the Sign in a dark or blank position if a malfunction occurs.
7. No Changeable Message Sign shall be located within three hundred feet of any building used primarily as a residence, unless the owner of the building consents in writing to such Sign.

PROHIBITED SIGNS

The following Signs shall not be permitted:

1. Signs which are illegal under Federal Law, State Law, or local law or ordinance.
2. Signs not securely affixed to a substantial structure.
3. Signs which attempt or appear to attempt to regulate, warn, or direct the movement of traffic, or which interfere with, imitate, or resemble any official traffic sign, signal or device.
4. Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.
5. Signs which are not consistent with the standards in this Manual, the Agreement, or any other law, rule or procedure prohibiting such a Sign.
6. Signs which are located in such a manner as to obscure or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct or physically interfere with the driver's view of approaching, merging or intersecting traffic.
7. Signs which move or have any animated or moving parts. This does not apply to Changeable Message Signs.
8. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights, or Signs which use various types of evolving technology such as lights, glow cubes, moving reflective discs, etc., except those giving public service information such as time, date, temperature, weather or similar information. This does not apply to Changeable Message Signs.

SIZE OF SIGNS

1. The maximum area of the face for any one Sign shall be 1,000 square feet with a maximum height of 25 feet and a maximum length of 60 feet, exclusive of any border, trim, ornamental base, apron, supports, embellishments, and other structural members, if the exclusions do not exceed 20 percent of the area.
2. The area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof which will encompass the entire Sign Face.
3. Side-by-side Signs shall be structurally tied together to be considered as one Sign. A single pipe, beam, conduit, or pole between two adjacent boards is not considered as *structurally* tying those two boards together.

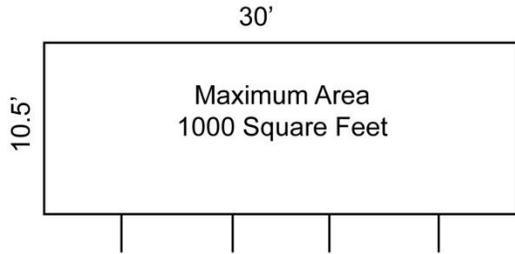
4. Double-faced structures (back-to-back and “V”-type) will be permitted with the maximum area being allowed for each facing. Each “V”-type face must be visible in only one direction of travel on the same highway. Back-to-back and “V”-type Signs shall be structurally integrated. A single pipe, beam, conduit, or pole between two adjacent boards (regardless of length of *run*) does not *structurally* create back-to-back or “V”-type status.
5. A Sign structure may display one (single-face) or two (side-by-side or stacked) advertisement displays, not to exceed the maximum total area of 1,000 square feet per Sign Face.

EXAMPLE SIZE OF SIGNS

See figures 1 and 2 (on pages 18 and 19, respectively) for examples to provide assistance in determining correct Sign size.

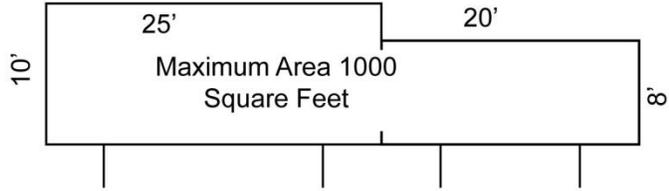
EXAMPLE SIZE OF SIGNS

Single Face



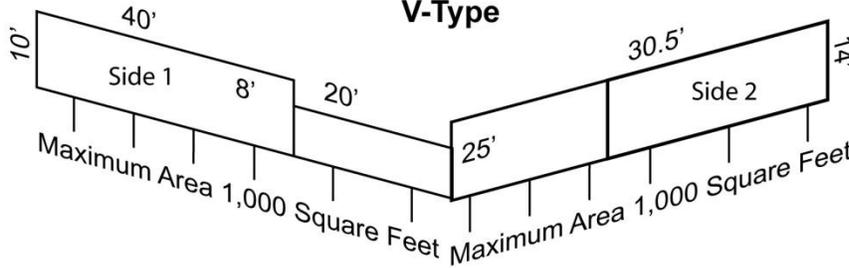
Length x Width = Area
 $30\text{ft.} \times 10.5\text{ ft} = 315\text{ sq.ft.}$

Side-by-Side



Length x Width = Area
 $45\text{ ft.} \times 10\text{ ft} = 450\text{ sq.ft.}$

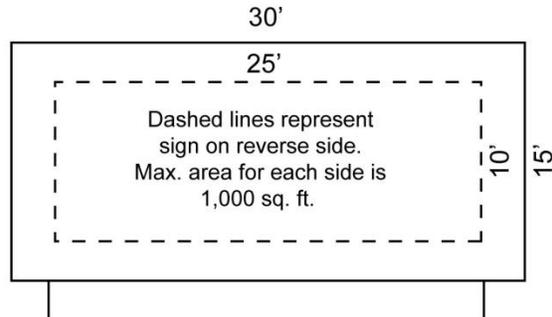
V-Type



Length x Width = Area
 Side 1 = $60\text{ ft.} \times 10\text{ ft} = 600\text{ sq.ft.}$

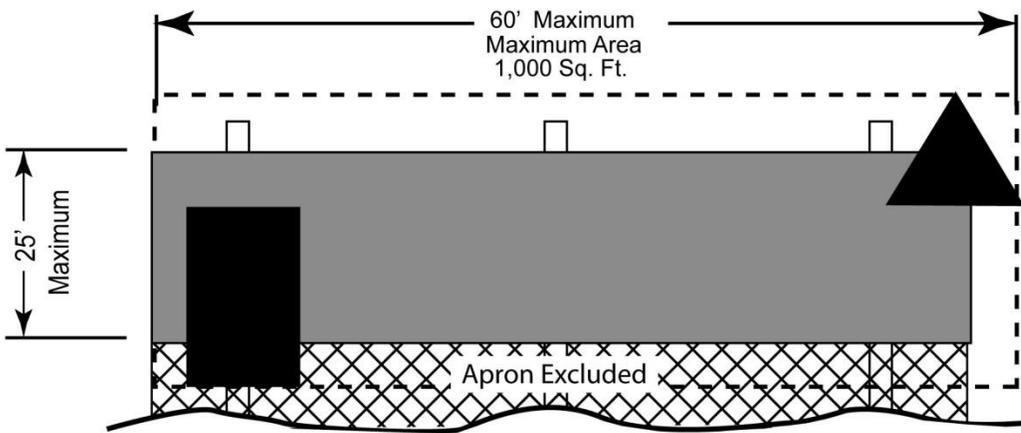
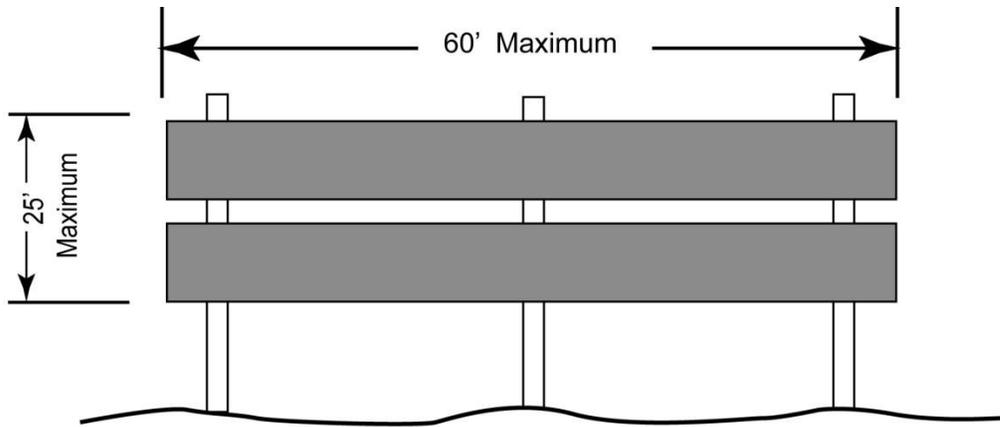
Side 2 = $55.5\text{ ft.} \times 14\text{ ft} = 777\text{ sq.ft.}$

Back-to-Back



Length x Width = Area
 $30\text{ft.} \times 15\text{ ft} = 450\text{ sq.ft.}$

Figure 1.



NOTE : Apron cannot exceed 20% of the square footage of the sign face(s)

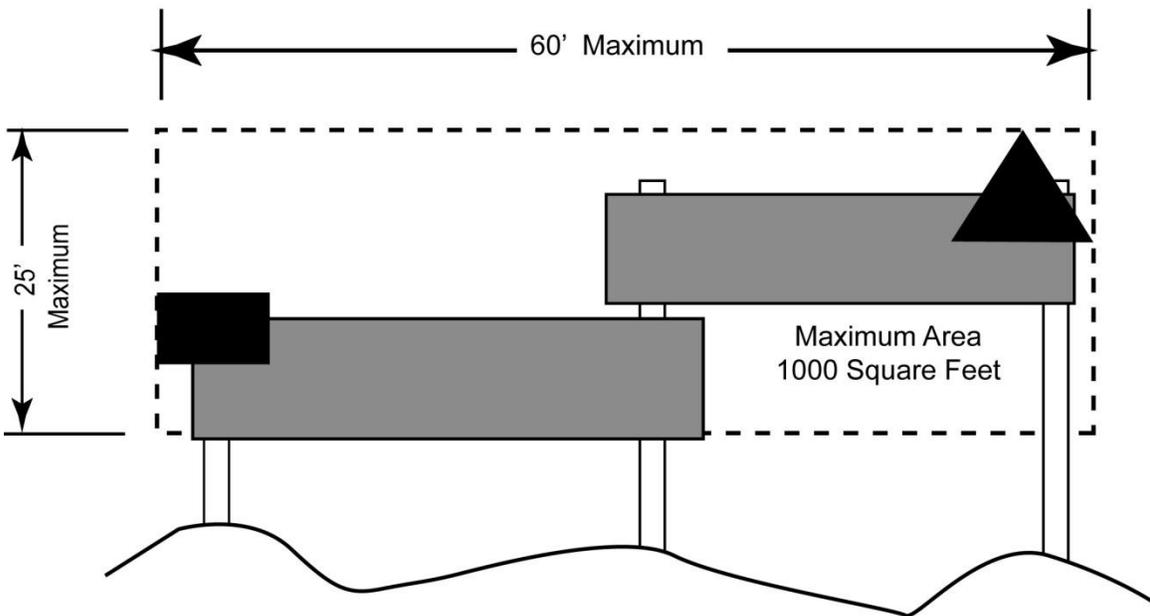


Figure 2.
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OUTDOOR ADVERTISING SIGNS

AND THEIR RELATIONSHIP TO

TRAFFIC CONTROL DEVICES

Outdoor advertising Signs situated along or within view of Indiana Control Routes are also subject to conditions stipulated in I.C. 9-21-4, which states:

1. A person may not place, maintain, or display upon or in view of a highway an unauthorized sign, signal, marking, or device that:
 - a. Purports to be, is an imitation of, or resembles an official traffic control device or a railroad sign or signal;
 - b. Attempts to direct the movement of traffic; or
 - c. Hides from view or interferes with the effectiveness of an official traffic control device or a railroad sign or signal.

ZONING

Outdoor advertising must be located in areas zoned for commercial or industrial use or in unzoned areas actually used for commercial or industrial purposes. For purposes of outdoor advertising, INDOT will accede to local zoning designations if that zoning is adequately supported by the local government's comprehensive zoning plan. However, if there is evidence that the local zoning decision was done for the purpose of erecting outdoor advertising; INDOT shall not recognize the local zoning designation.

The following types of Advertising Signs are not restricted by the zoning criteria:

1. Directional and other official signs and notices including, but not limited to, natural wonders, scenic and historical attractions, which are authorized or required by law.
2. Signs, displays, and devices advertising the sale or lease of property on which they are located.
3. On-Premise Signs.

The following activities shall not be considered commercial or industrial for purposes of establishing unzoned commercial or industrial areas:

1. Outdoor advertising structures.
2. Agricultural, forestry, ranching, grazing, farming, and related activities, including but not limited to, wayside fresh produce stands.

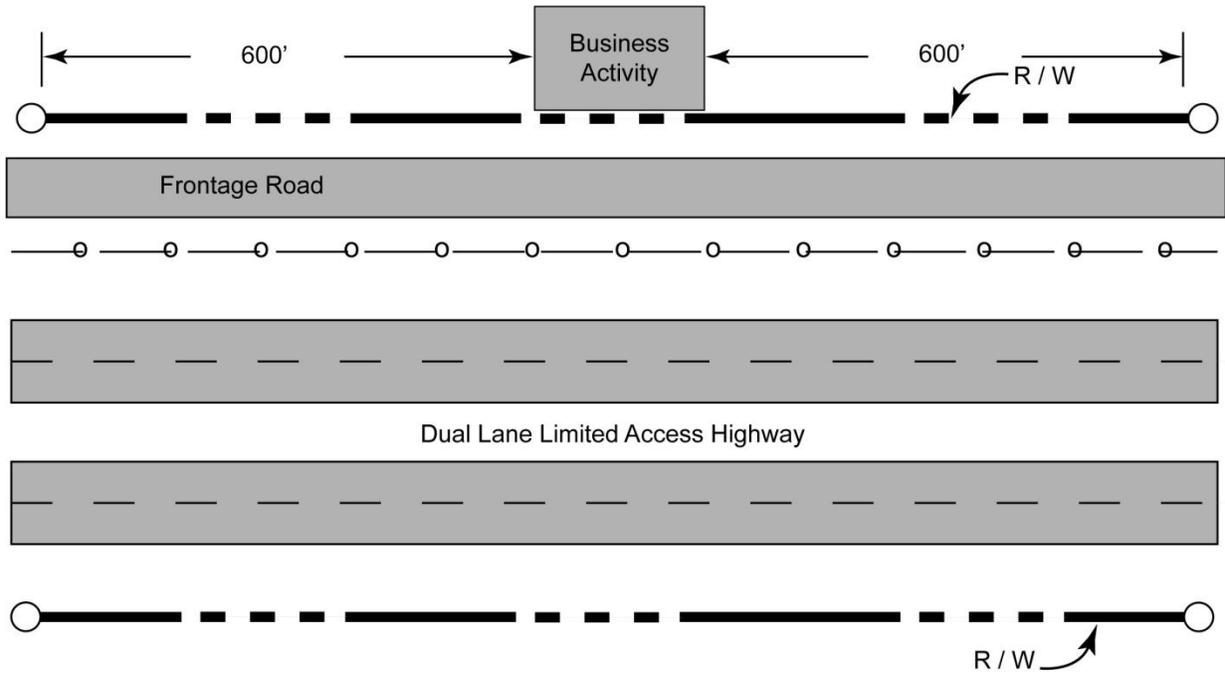
3. Transient or temporary activities.
4. Activities not visible from the Main-Traveled Way.
5. Activities more than 660 feet from the nearest edge of the right-of-way.
6. Activities conducted in a building principally used as a residence.
7. Railroad tracks and minor sidings.
8. Highways, roads, and streets.

NOTE: Figures 3 & 4 on pages 22 and 23 respectively are provided to assist in issues of spacing in UNZONED counties.

UNZONED COMMERCIAL AND INDUSTRIAL AREAS

Unzoned Commercial/Industrial on Same side as Business Activity Only

Note: This also applies to Dual Lane Limited Access Highway without Frontage Road.



Unzoned Commercial/Industrial on Both Sides of Roadway

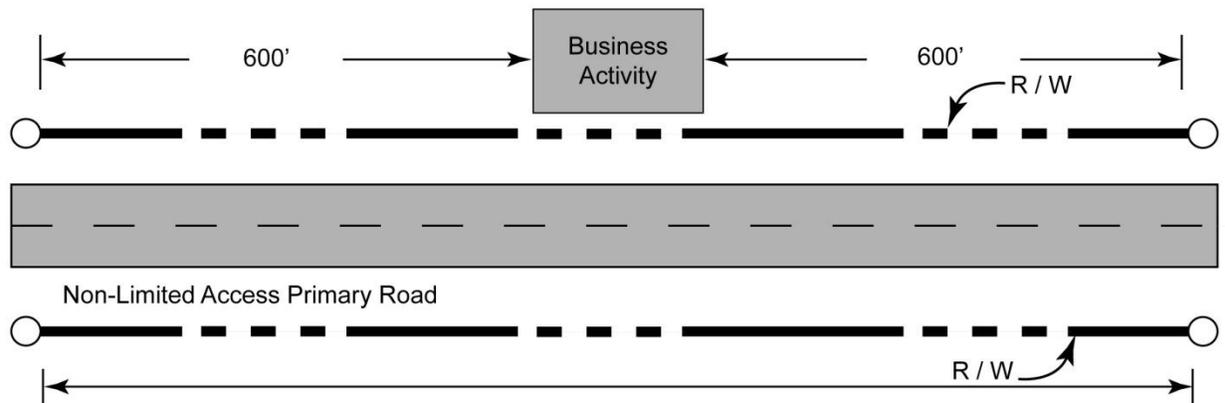
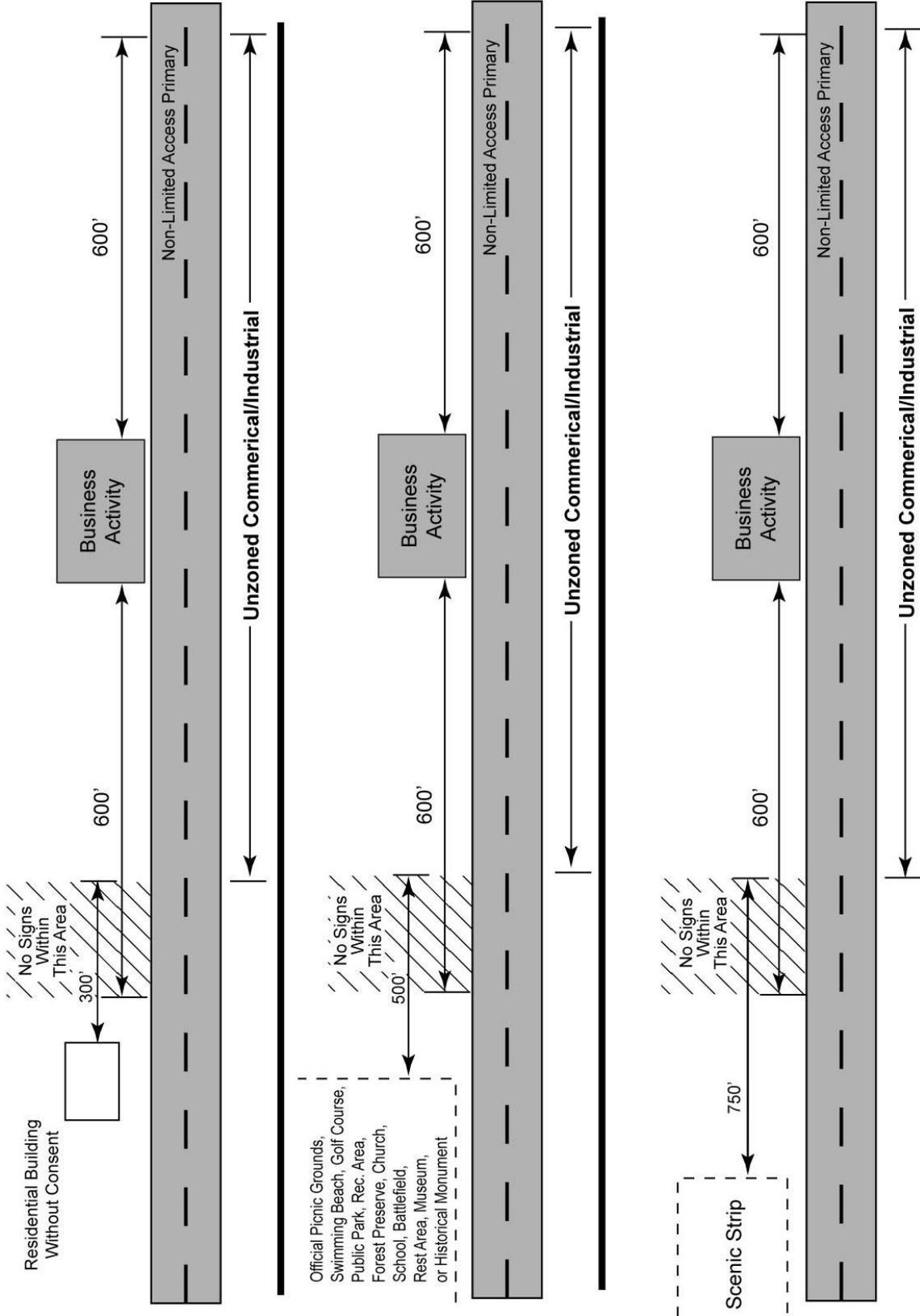


Figure 3.

Figure 4.

RESTRICTIONS ON UNZONED COMMERCIAL/INDUSTRIAL AREAS



SPACING OF SIGNS

1. Rural Zoned or Unzoned Commercial or Industrial Areas:
 - a. On Interstate System, Federal-Aid Primary Highways, or National Highway System routes with fully-controlled Access, or Freeways:
 - (1) Outside of urban areas, no structure which is visible and intended to be read from the Main-Traveled Way may be located beyond 660 feet from the nearest edge of the right-of-way unless it was erected prior to January 1, 1968.
 - (2) No two structures shall be spaced less than 500 feet apart on the same side of the highway. Said 500 feet to be measured between two points at the edge of the pavement, found by lines drawn from the nearest edge of each Sign perpendicular to the edge of pavement (see Figures 5 and 6).
 - (3) Outside of urban areas and within 660 feet from the edge of the right-of-way, no structure may be located within 500 feet of an interchange, collector/distributor, intersection-at-grade, safety rest area, or information center. The 500 feet shall be measured from the point at which the pavement widens and the direction of measurement shall be along the edge of the pavement away from the interchange, collector/distributor, intersection-at-grade, safety rest area, or information center, as shown in Figure 7. In those interchanges where a quadrant does not have a ramp, the 500 feet for the quadrant without a ramp shall be measured along the interstate or highway from the edge of the overpass roadway. Should there be a situation where there is more than one road within a quadrant; the measurement shall be made from the pavement widening which is furthest from the intersecting roadways. Inside of incorporated towns and cities with a population of less than 5,000 and within 660 feet of the nearest tight-of-way, no two structures shall be spaced less than 500 feet apart. Said 500 feet to be measured between two points at the edge of pavement, found by lines drawn from the nearest edge of Sign perpendicular to the edge of the pavement (see Figure 8).

**SIGN SPACING ALONG INTERSTATES AND
PRIMARY ROUTES WITH LIMITED ACCESS RIGHT-OF-WAY**
(Applies to Both Rural and Urban Areas)

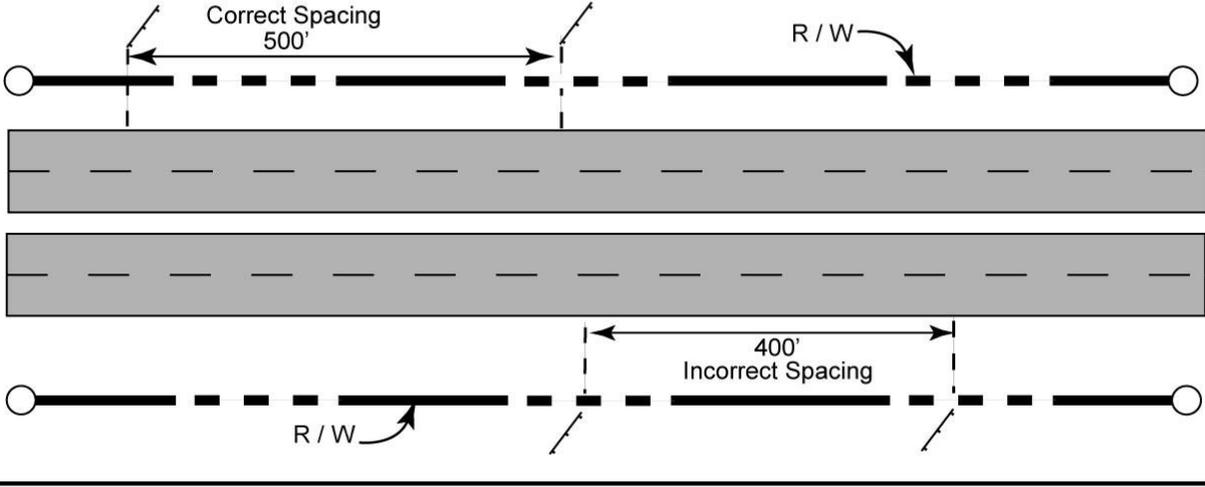


Figure 5.

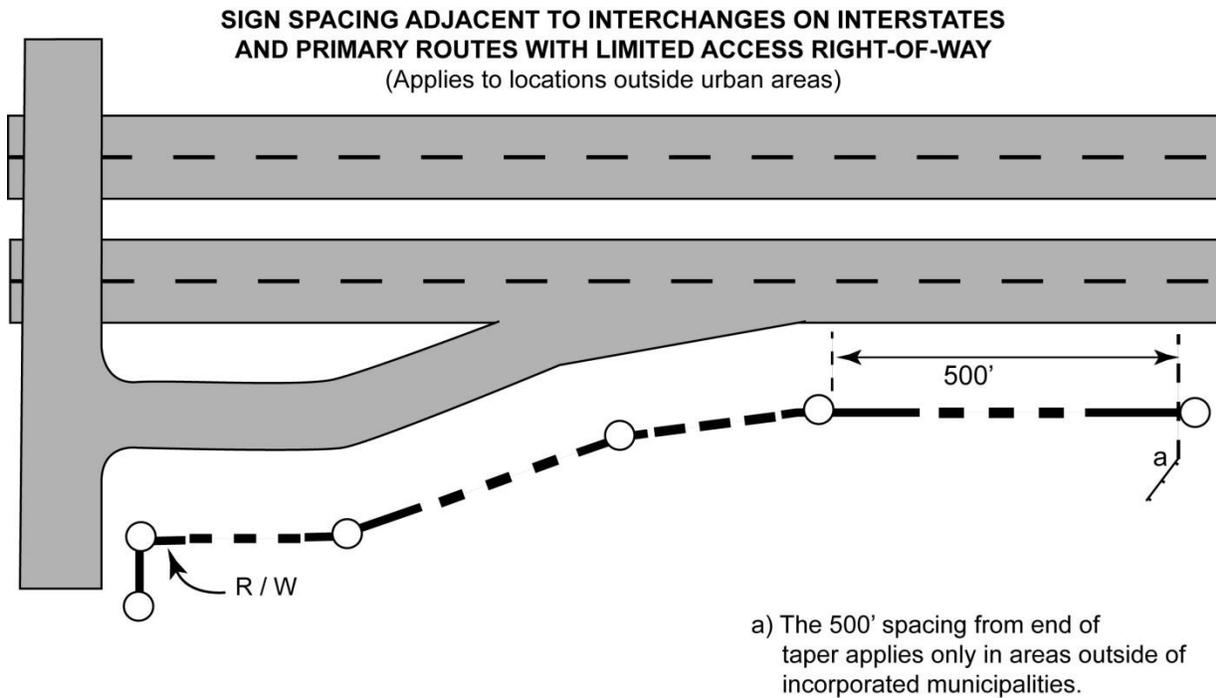


Figure 7.

- b. Federal-Aid Primary Highways, National Highway System, or other Control Routes without fully-controlled access:
- (1) Outside of urban areas no structure which is visible and intended to be read from the Main-Traveled Way may be located beyond 660 feet from the nearest edge of the right-of-way unless it was erected prior to January 1, 1968.
 - (2) Outside of incorporated towns and cities no two structures shall be placed less than 300 feet apart. Said 300 feet to be measured between two points at the edge of pavement, found by lines drawn from the nearest edge of each Sign perpendicular to the edge of pavement (see Figure 8).
 - (3) Inside of incorporated towns and cities with a population of less than 5,000, no two structures shall be spaced less than 100 feet apart. Said 100 feet to be measured between two points at the edge of pavement, found by two lines drawn from the nearest edge of each Sign perpendicular to the edge of pavement (see Figure 8).

SIGN SPACING ALONG NON-LIMITED ACCESS PRIMARY ROAD

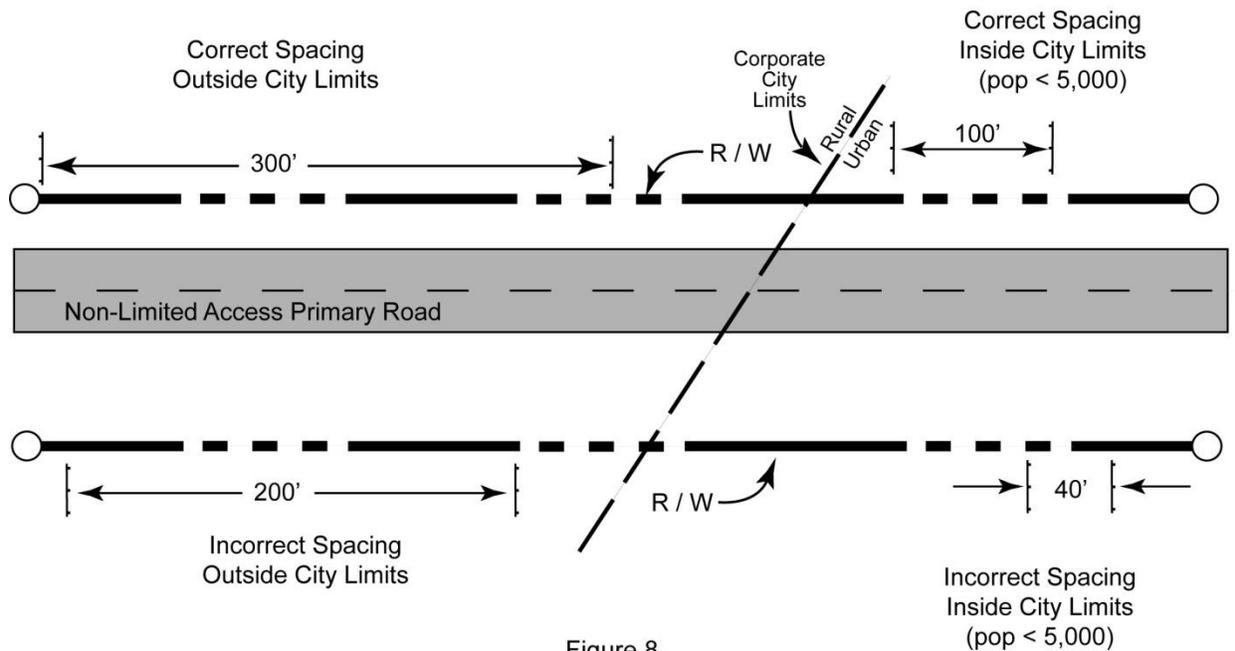


Figure 8.

Measurement of Spacing between Signs

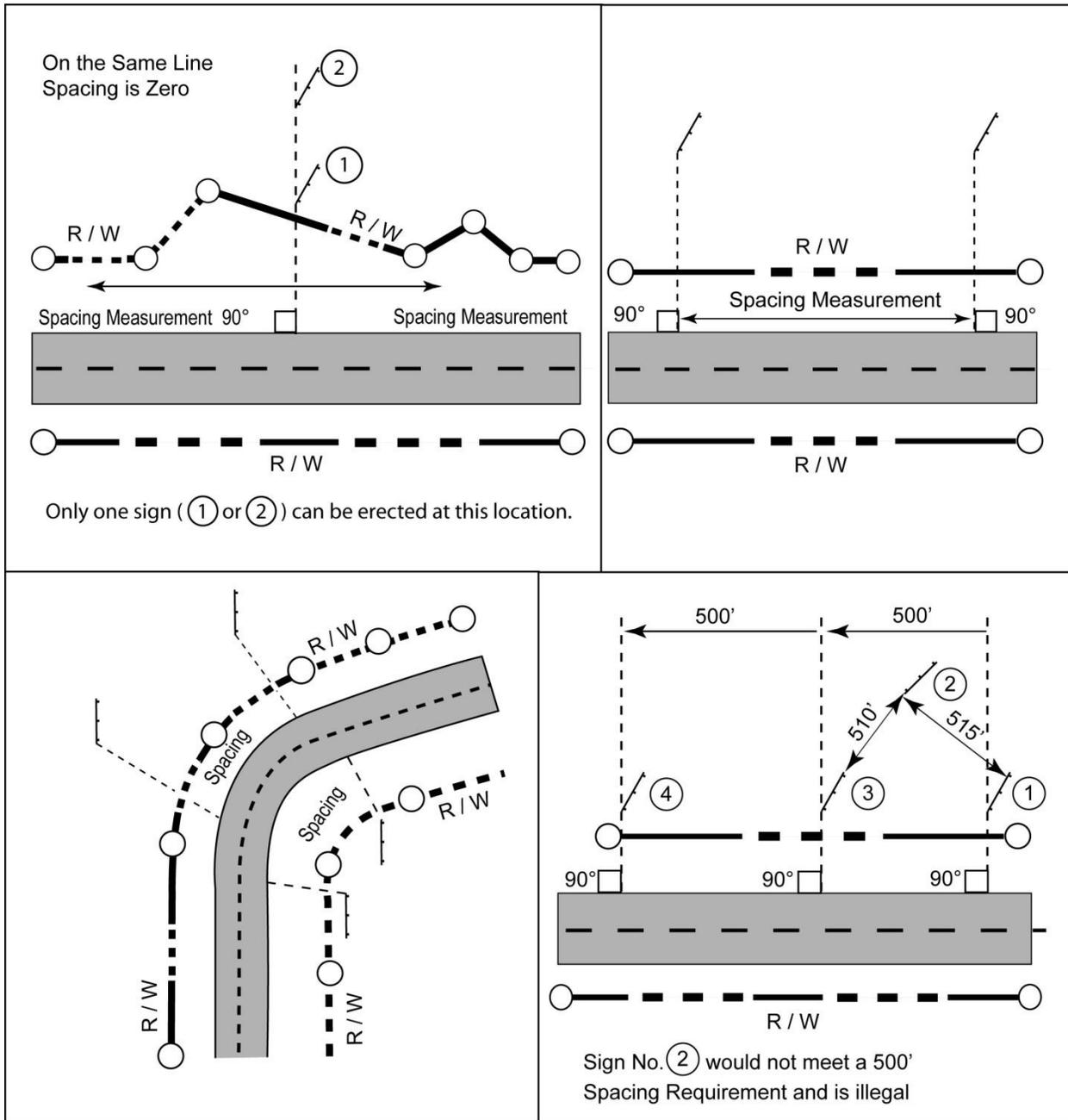


Figure 9.

↗ Denotes Outdoor Advertising Sign

SPACING IS MEASURED AS FOLLOWS:

The distance between two outdoor advertising sign structures shall be measured along the nearest edge of pavement on the same side of the highway. The distance measured shall be between two points at the edge of pavement, found by lines drawn from the nearest edge of each sign perpendicular to the edge of pavement.

NOTE: In urban areas spacing perpendicular to (at right angles to) the right of way is unlimited.

2. Urban Zoned or Unzoned Commercial or Industrial Area:

a. Interstate System, Federal-Aid Primary Highways, National Highway System, and other Control Routes with Fully-Controlled Access, or Freeways:

(1) Inside of incorporated towns and cities with a population of 5,000 or more, no two structures shall be spaced less than 500 feet apart. Said 500' to be measured between two points at the edge of the pavement, found by lines drawn from the nearest edge of each Sign perpendicular to the edge of the pavement (see Figure 5).

(2) Inside of urban areas, structures are allowed to be beyond 660 feet of the nearest right-of-way.

(3) Inside of urban areas, structures are allowed along entrance and exit ramps subject to 500 feet spacing between Signs with the first Sign no closer to the cross route or intersection-at-grade than 500 feet (see Figure 6).

b. Federal-Aid Primary Highways, National Highway System, and other Control Routes without Fully-Controlled Access:

(1) Inside of incorporated towns and cities with a population of 5,000 or more, no two structures shall be spaced less than 100 feet apart. Said 100 feet to be measured between two points at the edge of pavement, found by lines drawn from the nearest edge of each Sign perpendicular to the edge of pavement (see Figure 7).

(2) Inside urban areas, structures are allowed to be beyond 660 feet of the right-of-way.

(3) Bench Signs used as outdoor advertising must comply with these spacing requirements.

3. Spacing Exceptions – Structures may be spaced closer together when they are separated by buildings or other obstructions so that only one is visible from the Main-Traveled Way within the otherwise applicable spacing requirement at any one time. This applies to the Interstate System, Federal-Aid Primary Highways, National Highway System, and other Control Routes. If the obstruction is removed, then the last Sign erected that does not meet spacing requirements as a result of the removal will become non-conforming.

4. Explanatory Notes – With respect to spacing requirements on the Interstate System, Federal-Aid Primary Highways, National Highway System, and other Control Routes:

The following types of Signs shall not be counted nor shall measurements be made from them for purposes of determining compliance with spacing requirements:

- a. Directional and other official signs and notices.
- b. Signs, displays, and devices advertising the sale or lease of the property on which they are located.
- c. Signs, displays, and devices advertising activities conducted on the property on which they are located (on-premise).

LIGHTING OF SIGNS

1. Signs which contain, include or are illuminated by any flashing, intermittent or moving light or lights are prohibited except for Changeable Message Signs and for those Signs giving public service information such as time, date, temperature, weather or similar information.
2. Signs which are not effectively shielded to prevent beams or rays of light from being directed at any portion of the traveled ways of the highways in the control area and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interferes with any driver's operation of a motor vehicle are prohibited.
3. No Sign shall be illuminated as to obscure or interfere with the effectiveness of an official traffic sign, device or signal.
4. All such lighting shall be subject to any other provisions relating to lighting or Signs presently applicable to all highways under the jurisdiction of the state.
5. Illumination shall not be added to Non-Conforming Signs.
6. Bench Signs used as outdoor advertising must comply with lighting standards of this section.

NON-CONFORMING SIGNS

A Non-Conforming Sign is a Sign which was lawfully erected but does not comply with the provisions of Federal Law or State Law adopted at a later date or which later fails to comply with Federal Law or State Law due to changed conditions.

In order to maintain and continue a Non-Conforming Sign, the following conditions apply:

1. The Sign must have been physically in existence at the time the applicable Federal Law or State Law became effective.

2. The Sign may be sold, leased, or otherwise transferred without affecting its status, but its location may not be changed. A Non-Conforming Sign removed as a result of a right-of-way taking or for any other reason may be relocated to a conforming area but cannot be re-established at a new location as a non-conforming use.
3. The Sign must have been lawful on the effective date of the Federal Law or State Law, and must continue to be lawfully maintained.
4. The Sign must remain substantially the same as it was on the date the Sign became non-conforming (i.e., frozen in time). Reasonable repair and maintenance of the Sign is acceptable. Repairs to a Non-Conforming Sign shall be limited to less than fifty percent (50%) of the Sign Structure during any one-year period. Exceptions may be made for Signs destroyed due to vandalism and other criminal or tortuous acts. Non-Conforming Signs may not:
 - a. Be raised in elevation;
 - b. Be changed in size;
 - c. Be illuminated (if not originally);
 - d. Have structural components (supports, face, etc.) changed in number or material (from wood to steel, steel to wood, etc.); or
 - e. Be otherwise embellished in any manner, including upgrade of the Sign structure or other mechanical enhancement. Upgrade to the Sign Face with technology such as vinyl wrap is permissible; however enhancement with LED/LCD messaging or moving parts is not allowed.
5. The Sign may continue as long as it is not Destroyed, Abandoned, or Discontinued, if permitted by State Law.
 - a. A Sign damaged to the extent that normal repair practices would call for replacement of 50% or more of the Sign Structure. Exceptions may be made for Signs Destroyed due to vandalism or other criminal or tortuous acts. Signs destroyed by motor vehicle accident may be rebuilt (following submission/approval of the applicable Addendum) to the condition that existed prior to the loss of the structure with no enhancements permitted.
 - b. When an existing Non-Conforming Sign ceases to display an Advertising message, has obsolete Advertising, or is Blank for a period of one year; it is considered Discontinued or Abandoned. Signage that states (for example) “*This space Available – Call 800-123-4567*” does not constitute an Advertising message on a Non-Conforming Sign. The 1-year period will be interrupted for an involuntary discontinuance such as closing of a highway for repair in front of the Sign. For example, if a Sign had been without copy for 10½ months and the highway is closed

for an INDOT construction project; the owner has 1½ months to secure Advertisement once the highway is re-opened.

MODIFICATION OF AND REPAIRS TO A SIGN STRUCTURE; ADDENDUM TO PERMIT REQUIRED

Before modifications or repairs (other than Reasonable Maintenance) may be made to a Sign Structure, the owner of the Sign shall file an addendum to the INDOT permit for such Sign. Any such addendum can be accomplished by submitting an application form showing (a) the permit number of the Sign, and (b) a complete description of the intended modification or repair, together with a \$10 fee payable to INDOT. Failure to file an addendum prior to making modifications or repairs (other than Reasonable Maintenance) to a Sign may result in the revocation of the permit for that Sign.

Enlargement of and/or alteration to a Non-Conforming Sign is strictly prohibited, and will result in the Sign automatically becoming an illegal Sign. A Non-Conforming Sign must remain substantially in the same condition as it was on the date that the Sign's status became a Non-Conforming Sign, although Reasonable Maintenance is allowed.

Access to Signs for Reasonable Maintenance and other modifications or repairs shall not take place from inside the right-of-way, unless a legal existing driveway is utilized.

MAINTENANCE AND REPAIR

Reasonable maintenance and repair (see item 4 on page 32) of Non-Conforming and Conforming Signs including the change of an outdoor advertising message is permitted.

Access to Signs for maintenance and repair activities shall not take place from inside the right-of-way unless a legal existing driveway is utilized.

ALTERATION OF SIGN

Conforming Signs properly located and spaced within a zoned or unzoned commercial or industrial area may be enlarged and/or altered within the limits of the rules and regulations without a new permit. A Sign owner should notify the INDOT in writing before making any changes or additions to Signs. This can be done by submitting an application form (Addendum) showing the permit number of the Sign along with the changed information. INDOT will use this information to keep its inventory current. There is a \$10 fee for this procedure.

Enlargement of and/or alteration to non-conforming Signs is strictly prohibited. The non-conforming Sign must remain substantially the same as it was on the date that its status initially became non-conforming.

SCENIC BYWAYS

The majority of the states and the District of Columbia have scenic byways programs to recognize outstanding roadways as part of the National Scenic Byways Program.

Communities typically seek out the scenic byway designation by submitting a nomination application to their state department of transportation. This locally-based approach encourages communities to work closely with local and state agencies such as their state department of transportation, tourism office, and department of natural resources to preserve and promote unique local beauty and distinctive community character.

A road is designated a scenic byway based on the road's scenic, cultural historic, archeological, recreational and/or natural qualities. These elements are intrinsic features that contribute to the character of the roadway and its communities. Basing the designation on these criteria highlights the roads outstanding qualities.

Each scenic byway is administered by a corridor management committee. Each scenic byway management committee establishes its own community-based corridor management plan. Communities along the scenic byway should have a corridor management plan (CMP) to address local needs as well as user services. CMPs outline strategies for conserving and enhancing a byway's intrinsic qualities, as well as plans for the corridor's marketing, visitor management, economic development, and billboard control.

Indiana's scenic byway advisory committee assists the local corridor management committees and administers the operation of the state scenic byway program. The advisory committee is composed of members from the Indiana Department of Tourism, Indiana Department of Natural Resources and the Indiana Department of Transportation.

The characteristics of a scenic byway are not restricted to visual beauty. The criteria developed by the National Scenic Byway Advisory Committee established by §1047 of the ISTEA are natural, scenic, historical, cultural, recreational or archeological qualities. The designation of a scenic byway for cultural or historical purposes, for example, could easily involve areas of commercial or industrial activity. If such areas are included in the designated scenic byway they would be subject to the scenic byway prohibition at 23 U.S.C. 131(s).

Scenic Byway Designation's Impact on Outdoor Advertising

Subsection 131(s) in Title 23 United States Code provides that if a state has a scenic byway program, the state may not allow the erection along any highway on the Interstate System or any Federal-Aid Primary Highway which is designated as a scenic byway of any sign, display, or device which is not in conformance with subsection 131(c). New signs allowed under 131(c) include directional and official signs and notices, sale or lease signs, on-property signs and free coffee signs.

Indiana will accept permit applications up to the date of State designation with the caveat that should the proposed route be designated a Scenic Byway prior to the sign structure being

constructed, the permit will be revoked and the Sign owner must remove any partially-completed construction. The Central Office Permit section will endeavor to keep all parties advised as to the progress of a proposed Scenic Byway along its path towards designation.

Designation as a Scenic Byway has no effect on existing structures (either legal conforming ["L"] or legal non-conforming ["C"]). Existing "L"-plated structures may continue to receive normal maintenance and may even be upgraded. Existing "C"-plated structures must adhere to existing rules for such Non-Conforming Signs.

Portions of the corridor that are not on a Control Route are left to local jurisdictions to establish and maintain outdoor advertising controls.

USE OF ALTERNATIVE ENERGY SOURCES TO POWER SIGNS

Alternative energy ideas have found their way into many areas of contemporary society, including outdoor advertising. Outdoor Advertisers and the alternative energy industry have expressed interest in attaching mechanisms such as wind turbines and solar panels to billboards or placing them near billboards outside the right-of-way.

In principle, the installation of these alternative energy mechanisms on conforming Signs for the sole purpose of generating electricity complies with the HBA-65, as they are not added "Signs, displays or devices" under 23 U.S.C. 131 or 23 CFR part 750. In practice, the alternative energy mechanisms may not display logos or advertising or be made part of the message area. If they do, they are subject to control and HBA compliance.

Advertisers desiring to utilize alternative energy sources to power their outdoor advertising structures must comply with the following:

1. An addendum must be applied for and approved prior to installation of the alternative energy mechanism (solar or wind).
2. Alternative energy mechanisms will not be attached to or mounted on the outdoor advertising structure itself; but rather placed beside or behind the billboard (e.g. in the void between the two faces of a V-Type Sign).
3. The alternative energy mechanisms may not display logos or advertising or be made part of the message area.
4. The alternative energy mechanism must not be a distraction to drivers in the travel lanes of the control route. Applicants are strongly advised to work closely with the applicable District Office to ensure that size and motion factors are considered during the planning phase.

TRUCKS/TRAILERS USED AS ADVERTISING

Single-Chassis Trucks Used as Advertising:

As long as the height is less than or equal to 13'6" and the length of the vehicle is less than or equal to 40' and the width is less than or equal to 8'6" the vehicle (with load) is legal as long as it is traveling on the roadway or is parked in a parking lot. If the truck exceeds these dimensions, the owner of the truck must obtain a single-trip permit from the Department of Revenue each time he/she takes the truck out on the road. Failure to do so is a violation of the law.

HOWEVER, if the local jurisdiction starts receiving complaints from the public, the truck and associated Advertising Sign may qualify as a public nuisance and be treated accordingly. Additionally, if the truck/Sign combination blocks the view of signals and/or signage therefore becoming a danger to the motoring public, it may be in violation of the law ("...no signs within the right of way may hide from view or interfere with the effectiveness of an official traffic control device or railroad sign or signal." – IC 9-21-4-4(3)).

Moreover, if the truck is parked in a location that does not have immediate access to the public highway system (such as a farm field or a yard), or loses its street-legal designation or cannot pass the standard USDOT inspections, then it is outdoor advertising and must apply for and receive a permit (if zoning and spacing rules for standard Advertising Signs permit).

Trailers Used as Advertising:

If the street legal trailer is attached to a street legal tractor (both of which can pass the USDOT inspections on demand) and the tractor-trailer has immediate access to public highways the trailer is legal IF zoning and spacing between adjacent Signs are OK.

But, if the tractor or the trailer (or both) are not street legal, AND/OR the street legal tractor/trailer does not have immediate access to public highways, AND/OR a tractor is not attached to the trailer; the trailer will be deemed outdoor advertising and a permit must be applied for, received (if zoning and spacing between adjacent Signs are acceptable), and affixed to the trailer in a position clearly visible from the highway.

BENCHES USED AS OUTDOOR ADVERTISING SIGNS

Approval may be given for benches used for outdoor Advertising Signs (bench Signs) and such Signs may only be erected after a permit has been obtained from INDOT.

- a. Location – Permits may be issued for bench Signs which are visible from the state highways and located on private property except:

- (1) Where such Sign would be visible from the Interstate highway system;

- (2) Where such Sign would be visible from a full-access highway;
 - (3) Where such Sign would be visible from any state highway where the area adjacent to the highway is a designated scenic area.
- b. Size – A maximum allowable size for bench Signs is sixteen square feet and the Sign shall not exceed two feet in height or eight feet in length excluding supports.
 - c. Height – The top of bench Signs erected shall not be higher than four feet.
 - d. Special Requirements:
 - (1) Bench Signs shall be located in a commercial or industrial zone.
 - (2) Bench Signs must be located inside incorporated city limits and/or urban areas.
 - (3) Bench Signs must be located at a bus stop on a city or urban transit bus system route (a route affidavit showing all bus stops will be required prior to approval of any new permit for a bench Sign).
 - (4) Bench Signs shall not be located on the state highway right-of-way.
 - (5) If the state highway is routed over a city street, the bench Sign may be located on that portion of the city street right-of-way outside the curb, or if there is no curb, outside that portion of the right-of-way utilized for state highway purposes.
 - (6) Bench Signs shall comply with the spacing requirements outlined in this Manual.
 - (7) Bench Signs shall comply with lighting restrictions outlined in this Manual.

VEGETATION AND BRUSH REMOVAL, TREE TRIMMING, & TREE REMOVAL

Access to Signs for purposes of vegetation/brush removal, tree trimming, and tree removal shall be from private property. Highway right-of-way shall not be utilized for this purpose. Additionally, any activity to trim, prune, and/or remove vegetation, brush, and/or trees in the right-of-way shall be by permit only. Furthermore, in accordance with the U.S. Fish and Wildlife Service *Forest Management Guidelines for Informal Section 7 consultations on Indiana Bats (*Myotis socialis*) within the State of Indiana*, there will be no felling of trees greater than three inches in diameter at base height while Indiana bats may be present from April 1 through September 30 .

Failure to adhere to these standards can result in revocation of the Sign permit and removal of the outdoor advertising structure at the Sign owner's expense.

ON-PREMISE SIGN

A Sign which advertises the sale or lease of a property upon which it is located or a Sign which advertises activities conducted on the property upon which it is located is considered an On-Premise Sign.

The following will not be considered to be a part of the property on which the activity is conducted and any Sign located on such property will be considered off-premise Advertising:

1. Property separated by change of land ownership from the land on which the activity is conducted; or
2. Property which has been secured subsequent to the establishment of the Business and purchased in a narrow strip. A narrow strip shall include any configuration of land which cannot be put to any reasonable use related to the activity other than for purposes of erecting or maintaining a Sign or for the specific purpose to qualify an area for an On-Premise Sign.

On-Premise Sign Qualifications

The following shall be used for determining whether an outdoor advertising Sign has as its purpose the identification of the activity located on the property or its products or services, or the sale or lease of the property on which the Sign is located:

1. The Sign is an On-Premise Sign if:
 - a. The message consists solely of the name of the establishment; or
 - b. The message identifies solely the establishment's principal or accessory products or services offered on the premises; or
 - c. It is a "For Sale" or "For Lease" Sign of the property upon which the Sign is located.
2. The Sign is not an On-Premise Sign if:
 - a. It brings rental income to the property owner, consists principally of brand or trade name Advertising and the product or service Advertised is only incidental to the principal activity; or
 - b. It Advertises activities conducted on the property, but which also advertises, in a prominent manner, activities not conducted on the property (NOTE: On-Premise Changeable Message Signs may NOT have any OFF-premise outdoor messages intermixed.); or

- c. A sale or lease Sign Advertises any product or service not located upon and unrelated to the business of selling or leasing the property on which the Sign is located; or
- d. It is erected on a narrow strip of land contiguous to the Advertised activity when the purpose is clearly to circumvent 23 U.S.C. 131 (see also 23 CFR 750.708(d)(3)); or
- e. The Sign is separated from the property by separate land ownership.

SIGNS WITHIN THE HIGHWAY RIGHT-OF WAY

While Signs erected within the highway right-of-way do not fall under the provisions of the HBA-65, they are in violation of IC 9-21-4, which states:

1. A person may not place, maintain, or display upon or in view of a highway an unauthorized sign, signal, marking, or device that:
 - a. Purports to be, is an imitation of, or resembles an official traffic control device or a railroad sign or signal;
 - b. Attempts to direct the movement of traffic; or
 - c. Hides from view or interferes with the effectiveness of an official traffic control device or railroad sign or signal.
2. Except as provided in subsection 3 (below), a person may not place or maintain upon a highway a traffic sign or signal bearing commercial or political advertising. A public authority may not permit the placement of a traffic sign or signal that bears a commercial message.
3. Under criteria to be jointly established by INDOT and the Office of Tourism Development, INDOT may authorize the posting of any of the following:
 - a. Limited tourist attraction signage; or
 - b. Business Signs on specific information panels on the Interstate system of highways and other freeways.

All costs of manufacturing, installation, and maintenance to INDOT or a Business Sign posted under this subsection shall be paid for by the Business.

4. Criteria established under subsection 3 (of this section) for tourist attraction signage must include a category for a tourist attraction that:
 - a. Is a trademarked destination brand; and
 - b. Encompasses buildings, structures, or other facilities that are:

- (1) Listed on the National Register of Historic Places established under 16 U.S.C. 470 *et seq.*; or
 - (2) Listed on the Register of Indiana Sites and Historic Structures established under IC 14-21-1; regardless of the distance of the historic attraction from the highway on which the tourist attraction Signage is placed.
5. A person may not place, maintain, or display a flashing, rotating, or an alternating light, beacon, or other lighted device that is visible from the highway and may be mistaken or confused with a traffic control device or for an authorized warning device on an emergency vehicle.
6. A person may not place, maintain, or display an Advertising Sign, signal or device on or over the roadway of a highway.
7. A person may not place, maintain, or display an Advertising Sign, signal, or device on a highway in a city between the curb and sidewalk. If the curb and sidewalk join, a person may not place, maintain, or display on the sidewalk an Advertising Sign, signal, or device closer than ten feet from the curb line. Signs may not overhang the curb.
8. A person may not place, maintain, or display an Advertising Sign or device of any character within one hundred feet of a highway outside the corporation limits of an incorporated city or town that obstructs the view of:
 - a. The highway; or
 - b. An intersecting highway, street, alley, or private driveway.
9. No Sign shall obstruct the view of a person travelling the highway, for a distance of 500 feet or less from the Sign or device as the person approaches the highway or intersecting highway.
10. A person may not place, maintain, or display an Advertising Sign or a device, permanently or temporarily, on a highway right-of-way.
11. Each Sign, signal, or marking prohibited under this section is declared to be a public nuisance. The authority having jurisdiction over the highway may remove or cause to be removed the prohibited Sign, signal, or marking without notice.

STANDARDS FOR DIRECTIONAL SIGNS

DIRECTIONAL SIGNS ON INDOT RIGHT-OF-WAY

“Directional Signs” are Signs containing directional information about public places owned or operated by Federal, State, or local governments or their agencies; publicly or privately owned natural phenomena; historical, cultural, scientific, educational, or religious sites; and areas of natural scenic beauty or areas naturally suited for outdoor recreation, deemed to be in the interest of the traveling public. The location of Directional Signs is not limited to zoned or un-zoned commercial or industrial areas. Spacing of Directional Signs with respect to other permitted Signs is not applicable. Directional Signs on INDOT right-of-way are only installed with permission of INDOT.

1. Tourist Oriented Directional Signs (TODS)

Directional Signs that will be located on a state highway for qualifying attractions such as historical sites and museums are called TODS Signs and they are managed by the Indiana Office of Tourism Development. Directional Signs that will be located on a state highway for eligible attractions are also managed by the Indiana Office of Tourism Development. An applicant for a TODS Sign agrees to enter into a contract with INDOT for a specified term to cover the cost of the Sign installation and annual maintenance cost if the application is approved. A further explanation of the policy, current fee rates, and a TODS application are available at the following website:

http://www.in.gov/tourism/marketing/attraction_signs.html

2. Supplemental Guide Signs (SGS)

Directional Signs known as Supplemental Guide Signs (SGS) are similar to TODS Signs except that they are placed on Interstates and freeways. Only eligible attractions may receive a SGS Sign, and the applications are also managed by the Indiana Office of Tourism Development. An applicant for a SGS Sign agrees to enter into a contract with INDOT for a specified term to cover the cost of the Sign installation and annual maintenance cost if the application is approved. A further explanation of the policy, current fee rates, and a SGS application are available at the following website:

http://www.in.gov/tourism/marketing/attraction_signs.html

3. Logo Signs

Directional Signs known as Logo Signs are blue and white Signs that contain the logo of the corporation for specific motorist services (e.g. gas, food, lodging, camping) as well as eligible attractions. Logo Signs are placed near interchanges on Interstates and freeways. More information about Logo Signs, including eligibility requirements, current fee rates, and applications are available at the following website:

<http://www.indianalogo.com/>

4. General Service Signs

Directional Signs known as General Service Signs are blue and white Signs that contain the international symbol of the specific motorist service (e.g. a bed indicates that lodging is nearby). The policies governing use of General Service Signs are in Part 2 of the Manual on Uniform Traffic Control Devices. Applications for all General Service Signs will be evaluated (for approval or denial) by the INDOT District Traffic Office in the INDOT District where the Sign will be located.

5. Directional Signs for School Facilities

Directional Signs for school facilities, such as elementary schools, middle schools, high schools. Technical schools, colleges, and universities are managed by the INDOT district Traffic Office in the INDOT District where the Sign will be located. If a Directional Sign for an educational facility is approved, the Sign is installed and maintained by INDOT at no cost to the Sign applicant.

6. Short-term Directional Signs

Short-term Directional Signs may be installed for special events with potential to generate large volumes of traffic unfamiliar with the area of the event. This Signage is administered on a case-by-case basis at the discretion of the district.

OFFICIAL SIGNS AND NOTICES

1. Off Right-of-Way Official Signs and Notices may include the following:

- a. Signs and notices erected and maintained by public offices or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in Federal Law, State Law, or local law for the purpose of carrying out an official duty or responsibility. Public offices or public agencies may sponsor Signs which provide space for 2 or more Signs relating to meetings or nonprofit service clubs, charitable associations or religious services. The individual Signs placed on the structure may not exceed 8 square feet. Historical markers are authorized by State Law and erected by state or local government agencies or nonprofit historical societies and may be considered as official Signs.
- b. Signs and notices, whose erection is authorized by law, relating to meetings of nonprofit service clubs or charitable associations or religious services, which Signs do not exceed 8 square feet.

2. Standards for Off Right-of-Way Official Signs and Notices. (To be classified as an Off Right-of-Way Official Sign or Notice, each Sign location must meet ALL criteria set out in this policy.)

a. General – the following Signs are prohibited:

- (1) Signs advertising activities that are illegal under Federal or state laws or regulations in effect at the location of those Signs or at the location of those activities.
- (2) Signs located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic Sign, signal, or device; or obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic.
- (3) Signs which were erected or maintained upon trees or painted or drawn on rocks or other natural features.
- (4) Signs which contain obsolete messages.
- (5) Signs which are structurally unsafe or in disrepair.
- (6) Signs which move or have any animated or moving parts.

b. Size

- (1) Signs erected and maintained by public agencies and offices shall not exceed the following limits:
 - a) Maximum Area – 150 square feet
 - b) Maximum Height – 20 feet
 - c) Maximum Length – 20 feet
- (2) Signs erected and maintained by religious or public service organizations shall not exceed the following limits:
 - a) Maximum Area – 8 square feet
 - b) Maximum Height – 4 feet
 - c) Maximum Length – 4 feet
- (3) All dimensions include border and trim but exclude supports.

c. Lighting – Signs may be illuminated subject to the following:

- (1) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited.
- (2) Signs which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of an Interstate or primary highway or which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.
- (3) No Sign may be so illuminated as to interfere with the effectiveness of or obscure an official traffic Sign, device, or signal.

d. Spacing

- (1) Each location of an official Sign or notice must be approved by INDOT.
- (2) No official Sign or notice may be located within 2,000 feet of an interchange, rest area, weigh station, or intersection at grade along the Interstate System or other freeways (measured along the Interstate or freeway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way).
- (3) No official Sign or notice may be located within 2,000 feet of a parkland or scenic area.
- (4) Not more than one official Sign or notice pertaining to the same activity and facing the same direction of travel may be erected along a single route approaching the activity.
- (5) No two Off Right-of-Way Official Signs or Notices pertaining to different activities, facing the same direction of travel, shall be spaced less than one mile apart.
- (6) Signs included in Section 1, paragraph (b) above shall be erected within five air miles of the activity.

e. Message Content

The message on Off Right-of-Way Official Signs and Notices shall be limited to the identification of the attraction or activity and directional information useful to the traveler in locating the attraction, such as mileage, route numbers, or exit numbers. Descriptive words or phrases and pictorial or photographic representations of the activity are prohibited. Symbols and seals common to places of worship, lodges or service organizations will be permitted.

3. It will be the responsibility of each applicant to document in writing, with the request, that all applicable criteria meet the minimum requirements as set forth.
4. All costs of erection and maintenance of specific Off Right-of-Way Official Signs and Notices shall be an applicant's expense.
5. The erection and maintenance of specific Off Right-of-Way Official Signs and Notices, providing they meet the criteria established in this policy, shall be permitted in zoned and unzoned commercial and industrial areas and in zoned and unzoned agricultural areas unless prohibited by local zoning ordinances.

PERMIT PROCEDURES

PERMITS REQUIRED

A permit from INDOT is required in order to:

1. Erect and/or maintain any outdoor advertising Sign, display, or device, except those noted below, within 660 feet; or
2. Maintain any existing outdoor advertising Sign, display, or device erected on or before June 30, 1976, except those noted below, beyond 660 feet,

of the nearest edge of the right-of-way of the Interstate System, federal-aid primary system, National Highway System, or Intermodal Connector Highway including Signs mounted on portable frames. No outdoor advertising Signs, displays, or devices intended to be read from the traveled way may be erected beyond 660 feet of the right-of-way of the Interstate or federal-aid primary highway systems. Those Signs not requiring a permit are On-Premise Signs, official and directional Signs, for sale Signs and underground public utility warning Signs.

The permit requirements contained herein are in addition to any permit or licensing requirements of local governing bodies, or other state agencies. Additionally, the issuance of this permit shall in no way preclude the actions of any state agency, including INDOT, from initiating legal proceedings against the applicant for violations of any State Law or Federal Law, including without limitation, violations of federal or state environmental laws and regulations; nor is this approval intended to influence any action currently pending before a local board, commission or agency. Please reference 105 IAC 7-3-1 *et. al.* for any explanation or information required by this application. Failure to provide truthful, accurate, and adequate information required by this application constitutes sufficient cause for the application or subsequent permit to be denied, cancelled, or revoked.

PERMITS FOR OFFICIAL AND DIRECTIONAL SIGNS

Signs meeting the rules and regulations covered under the “Official” or “Directional” Signs require prior approval from INDOT before being constructed. An application shall be submitted for this type of Sign so that INDOT can review the proposed Sign for legality. Contact the applicable district Office (see Appendices A, B, and C of this Manual) for assistance prior to submitting this type of application. *There is no fee for this type of application. A letter from INDOT approving the “Official” or “Directional” Sign will be sent to the applicant, but no permit plate will be issued.*

APPLICATION FOR OUTDOOR ADVERTISING SIGNS

Applications for a permit to Erect a Sign may be obtained from the Permit Section of the appropriate INDOT district. Applications may be requested by telephone or mail (see Appendix C), or found on this website <http://www.in.gov/indot/2363.htm> (*the preferred method*).

An application must be submitted and a permit acquired for each outdoor advertising Sign structure before it is constructed.

No permit will be issued until an application has been completed for each separate outdoor advertising structure and submitted to the Central Office Permits Section (or applicable INDOT District Permit Section) along with the required application fee.

A stake or some identifying object should be placed at the proposed Sign location at or as near as possible to the right-of-way line to assist INDOT in investigating the proposed site. *No permit will be issued until an on-site verification is conducted by an INDOT permit inspector.*

FEES

An initial \$25.00 non-refundable registration/application fee for each outdoor advertising structure should be submitted with each application for a permit. Upon approval, a \$75.00 permit/plate fee will be required before the permit can be issued. There is no fee for “Directional” or “Official” Signs.

PERMIT AND PERMIT PLATE

A permit along with a permit number and plate will be issued upon proper application, approval, and the payment of fees for lawful outdoor advertising structures.

Between the time of approval or the permit and the erection of the Sign, the applicant should visibly mark (with a stake or other similar device) the site as close to the right-of-way line as is practical to prevent others from applying for a site in the same area.

The permit plate shall be securely affixed to the appropriate outdoor advertising structure in a location visible from the shoulder of the road. It is the responsibility of the Sign owner to ensure that off-right-of-way vegetation is sufficiently controlled at the site to ensure that the permit plate is visible from the traveled way. Sign owners that cut vegetation on the state right-of-way without the applicable vegetation-removal permit may be subject to loss of the Outdoor Advertising Permit for that location.

LENGTH OF PERMIT

The proposed Sign structure must be completed within 365 days of issuance of the permit or the permit shall be revoked. Any subsequent construction at the same location will be illegal without the approval of a new permit application and payment of another application fee. In its sole discretion, INDOT may allow one extension of the completion date for any period that will not exceed 365 additional days. Once erected, the permit is good for the life of the Sign so long as the structure remains compliant (for example, a zoning change can result in a legal, Conforming “L”-Plated Sign being downgraded in status to a Non-Conforming, “C”-Plated Sign).

TRANSFER OF PERMIT

The transfer of ownership of a specific outdoor advertising structure for which a permit has been lawfully issued to the original owner will not in any way affect the validity of the permit for that specific structure provided that the Permit Section of the applicable INDOT district has received notice of the transfer of ownership within 90 days of the effective date of the transfer. In such notice, the INDOT permit number (e.g. L01234 or C20045) of the Sign shall be provided.

REPLACEMENT OF LOST, DAMAGED, OR DESTROYED PLATES

If a permit plate is lost or damaged, a new plate can be obtained by notifying the Permit Section of the applicable INDOT District in writing (see Appendix C). A \$10.00 fee will be charged to cover the cost of the new plate. If a lost plate is located at a later date, it should be destroyed or returned to the INDOT Central Office Permit Section or the nearest Permit Section of any INDOT District.

REVOCAION OF A PERMIT

Any valid permit issued for a lawful outdoor advertising structure may be revoked by INDOT for any of the following reasons (*NOTE: These 10 items become part of the General Provisions for any/all Outdoor Advertising Permit*):

1. Mistake of material facts by INDOT or other issuing authority for which had the correct facts been made known, the outdoor advertising permit in question would not have been issued;
2. Misrepresentation of material fact by the applicant for the outdoor advertising permit;
3. Failure to complete construction of the structure within 365 days from the date of issuance of the outdoor advertising permit or within any extension period granted by INDOT in its sole discretion;

4. Any alteration of an outdoor advertising structure for which a permit has previously been issued which would cause that outdoor advertising structure to fail to comply with the provisions of the Outdoor Advertising Control Act and the rules and regulations promulgated by the INDOT pursuant thereto;
5. Making alterations to a Non-Conforming Sign which could cause it to be other than substantially the same as it was on the date the Sign became non-conforming (see section on Non-Conforming Signs);
6. Failure to affix permanent permit plate within 30 days after Erection of the outdoor advertising structure;
7. Unlawful destruction of trees or shrubs or other growth located on the right-of-way in order to increase or enhance the visibility of an outdoor advertising structure or for any other reason;
8. Unlawful violation of the control of access on interstate, freeway, and other controlled access facilities, including destruction of access-control fencing;
9. Failure to maintain a Sign such that it remains blank for a period of 12 consecutive months (this applies only to Non-Conforming “C” permits or registered “R” boards which have not yet received a permit);
10. Failure to maintain a Sign such that it becomes obsolete.

NOTICE GIVEN FOR REVOCATION OF PERMIT

The permit is subject to all applicable rules and regulations and is subject to revocation for violations thereof:

1. Should INDOT determine that a particular outdoor advertising structure violates one or more of the requirements set out by the permit, INDOT may revoke the permit for that outdoor advertising structure.
2. When the need for revoking a permit has been determined, the Permit Section (either Central Office or the applicable District Office) will notify the owner of the Sign and the owner of the property on which the Sign is located by letter setting forth the reasons the Sign in question does not comply. The letters notifying the Sign owner and the property owner of the Sign in question will also state that the structure is unlawful and a public nuisance. The letters will also state that if the structure is not removed within 30 days after receipt of the letter, INDOT or its agents may, at the expense of the respective owners of the Sign and property, remove the outdoor advertising structure. All Non-Conforming Signs, if found to be in violation of the terms of their permit, will be removed at the Sign owner’s expense.

3. The owner(s) of the Sign and/or property may appeal INDOT's determination through the appeal process set forth in this Manual.

NOTICE GIVEN FOR DENIAL OF PERMIT APPLICATION

1. Should the appropriate INDOT office determine that a proposed outdoor advertising Sign would not conform to the standards of outdoor advertising as set forth in the Outdoor Advertising Control Act or State Law or the provisions of this Manual, INDOT will refuse to issue a permit for that proposed advertising structure.
2. When INDOT refuses to issue a permit, it will notify the owner of the proposed structure in question by letter setting forth the reasons the proposed structure does not comply and may also return the application to the applicant. The Permit supervisor of the applicable district will be responsible for writing and mailing this letter unless the denial was directed by Central Office at which time the Central Office Permit Manager will prepare and send the letter.
3. The applicant may appeal INDOT's determination through the appeal process set forth below.

APPEAL PROCESS

ADMINISTRATIVE ORDERS AND PROCEDURES ACT (AOPA) HEARING

1. Should any owner of a Sign disagree with the determination of INDOT pertaining to the issuance or revocation of a permit for outdoor advertising, the owner of the Sign shall have the right to request an AOPA Hearing.
2. The Sign owner who decides to appeal the determination of INDOT shall notify INDOT of the Sign owner's decision to appeal by delivering a written notice of appeal to INDOT within 30 days of the Sign owner's receipt of notice of INDOT's determination. All such written notices of intent to appeal should be delivered to:

Indiana Department of Transportation
Technical Services Division
Attn: Permit Section
Indiana Government Center North,
Room N925
100 North Senate Avenue
Indianapolis, Indiana 46204

3. An Administrative Law Judge (ALJ) will be appointed and appropriate proceedings will be scheduled. After the hearing the ALJ will make a determination on the case. The owner of the Sign will be notified of the ALJ's determination by mail.
4. The Commissioner of INDOT may elect to uphold, vacate or otherwise modify the ALJ's decision. A person shall have eighteen (18) days from the date of the ALJ's decision to object to the ALJ's decision. The Commissioner shall then order briefing on the matter as dictated by IC 4-21.5-3-28 and may elect to conduct further proceedings before making a final administrative decision.

JUDICIAL REVIEW

1. Should the Sign owner disagree with the decision of the Commissioner pertaining to the issuance or revocation of a permit for outdoor advertising, the owner may appeal for judicial review. To qualify for judicial review, the person filing the petition for review must post a \$5,000.00 bond with the Clerk of the court in which the petition for review is filed.
2. The court hearing will be scheduled and conducted in accordance with applicable State Law.
3. If the court determines that the Sign owner's request for judicial review was frivolous, in bad faith or was for the primary purpose of delaying the removal of an illegal Sign, the bond shall be forfeited to the State Highway fund.



OUTDOOR ADVERTISING SIGN PERMIT APPLICATION

State Form 46918 (R4/3-08)
Approved by State Board of Accounts, 2008

DO NOT WRITE IN THIS BOX FOR DEPARTMENTAL USE ONLY

Date received _____
Registration# _____
Permit # _____
Fee receipt # _____
Expiration date _____

INDOT
100 N. SENATE AVE. ROOM N. 901
INDIANAPOLIS, IN. 46204

\$25.00 Non-refundable Application
Fee due upon receipt of application.
\$75.00 Permit Fee due if Application
is approved.

PROPOSED SIGN EXISTING SIGN ADDENDUM NAME TRANSFER CHANGEABLE MESSAGE SIGN TRI-VISION SIGN

1. Name and address of sign owner / applicant _____
(Name)

(Street) _____ (City) _____ (State) _____ (Zip Code)

Representative _____
(Telephone Number and E-mail Address)

2. Name and address of owner of property _____
(Name) _____ (Area code and Telephone number)

(Street) _____ (City) _____ (State) _____ (Zip Code)

SIGN LOCATION (Proposed signs must be staked at the time of application) Estimated Erection Date _____

3. Type and Name of Highway: Interstate US SR Highway# _____

4.(a) Side of Hwy **N S E W** 4.(b) Direction of Travel **N S E W**

5. Between Reference Signs / Mile Markers _____ & _____ Miles Measured From Reference Post

6. Location Description: County Name _____ (Sketch must be attached)

a. Estimated feet to nearest sign (excluding official, directional, on premise and "For Sale Signs.") _____

b. Feet from right-of way line of highway checked in item 3 _____ (Must be less than 660 Feet outside of City limits)

c. Estimated distance to nearest intersection / ramp _____ **N S E W** Specify which intersection / ramp

7. Is sign located in an unzoned commercial or industrial area? Yes No
If unzoned, identify qualifying commercial or industrial activity _____

8. Is sign located in a zoned commercial or industrial area? Yes No

9. City or county permit number if any _____ Zoning classification (Primary) _____
Explain Zoning classifications _____ Zoning Affidavit & Local Building Permit must be attached.

10. Is Sign Within City Limits? Denote Controlling Municipality: _____

11. Was the property rezoned for the purpose of erecting a billboard after March 15, 1996? Yes No

SIGN DESCRIPTION:

12. Estimated height _____ feet from ground to highest point

13. Sign excluding border: Width of face _____ feet Height of face _____ feet Area _____ square feet

14. Sign type: Single Face Back to Back V-type Side by Side Double Deck Other

15. Number of supports: Wood Steel Other (specify) _____

16. Illuminated Yes No

17. Does the sign principally advertise activities taking place on the property where the sign is located? Yes No

Under the penalty of perjury, I certify the above statements to be correct to the best of my knowledge and belief of the undersigned who is authorized to sign this application. I certify that I have obtained authorization from the property owner to erect the structure described herein.

Signed: _____ Date _____

DO NOT WRITE BELOW THIS LINE - FOR DEPARTMENTAL USE ONLY

ADDITIONAL SPECIAL PROVISIONS:

DISTRICT REGULATORY SUPERVISOR _____ DATE _____

RIGHT OF WAY PERMIT COORDINATOR _____ DATE _____

Determination:

Legal Permit Denial
 Conditional Permit Official
 Directional Religious or Public Service

(ALL PERMITS SUBJECT TO STANDARD GENERAL PROVISIONS)

DISCLAIMER

The issuance of this permit shall in no way preclude the actions of any state agency, including INDOT from instituting any action against the applicant for violations of any state or federal law, rule or policy, including violations of federal and state environmental laws and regulations, nor is this approval intended to influence any action currently pending before a local board, commission or agency. Please reference 105 IAC 7-3-1 et. al. for any explanation or information necessary to fill out this application. Failure to provide any information required by this application will cause it to be denied.

INSTRUCTIONS FOR APPLICATION TO OBTAIN OUTDOOR ADVERTISING SIGN PERMIT

The permit application form should be completed and all copies sent to the Permit Section of the applicable INDOT district (see Appendix C).

Outdoor advertising Sign permit application forms can be printed from INDOT's website at <http://www.in.gov/indot/files/45918.pdf>.

While INDOT will continue to accept applications via mail, the preferred method of filing for a permit is via the Electronic Permitting System (EPS) which can be found on our website. Applications not submitted via EPS on-line or on the appropriate paper application form will be rejected and the application fee will not be refunded. To utilize the EPS, the applicant must first set up an account. ***THIS IS A ONE-TIME REQUIREMENT.***

If you only occasionally have the need to apply for permits, the optimal method is to set up an account as an Instant Access User. Click on the appropriate link to apply for your account (you will be need to pay for each permit application by credit card at the time you apply).

If you do a lot of business with INDOT or other state agencies, it may be to your advantage to get an Access Indiana (formerly IN.gov) account. Access Indiana will send you a consolidated billing at the end of each month necessitating only a single payment rather than payments for each transaction. This Account will entail an annual fee (currently \$50.00). Establishing this account will necessitate the filing of a credit card to cover appropriate fees, and securing a username and password.

Information on subscribing can be found at web address: www.INDOT.IN.gov. After accessing this screen, (1) click on **Permits**, then (2) **Billboards** and (3) scroll down to **Subscribe and Register**. Steps are listed there to complete an **INDOT Pre-Approval Form** before setting up an account. The telephone number for Access Indiana is 888-446-3468. Access Indiana will refer you to the INDOT Permit Section who will finalize your account status to use EPS.

Once you have obtained an EPS account, you will be able to complete the Outdoor Advertising Sign Permit Application on-line. The credit card on file will cover the non-refundable \$25.00 investigation fee, and when you click "**Submit**" the application will go directly to the INDOT Investigator for the area as designated on the application, and to the Regulatory Supervisor of the District.

During the processing of the application, the applicant will receive emails as to the status of the application as it goes through the phases of the review process. The final phase will either be an ***approval*** or ***denial***.

If the permit is **approved**, the applicant will receive an email stating the approval and the \$75.00 final fee must be paid by using the EPS online system. An approval letter that also includes the

assigned permit number will be generated by the Central Office Permit Section in Indianapolis and sent to the applicant at the address provided in the permit application.

If the permit is **denied**, a letter stating the reason for the denial will be sent to the applicant from the INDOT organization that is responsible for the denial (either the applicable INDOT District or Central Office Permit Section). This notification will include an explanation of the applicant's rights to appeal the denial of permit.

ON-PREMISE SIGNS

Signs that indicate the name of the business, activities or profession conducted on the property or which identify *solely* those goods produces, items sold or services rendered on the property; or a Sign promoting the sale or lease of the property on which it is located do **not** require a permit.

DIRECTIONAL SIGNS OR OFFICIAL SIGNS AND NOTICES

All Directional and official Signs along the Interstate and Federal-Aid Primary highways must have the approval of INDOT before being installed.

Persons interested in erecting directional or official Signs should contact their nearest INDOT District Office (see maps and contact information in Appendices A, B, and C). Owners of Signs which meet the criteria for a directional Sign or official Signs or notices must fill out and submit an application for their Signs but will not be required to submit a fee. INDOT will issue written approval letters for each directional Sign or official Sign which meets the requirements and submits the application form.

The zoning information under item numbers 7 thru 11 on the application form does not need to be completed for directional or official Signs.

ALL OTHER OUTDOOR ADVERTISING SIGNS

No person or company shall construct, maintain, Erect, cause or allow to be constructed, or Erected an Advertising Sign, display or device along an Indiana Control Route (see Appendix F) without first obtaining a permit from INDOT.

The following instructions are provided to help in completing the permit application (*This guidance will also help facilitate completion of the on-line application*):

Check appropriate box at top of form.

Ownership Data

Item # 1 – Name and Address of Sign Owner/Applicant

The Sign owner/applicant is the person, partnership, company, corporation, association, or agency who will own the Sign. The applicant should enter their name and complete address here. If there is a representative from the Sign company who could provide information about the Sign, please supply this name along with telephone number and email address (if available).

Item # 2 – Name and Address of Owner of Property

The name and complete address of the person, partnership, company, corporation, association, or agency who owns the property on which the Sign structure will be placed should be listed here. Please include phone number and email address (if available).

Sign Location Data

NOTE: Estimated Erection date of proposed Signs *must be filled in* for permit to be issued. Additionally, proposed Signs must be staked at the *time of application*.

Item # 3 – Type and name of Highway

Check the box in front of “**Interstate**”, “**US**”, or “**SR**” to indicate the type of highway from which the Sign will be visible. If the Sign will not be visible from a highway that falls under one of these three categories, then INDOT does not require a permit application for this location. Maps showing the Interstates and Federal-Aid Primary highways of Indiana are attached in Appendix B. The Interstates and Federal-Aid Primary highways on these maps have been darkened in.

The number and designation of the highway from which the Sign will be visible should be provided in the space marked “**Highway #**” (*EXAMPLE: I-69, SR-3, or US-231*).

Item # 4 – Side of Highway and Direction of Travel

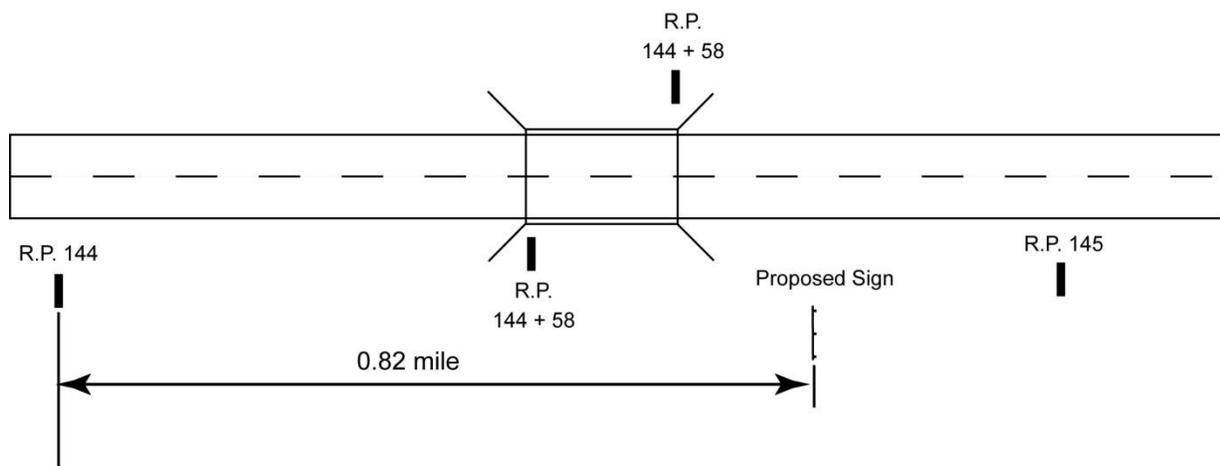
Circle the **Direction** (N=North, S=South, E=East, W=West) of the Sign in relation to the direction of travel along the highway.

All odd-numbered highways (I-65, SR-63, etc.) travel in the north/south direction and the Signs will either be on the east or west side of the highway.

All even-numbered highways (I-70, SR-114, etc.) travel in an east/west direction and the Sign will either be on the south or north side of the highway.

Item # 5 – Between Reference Sign / Mile Marker Location

Mile Markers are the small green Signs placed along the Interstate System at approximately 1-mile increments. Reference Signs with the blue background are used on all other roadways. The applicant should locate the two reference Signs or mile markers that their Sign will be between. The Signs used **should not** be one of the Signs used for referencing a bridge (i.e. R.P. 144+58). List the two Sign numbers. Then give the distance in miles from the smaller-numbered reference post or mile marker. This distance should be to the nearest tenth of a mile (unless you have a calibrated odometer at which time you may provide distance to the nearest hundredth of a mile) and be measured along the roadway in the same manner as the distance is measured between two advertising Signs. A sketch of the proposed site and its relation to the highway and mile markers must be included. See the example in Figure 10 below.



Between reference sign/mile markers 144 & 145, 0.82 miles from reference post 144.

Figure 10.

Item # 6 – Location Description

Ensure that you provide the County Name.

Estimated Feet to Nearest Sign

Give the distance in feet to the nearest outdoor advertising Sign. ***Do not*** measure from any on-premise, directional, or “For Sale” Signs.

Feet from Right-of-Way Line of Highway Checked in Item # 3

Specify the distance (in feet) from Right-of-Way Line (***MUST*** be less than 660 feet).

Estimated Distance to Nearest Intersection / Ramp

Give the distance in feet and the direction from the nearest road, intersection, overpass, underpass, or ramp (EXAMPLE: 550 feet East of the River road overpass). [1 mile = 5,280 feet]

Items # 7 through 11 – Zoning Questions

Check the box of the appropriate answer to **Items 7** and **8**.

Sign in Unzoned Area

If the Sign will be in an un-zoned commercial or industrial area, the business or activity that would qualify the area must be provided.

Sign in Zoned Area

If the Sign has been issued a permit by a city or county authority, enter the permit number in the space provided. Also, enter the primary and secondary (if applicable) zoning of the land where the Sign will be placed. A line is available for explaining the zoning (EXAMPLE – “*Primary Zoning: C-1, Explain Zoning Classification: Commercial District 1*”). ***Ensure that you attach Zoning Affidavit and Local Building Permit. An application received without such documentation may not be approved by INDOT.***

Sign Within city Limits

Check the box if the Sign is within the city limits and *specify the NAME of the controlling municipality.*

Sign Description

The dimensions of the Sign should be given in this area. Figure 11 below shows the dimensional data needed.

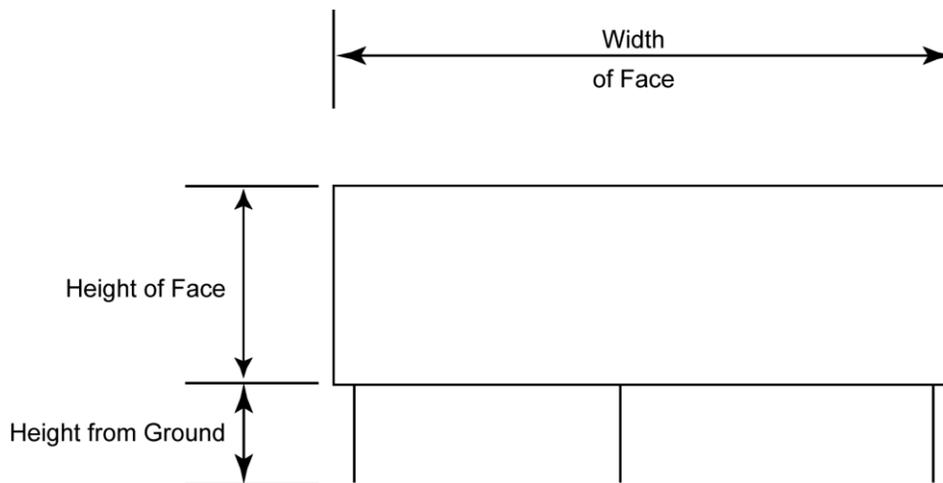


Figure 11.

Item # 12 – **Estimated Height** (measured in feet from ground to highest point = *Height of Face + Height from Ground*)

Item # 13 – **Sign Excluding Border** (Insert both the Height and Width of Face. The *area* of the Sign is calculated by multiplying the *width of the face* by the *height of the face.*)

Item # 14 – **Sign Type**

A check should be placed in front of the box that describes the type of Sign. If more than one description is true, more than one box may be checked.

Item # 15 – **Number of Supports**

Insert the number of vertical supports that will be used for the Sign.

Check the box before the type of material that will be used for the supports.

Item # 16 – Illumination

Check the appropriate box to indicate if lights will be used to illuminate the Sign.

Item # 17

Check the appropriate box.

Finalizing the Application

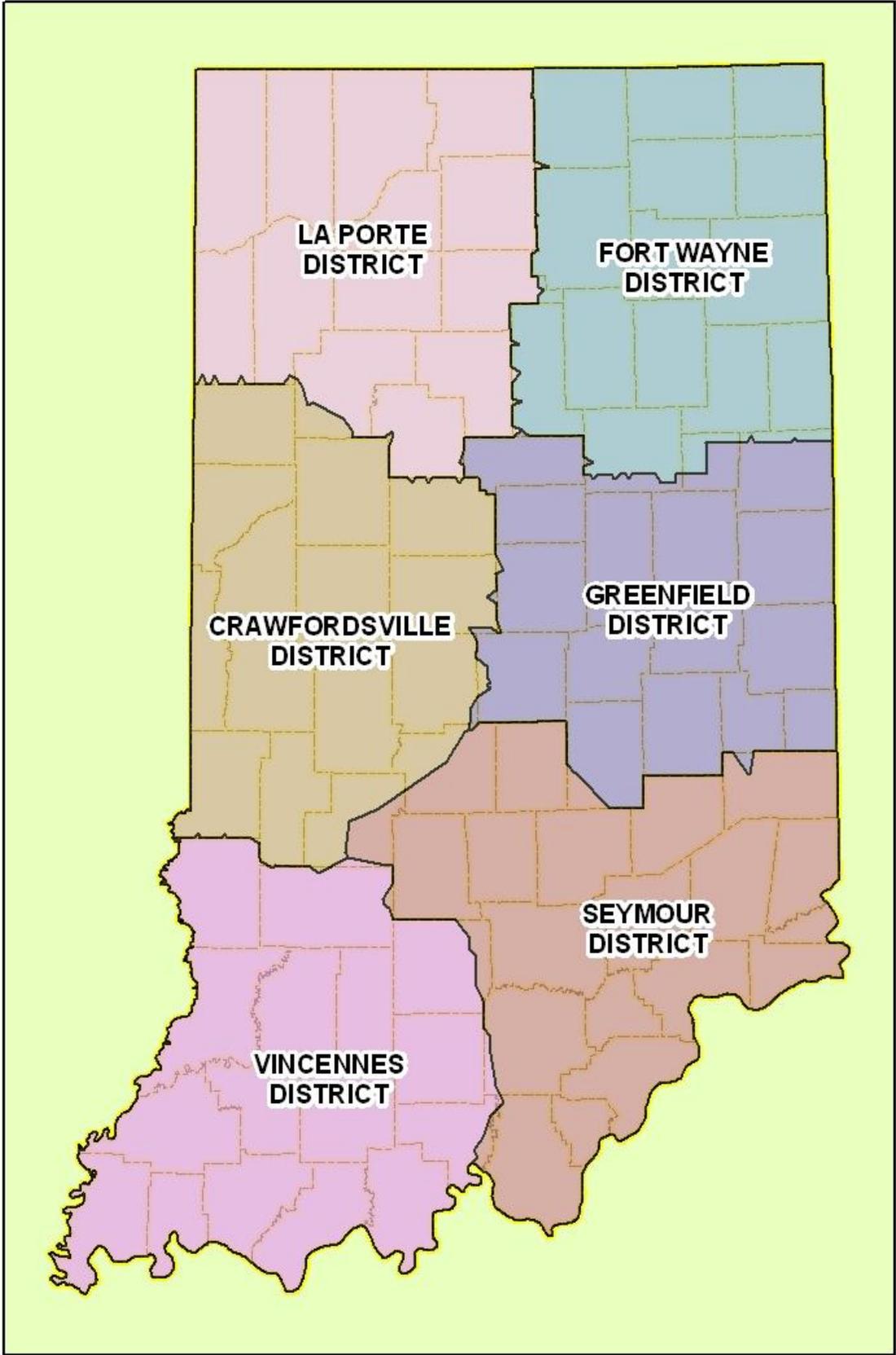
Once the application has been filled out completely, the Sign owner must Sign and date the application form verifying that all the information given is correct. *An application form received at the Permit Section of the applicable INDOT District Office unsigned will not be processed and the \$25.00 application fee will not be refunded.*

Additional Questions

If you have any additional questions, please call the Permit Section of the applicable INDOT district (see Appendix C).

APPENDIX A

(District Boundary Map)



APPENDIX B

Indiana Control Routes
- by District -

NOTE:

Currently being revised in accordance with MAP-21

Refer to the Internet address for updated routes:

<http://www.in.gov/indot/2782.htm>

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APPENDIX C

(Locations and Phone Numbers for District Offices)

APPENDIX C

District Contact Information

Crawfordsville District

Contact: Gary Bowser, Permit Manager
41 W. 300 North
Crawfordsville, IN 47933
765-361-5249

Ft. Wayne District

Contact: Mack Hosack, Permit Manager
5333 Hatfield Road
Ft. Wayne, IN 46808
260-969-8254

Greenfield District

Contact: Shelley R. Haney, Permit Manager
32 S. Broadway St.
Greenfield, IN 46140
317-467-3492

Laporte District

Contact: Derek Oswald, Permit Manager
315 E Boyd Blvd
Laporte, IN 46350
219-325-7523

Seymour District

Contact: Devin Maynard, Permit Manager
185 Agrico Lane
Seymour, IN 47274
812-752-2616

Vincennes District

Contact: Randy Archer, Permit Manager
3650 South US Hwy 41
Vincennes, IN 47591
812-895-7383

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APPENDIX D

(State Law Pertaining to Outdoor Advertising)

**TITLE 8
UTILITIES AND TRANSPORTATION**

ARTICLE 23, INDIANA DEPARTMENT OF TRANSPORTATION

**Chapter 20
Regulation of Billboards and Junkyards**

IC 8-23-20-1

Agreements with United States Secretary of Commerce

Sec. 1.

(a) The department and the United States Secretary of Commerce shall enter into agreements under 23 U.S.C. concerning the regulation of billboards, signs, junkyards, and scrap metal processing areas in areas adjacent to the interstate and primary highway systems. The agreements must conform to the provisions of 23 U.S.C. to ensure that federal funds to Indiana are continued.

(b) An agreement between the state and the United States Secretary of Commerce entered into under 23 U.S.C. 131 must contain the definition of "unzoned commercial or industrial area" found in IC 8-23-1-43. If the state has received from the Secretary a formal notice of a proposed determination to withhold funds from the state because of an asserted unacceptability of the definition, the governor shall modify the definition. The modification may be made during a hearing on the notice held by the Secretary under 23 U.S.C. 131, or, if as a matter of law the Secretary decides to withhold funds prior to a hearing, the governor:

(1) may modify the definition before a hearing; and

(2) shall request a hearing under 23 U.S.C. 131.

As added by P.L.18-1990, SEC.229.

IC 8-23-20-2

Form of agreements; negotiation

Sec. 2.

The regulatory standards set forth in an agreement described in section 1(a) of this chapter must be consistent with customary use in Indiana. The agreement must be in a form that is in the best interests of the state and may be of a duration and subject to terms and provisions for modification that the governor considers advisable. In negotiating the agreement, the governor shall consider the following factors:

(1) The actual availability of federal funds.

- (2) The imminence of a sanction against the state for a violation of 23 U.S.C. 131.
- (3) The enactment of an amendment to 23 U.S.C. 131 or the regulations promulgated under 23 U.S.C. 131, or the possibility of an amendment.

- (4) The scope of an agreement entered into by another state with the Secretary under 23 U.S.C. 131.

As added by P.L.18-1990, SEC.229.

IC 8-23-20-3

Determination of legality of Secretary's actions

Sec. 3.

The attorney general shall institute proceedings under 23 U.S.C. 131 to obtain a judicial determination of the legality of the determination of the United States Secretary of Commerce if the Secretary makes a final determination to:

- (1) withhold funds from Indiana;
- (2) fail to agree with Indiana as to the size, lighting, and spacing of signs; or
- (3) fail to agree with Indiana as to unzoned commercial or industrial areas in which signs may be erected and maintained.

As added by P.L.18-1990, SEC.229.

IC 8-23-20-4

Signs in adjacent areas; standards

Sec. 4.

Signs located in an adjacent area must conform to the standards of size, lighting, and spacing set forth in rules adopted by the department under the provisions of an agreement under section 1 of this chapter.

As added by P.L.18-1990, SEC.229.

IC 8-23-20-5

Signs in unzoned and zoned commercial and industrial areas

Sec. 5.

Signs located in unzoned commercial or industrial areas and zoned commercial or industrial areas must conform to the standards of size, lighting, and spacing set forth in rules adopted by the department under the provisions of an agreement under section 1 of this chapter.

As added by P.L.18-1990, SEC.229.

IC 8-23-20-6
Prohibited signs

Sec. 6.

The following signs may not be erected or maintained in an adjacent area:

- (1) Signs that are illegal under state statutes or rules.
- (2) Signs not securely affixed to a substantial structure.
- (3) Signs that attempt or appear to attempt to regulate, warn, or direct the movement of traffic or that interfere with, imitate, or resemble an official traffic sign, signal, or device.
- (4) Signs erected or maintained upon trees, or painted or drawn upon rocks or other natural features.
- (5) Signs that are not consistent with this chapter.

As added by P.L.18-1990, SEC.229.

IC 8-23-20-7
Authorized signs

Sec. 7.

The following signs may be erected outside of urban areas beyond six hundred and sixty (660) feet of the right-of-way visible from the traveled way of a highway on the interstate or primary system with the intent of a message being read from the traveled way:

- (1) Directional or official signs and notices.
- (2) Signs advertising the sale or lease of the property upon which the signs are located.
- (3) Signs indicating the name of the business, activities, or profession conducted on the property, or identifying the goods produced or sold, or services rendered on the property.

As added by P.L.18-1990, SEC.229.

IC 8-23-20-8
Directional signs within 200 feet of right-of-way

Sec. 8.

A person may not erect or maintain in the right-of-way of a highway in the state highway system, or within two hundred (200) feet of the right-of-way, a sign or device directing or indicating on

what highway or route a person should travel to reach a designated place or highway without the written consent of the department. The department may remove a sign or device erected or maintained in violation of this section.

As added by P.L.18-1990, SEC.229.

IC 8-23-20-9

Removal of previously existing non-conforming signs

Sec. 9.

(a) A sign lawfully erected in an adjacent area that does not conform to this chapter after June 30, 1968, is not required to be removed until the end of the fifth year after the sign becomes nonconforming.

(b) A sign located beyond six hundred sixty (660) feet of the right-of-way, visible from the traveled way of a highway on the interstate or primary system, that was lawfully erected before July 1, 1976, and does not conform to this chapter is not required to be removed until the end of the fifth year after the sign becomes nonconforming.

As added by P.L.18-1990, SEC.229.

IC 8-23-20-10

Acquisition of non-conforming signs

Sec. 10.

The department may acquire and shall pay just compensation for the removal of signs that do not conform to this chapter. A removal by the department or sign owner under this chapter constitutes a taking, and the owner shall be compensated under IC 32-11-1. Compensation shall be paid for the following:

(1) The taking from the owner of a sign of all rights, titles, and interests in the sign, and of the owner's leasehold or other interest in the land.

(2) The taking from the owner of the real property on which the sign is located and of the right to erect and maintain signs on the real property.

As added by P.L.18-1990, SEC.229.

IC 8-23-20-11

Payment of compensation

Sec. 11.

Compensation under section 10 of this chapter shall be paid to a person entitled to compensation upon the presentation to the department of information that the department requires. The claim for compensation must be filed within one hundred eighty (180) days after the removal is

completed. The state's share of the compensation shall be paid from funds appropriated under this section.

As added by P.L.18-1990, SEC.229.

IC 8-23-20-12

Compensation determination; civil actions

Sec. 12.

If a claimant under section 11 of this chapter and the department do not reach agreement on the amount of compensation to be paid within one hundred twenty (120) days after the claim is filed, the claimant may file a civil action to have the compensation determined. An action under this section shall be filed in a court of general jurisdiction in either the county where the sign and real property are located or in the county in which the claimant resides. The county of residence of a corporation shall be determined under the applicable statutes. An action under this section shall be filed not later than one (1) year after the filing with the department of a claim for compensation under section 10 of this chapter.

As added by P.L.18-1990, SEC.229.

IC 8-23-20-13

Enforcement of chapter

Sec. 13.

(a) The department shall enforce this chapter.

(b) When the department is notified by a governmental agency of a possible violation of this chapter, the department shall determine whether a violation exists. Whenever the department determines a violation exists, the department shall enter a resolution setting out the nature, extent, and location of the violation and refer the resolution to the attorney general.

As added by P.L.18-1990, SEC.229.

IC 8-23-20-14

Injunctions; criminal proceedings

Sec. 14.

Whenever the attorney general receives a resolution under section 13 of this chapter, the attorney general shall commence an action in a court having jurisdiction to enjoin the violation of this chapter. The attorney general may also request the prosecuting attorney of the judicial circuit in which the violation has occurred to institute criminal proceedings against the persons responsible for violation of this chapter. The prosecuting attorney shall institute criminal proceedings if requested to do so by the attorney general.

As added by P.L.18-1990, SEC.229.

IC 8-23-20-15

Zoning powers; limitations

Sec. 15.

(a) Subsection (c) does not apply to signs erected before March 15, 1986.

(b) A board, commission, council, governmental body, or political subdivision that has the legal authority to zone land has authority to zone areas for commercial or industrial purposes. Except as provided in subsection (c), a zoning action taken by a body described in this subsection may be taken under this chapter.

(c) A zoning action taken by a body described in subsection (a) will not be accepted under this chapter if the action is:

(1) not part of a comprehensive plan; and

(2) taken primarily to permit the erection of signs in an adjacent area that is outside an urban area and visible from the traveled way of a highway in the interstate or primary highway system.

As added by P.L.18-1990, SEC.229.

IC 8-23-20-16

Removal, taking, and appropriation of signs; limitations

Sec. 16.

(a) Subsection (b) does not apply to:

(1) actions taken by the department under this chapter; or

(2) the removal, taking, or appropriation of a sign, display, or device prohibited under section 6 of this chapter.

(b) Before an outdoor advertising sign, display, or device is removed, taken, or appropriated through the use of zoning or another power or authority of the state, a state agency, or political subdivision:

(1) the value of the sign, display, or device shall be determined by the taking authority without the use of an amortization schedule; and

(2) the owners of the sign, display, or device and of the real property upon which the sign, display, or device is situated must be paid full and just compensation for the taking.

As added by P.L.18-1990, SEC.229.

IC 8-23-20-17**Location of junkyards and scrap metal processing facilities**

Sec. 17.

A person may not establish, operate, or maintain a junkyard or scrap metal processing facility that is within one thousand (1,000) feet of the nearest edge of a right-of-way of an interstate or primary highway, unless the junkyard or facility conforms to one (1) of the following conditions:

- (1) It is screened by natural objects, plantings, fences, or other appropriate means so it is not visible from the main-traveled way of the system.
- (2) It is located within an area that is zoned for industrial use.
- (3) It is located within an unzoned industrial area.
- (3) It is not visible from the main-traveled way.

As added by P.L.18-1990, SEC.229.

IC 8-23-20-18**Screening of junkyards and scrap metal facilities**

Sec. 18.

The department shall, if feasible, place a screen on the highway right-of-way or an area acquired for the purpose between a highway and a junkyard or a scrap metal processing facility that is lawfully located within one thousand (1,000) feet of a highway in the interstate or primary system so that the junkyard or facility is not visible from the main-traveled way, unless the junkyard or facility is located in an industrial area.

As added by P.L.18-1990, SEC.229.

IC 8-23-20-19**Rules and regulations for screening and fencing**

Sec. 19.

The department shall adopt rules to govern the location, planting, construction, and maintenance of screens and fences required under this chapter.

As added by P.L.18-1990, SEC.229.

IC 8-23-20-20**Acquisition of junkyard or scrap metal processing facility property; relocation and removal costs.**

Sec. 20.

If the department determines that the topography of the land adjoining a highway in the interstate or primary system will not permit adequate screening of a junkyard or scrap metal processing facility, or that the screening of a junkyard or facility would not be economically feasible, the department may acquire the property on which the junkyard or facility stands by gift, purchase, exchange, or condemnation. The department may pay the costs of relocation, removal, or disposal of a junkyard or facility.

As added by P.L.18-1990, SEC.229.

IC 8-23-20-21**Powers of political subdivisions**

Sec. 21.

A political subdivision may enact and enforce requirements for junkyards and scrap metal processing facilities that are in addition to the requirements of this chapter.

As added by P.L.18-1990, SEC.229.

IC 8-23-20-22**Violations; notice**

Sec. 22.

(a) A person who violates section 4, 5, or 6 of this chapter commits a Class C infraction. Whenever the department discovers or is given written notice of a violation by a responsible government agency, the department shall give thirty (30) days notice, by certified mail, to the owner of the property upon which the violation exists. If the owner fails to act within thirty (30) days, then each day of maintenance of the violation beginning on the thirty-first day constitutes a separate offense.

(b) A person who violates section 7 of this chapter commits a Class C infraction.

(c) A person who violates section 8 of this chapter commits a Class B misdemeanor. Whenever the department discovers or is given written notice of a violation by a responsible government agency, the department shall give thirty (30) days notice, by certified mail, to the owner of the property upon which the violation exists. If the owner fails to act within thirty (30) days, then each day of maintenance of the violation beginning on the thirty-first day constitutes a separate offense.

As added by P.L.18-1990, SEC.229. Amended by P.L.1-1991, SEC.84.

IC 8-23-20-23**Federal aid; acceptance**

Sec. 23.

The department may accept an allotment of funds by the United States, or an agency of the United States, appropriated to carry out 23 U.S.C. 131. The department shall take any necessary action to obtain funds allotted under 23 U.S.C. 131 to receive reimbursement for the federal share of the just compensation paid to owners under sections 10 and 20 of this chapter.

As added by P.L.18-1990, SEC.229.

IC 8-23-20-24**Federal aid; appropriation**

Sec. 24.

The department may not acquire a sign, the real property upon which the sign is situated, a junkyard, or a scrap metal processing facility unless:

- (1) the acquisition costs are eligible for not less than seventy-five percent (75%) federal participation;
- (2) there are sufficient funds appropriated and immediately available to Indiana; and
- (3) the funds have been apportioned by the federal government and notice of the apportionment has been received by the state.

As added by P.L.18-1990, SEC.229.

IC 8-23-20-25**Advertising signs along federally regulated and interstate highways; permits; rules; registration of signs**

Sec. 25.

(a) The department shall institute a permit system to regulate the erection and maintenance of outdoor advertising signs along:

- (1) the interstate and primary system, as defined in 23 U.S.C. 131(t) on June 1, 1991; and
- (2) any other highways where control of outdoor advertising signs is required under 23 U.S.C. 131.

(b) Except as provided in subsections (c) and (g), a sign may not be erected, operated, used, or maintained in areas described in subsection (a) unless the owner of the sign has obtained a permit under this section.

(c) A permit is not required to erect, operate, use, or maintain the following signs:

- (1) Directional or official signs and notices.
- (2) Signs advertising the sale or lease of the property on which the sign is located.
- (3) Signs that primarily indicate:
 - (A) the name of the business, activity, or profession conducted;
 - (B) the types of goods produced or sold; or
 - (C) the services rendered; on the property on which the sign is located.

(d) Signs in existence on July 1, 1993, and subject to this section:

- (1) must comply with the registration system described in subsection (h); and
- (2) are subject to the permit requirement after the department has made the determination described in subsection (g).

(e) The department shall adopt rules under IC 4-22-2 to carry out this section. Rules adopted under this section may be no broader than necessary to implement 23 U.S.C. 131 and 23 CFR 750.

(f) In addition to the requirements of subsection (e), rules adopted under this section must provide the following:

- (1) A list of all roadways subject to the permit requirement.
- (2) A procedure to appeal adverse determinations of the department under IC 4-21.5, including provisions for judicial review under IC 4-21.5.
- (3) A one-time fee of one hundred dollars (\$100) per structure must accompany the permit application. A permit fee may not be charged to a sign that is subject to and complies with the registration system described in subsection (h).
- (4) That a permit may not be issued for a sign erected in an adjacent area after January 1, 1968, unless:
 - (A) the sign is erected in an area described in section 5 of this chapter; or
 - (B) the permit is a conditional permit issued under subdivision (6).

(5) That a permit may not be issued for a sign erected after June 30, 1976, outside of urban areas, beyond six hundred sixty (660) feet of the right-of-way, visible from the traveled way, and erected with the purpose of a message being read from the traveled way, unless:

(A) the sign is erected in an area described in section 5 of this chapter; or

(B) the permit is a conditional permit issued under subdivision (6).

(6) For the issuance of a conditional permit for a nonconforming sign that has not been acquired under section 10 of this chapter. A conditional permit issued under this subdivision may be revoked if the department subsequently acquires the sign.

(7) That the department is granted the right to enter the real property on which a sign for which a permit under this section has been applied for or issued to perform reasonable examinations and surveys necessary to administer the permit system.

(8) The department may revoke any permit when it is found that the permittee has provided false or misleading information and that such a finding may be cause to subsequently refuse to issue a permit.

(9) Any other provisions necessary to:

(A) administer this section; or

(B) avoid sanctions under 23 U.S.C. 131.

(g) A sign that is subject to and complies with the registration system described in subsection (h) may not be declared unlawful until the later of the following:

(1) The department has made a determination of permit eligibility under this section.

(2) December 31, 1993.

(h) A separate application for registration must be submitted to the department for each structure defined in subsection (d) and must:

(1) be on a form furnished by the department;

(2) signed by the applicant or an individual authorized in writing to sign for the applicant;

(3) provide information concerning the size, shape, and nature of the advertising sign, display, or device;

(4) provide the sign's actual location with sufficient accuracy to enable the department to locate the sign; and

(5) include a one-time registration fee of twenty-five dollars (\$25).

(i) A sign that is not registered before January 1, 1994, is a public nuisance subject to section 26 of this chapter.

(j) Each registrant shall fasten to each advertising sign or device a label or marker provided by the department that must be plainly visible from the traveled way.

As added by P.L.112-1993, SEC.1.

IC 8-23-20-25.5

Changeable message signs; rules; permits; erection; compliance

Sec. 25.5

(a) The department may adopt rules under IC 4-22-2 that provide for the issuance of a permit for a changeable message sign erected, operated, used, or maintained in areas described in section 25(a) of this chapter.

(b) A permit authorized by this section may not otherwise violate state or federal law or local ordinances or regulations.

(c) Until the department adopts rules under this section, a person may erect, operate, or use a changeable message sign in an area described in section 25(a) of this chapter, subject to any other requirements of state or federal law or local ordinances or regulations.

(d) This subsection applies to a changeable message sign erected after the owner or operator receives a permit from the department. Notwithstanding any rules adopted by the department after the issuance of the permit, a changeable message sign that is in compliance with the rules in effect at the time a permit is granted for the changeable message sign is considered to be in compliance with the department's rules.

As added by P.L.66-2007, SEC.5.

IC 8-23-20-26

Signs in violation of chapter; public nuisance; notice; remedies

Sec. 26.

(a) A sign that is in violation of this chapter or rules adopted under this chapter is a public nuisance.

(b) If the department determines that a public nuisance exists, the department shall give notice under subsection (c) to:

- (1) the owner of the property on which the public nuisance is located; and
- (2) the owner of the public nuisance, if the owner of the public nuisance can be determined by reasonable inquiry.

(c) The department shall give notice of the determination under IC 4-21.5-3-6. The notice must include the following information:

- (1) The name and address of the owner of the property or the owner of the sign.
- (2) A description of the sign, including its location, that has been determined to be a public nuisance under this section.
- (3) That the sign has been determined to be a public nuisance and the reasons for the determination.
- (4) That the person receiving the notice has thirty (30) days after the date on which the notice was sent to:
 - (A) remove the sign from the property on which the sign is located; or
 - (B) file a petition for review under IC 4-21.5.
- (5) That if after thirty (30) days the sign has not been removed or a petition for review has not been filed, the department will remove the sign or cause the sign to be removed.
- (6) That if the department removes the sign or causes the sign to be removed, the person receiving notice will be charged the cost of the removal of the sign, including all administrative costs, and a lien will be imposed on the property under subsection (e).
- (7) Any other information the department determines to be necessary.

(d) To qualify for judicial review under IC 4-21.5-5 of a final agency action taken under this section, the person filing the petition for review must post a bond of five thousand dollars (\$5,000) with the clerk of the court in which the petition for review is filed. If the court determines that the request for review was:

- (1) frivolous;
- (2) in bad faith; or
- (3) taken for the primary purpose of delaying the removal of a sign that is in violation of this chapter; the bond shall be forfeited to the state highway fund.

(e) If after:

(1) thirty (30) days following the date on which the notice was sent under subsection (c):
(A) a petition for review of the determination has not been filed; and

(B) the sign that is determined to be a public nuisance has not been removed; or

(2) a petition for review has been filed, a final determination that the sign is a public nuisance has been made, and the sign that is determined to be a public nuisance has not been removed; the department shall enter the property and remove the public nuisance or cause the public nuisance to be removed. The department shall bill the owner of the property on which a sign that is determined to be a public nuisance is located for the cost of the removal. If the bill remains unpaid for at least thirty (30) days following the date on which the bill was issued, the department shall file the bill with the clerk of the circuit court of the county in which the property is located. The clerk shall immediately enter the bill on the judgment docket against the owner of the property as a lien against the property. The lien may be foreclosed in the same manner as other judgment liens, without relief from valuation or appraisal laws or right of redemption. Each owner of the property on which a sign that is determined to be a public nuisance is located is jointly and severally liable for the costs of the removal of the sign under this subsection.

(e) A lease or other contract for the display of a sign that is determined to be a public nuisance under this section is against public policy and may not be enforced. An owner from whom the costs of removing a sign that is determined to be a public nuisance are collected under subsection (e) is entitled to contribution from any other owners of the property.

As added by P.L.112-1993, SEC.2.

**TITLE 9
MOTOR VEHICLES**

ARTICLE 21. TRAFFIC REGULATION

**CHAPTER 4
TRAFFIC CONTROL DEVICES**

IC 9-21-4-4

Unauthorized traffic control devices; prohibition

Sec. 4.

A person may not place, maintain, or display upon or in view of a highway an unauthorized sign, signal, marking, or device that:

- (1) purports to be, is an imitation of, or resembles an official traffic control device or a railroad sign or signal;
- (2) attempts to direct the movement of traffic; or
- (3) hides from view or interferes with the effectiveness of an official traffic control device or a railroad sign or signal.

As added by P.L.2-1991, SEC.9.

IC 9-21-4-5

Commercial advertising; placement on traffic control devices; prohibition; exceptions; tourist attraction signage; lights maintained on private property; restrictions

Sec. 5.

- (a) Except as provided in subsection (b), a person may not place or maintain upon a highway a traffic sign or signal bearing commercial advertising. A public authority may not permit the placement of a traffic sign or signal that bears a commercial message.
- (b) Under criteria to be jointly established by the Indiana department of transportation and the office of tourism development, the Indiana department of transportation may authorize the posting of any of the following:
 - (1) Limited tourist attraction signage.
 - (2) Business signs on specific information panels on the interstate system of highways and other freeways.All costs of manufacturing, installation, and maintenance to the Indiana department of transportation for a business sign posted under this subsection shall be paid by the business.
- (c) Criteria established under subsection (b) for tourist attraction signage must include a category for a tourist attraction that:
 - (1) is a trademarked destination brand; and
 - (2) encompasses buildings, structures, sites, or other facilities that are:

(A) listed on the National Register of Historic Places established under 16 U.S.C. 470 et seq.; or

(B) listed on the register of Indiana historic sites and historic structures established under IC 14-21-1; regardless of the distance of the tourist attraction from the highway on which the tourist attraction signage is placed.

(d) A person may not place, maintain, or display a flashing, a rotating, or an alternating light, beacon, or other lighted device that:

(1) is visible from a highway; and

(2) may be mistaken for or confused with a traffic control device or for an authorized warning device on an emergency vehicle.

(e) This section does not prohibit the erection, upon private property adjacent to highways, of signs giving useful directional information and of a type that cannot be mistaken for official signs.

As added by P.L.2-1991, SEC.9. Amended by P.L.229-2005, SEC.8; P.L.30-2007, SEC.1.

IC 9-21-4-6

Advertising signs, signals, and devices; placement on or over roadway; prohibition; removal

Sec. 6.

(a) A person may not place, maintain, or display an advertising sign, signal, or device on or over the roadway of a highway.

(b) A person may not place, maintain, or display an advertising sign, signal, or device on a highway in a city between the curb and sidewalk. If the curb and sidewalk join, a person may not place, maintain, or display on the sidewalk an advertising sign, signal, or device closer than ten (10) feet from the curb line. Overhanging signs may not overhang the curb.

(c) A person may not place, maintain, or display an advertising sign or device of any character within one hundred (100) feet of a highway outside the corporate limits of an incorporated city or town that obstructs the view of:

(1) the highway; or

(2) an intersecting highway, street, alley, or private driveway;

of a person traveling the highway for a distance of five hundred (500) feet or less from the sign or device as the person approaches the highway or intersecting highway.

(d) A person may not place, maintain, or display an advertising sign or a device of a permanent or semipermanent character on a highway right-of-way.

(e) Each sign, signal, or marking prohibited under this section is declared to be a public nuisance. The authority having jurisdiction over the highway may remove or cause to be removed the prohibited sign, signal, or marking without notice.

As added by P.L.2-1991, SEC.9.

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APPENDIX E

(Agreement for Control of Outdoor Advertising)

AGREEMENT FOR CONTROL OF OUTDOOR ADVERTISING

Agreement between the State of Indiana and the United States of America concerning the Control of Outdoor Advertising in Areas Adjacent to the Interstate and Federal-Aid Primary System was signed by Governor Whitcomb, and Secretary of Transportation Volpe on August 4, 1971. The following is the text of the Agreement.

INDIANA

Agreement for Carrying Out National Policy Relative to Control of Outdoor Advertising in Areas Adjacent to the National System of Interstate and Defense Highways and the Federal-Aid Primary System.

This agreement made and entered into this 4th day of August 1971, by and between the United States of America represented by the Secretary of Transportation, hereinafter referred to as the Secretary, and the State of Indiana, represented by the Governor, hereinafter referred to as the State. Witnesseth:

Whereas, Congress has declared that outdoor advertising in areas adjacent to the Interstate and Federal Primary System should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty; and

Whereas, Section 131(d) of Title 23, United States Code, provides for agreement between the Secretary and the several States to determine the size, lighting, and spacing or signs, displays, and devices, consistent with customary use, which may be erected and maintained within 660 feet of the nearest edge of the right-of-way within areas adjacent to the Interstate and Federal-Aid Primary Systems which are zoned commercial or industrial areas, under authority of State law or in unzoned commercial or industrial areas, also to be determined by agreement, and where no bona fide State, County, or local zoning authority has made and determination of customary use; and

Whereas, IC 1971, 8-12-2 authorizes the Governor of the State of Indiana to enter into an agreement with the Secretary with respect to the regulation and control of outdoor advertising; and

Whereas, the purpose of said agreement is to promote the reasonable, orderly, and effective display of outdoor advertising while remaining consistent with the national policy to protect the public investment in the Interstate and Primary highways, to promote the safety and recreational value of public travel, and to preserve natural beauty; and

Whereas, the State of Indiana elects to implement and carry out the provisions of Section 131 of Title 23, United States Code, and the national policy in order to remain eligible to receive

the full amount of all Federal-Aid highway funds to be apportioned to such State on or after January 1, 1968, under Section 104 of Title 23, United States Code.

Now therefore, the parties hereto do mutually agree as follows:

I. DEFINITIONS

- A. "Act" means Section 131 of Title 23, United States Code, as amended, commonly referred to as Title I of the Highway Beautification Act of 1965, as amended.
- B. "Commercial or industrial activities" means, for purposes of establishing unzoned commercial or industrial areas, those activities generally recognized as commercial or industrial by zoning authorities in the State, but excludes the following activities:
 - 1. Outdoor advertising structures.
 - 2. Agricultural forestry, ranching, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands.
 - 3. Transient or temporary activities.
 - 4. Activities not visible from the main-traveled way.
 - 5. Activities more than 660 feet from the nearest edge of the right-of-way.
 - 6. Activities conducted in a building principally used as a residence.
 - 7. Railroad tracks and minor sidings.
- C. "Zoned commercial or industrial areas" means those areas which are zoned for business, industry, commerce, or trade pursuant to a State or local zoning ordinance or regulation.
- D. "Unzoned commercial or industrial areas" means those areas which are not zoned by State or local law, regulation, or ordinance, and on which there is located one or more permanent structures devoted to a commercial or industrial activity or on which a commercial or industrial activity is actually conducted, whether or not a permanent structure is located thereon, and the area along the highway extending outward 600 feet from and beyond the edge of such activity on both sides of the highway. Provided however, the unzoned area shall not include land on the opposite side of an Interstate or dual-laned limited access Primary highway from the commercial or industrial activity establishing the unzoned commercial or industrial area or land on the opposite side of

other Federal-Aid Primary highways which land is deemed scenic by an appropriate agency of the State.

All measurement shall be from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activities, not from the property lines of the activities, and shall be along or parallel to the edge of pavement of the highway. Such an area shall not include any area which is:

1. Within 300 feet of any building used primarily as a residence, unless the owner of the building consents in writing to that particular commercial use or uses to be made of such lands;
 2. Within 500 feet of any of the following: public park garden recreation area or forest preserve, church, school, and officially designated historical battlefield, any museum or historical monument and any safety rest or recreation area, publicly owned, controlled, and maintained pursuant to Section 319 of Title 23 of the United States Code, any sanitary or other facility for the accommodation of the motorist, publicly owned, controlled, and maintained pursuant to Section 319 of Title 23 of the United States Code; or
 3. Within 750 feet of any strip of land, an interest in which has been acquired by this State for the restoration, preservation, or enhancement of scenic beauty, and which is publicly controlled and maintained, pursuant to Section 319 of Title 23 of the United States Code.
- E. "Local zoning authority" means a county or municipality authorized by law to zone areas under their respective jurisdiction which has an active zoning authority, as defined and certified by the Planning Division of the Department of Commerce of the State of Indiana.
- F. "Sign" means any outdoor sign, display, device, notice, bulletin, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is located within an adjacent area and is visible from any place on the main-traveled way of any portion of an Interstate or Primary highway.
- G. "Traveled way" means the portion of the roadway for the movement of vehicles exclusive of shoulders and auxiliary lanes.
- H. "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or normal maintenance or repair of a sign structure.

- I. “Safety rest area” means an area or site established and maintained within or adjacent to the highway right-of-way by or under public supervision or control, for the convenience of the traveling public.
- J. “Information center” means an area or site established and maintained at safety rest areas for the purpose of informing the public of places of interest within the State and providing such other information as the Indiana State Highway Commission may consider desirable.
- K. “Main-traveled way” means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas.
- L. “Visible” means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

II. SCOPE OF AGREEMENT

This agreement shall apply to all zoned and unzoned commercial and industrial areas within 660 feet of the nearest edge of the right-of-way or the Interstate and Federal-Aid Primary Systems, in which outdoor advertising signs, displays, and devices may be visible from the main-traveled way of either or both of said systems.

III. STATE CONTROL

The State hereby agrees that, in all areas within the scope of this Agreement, the State shall effectively control, or cause to be controlled, the erection and maintenance of outdoor advertising signs, displays, and devices erected subsequent to the effective date of this Agreement, other than those advertising the sale or lease of the property on which they are located, or activities conducted thereon, in accordance with the following:

- A. In zoned commercial and industrial areas, the State may notify the Secretary as notice of effective control that there has been established within such areas comprehensive zoning which regulates the size, lighting, and spacing of outdoor advertising signs consistent with the intent of the Act and with customary use.
- B. In all other zoned and unzoned commercial and industrial areas, within the scope of this agreement, the criteria set forth below shall apply.

Size of Signs

1. The maximum area for any one sign shall be 1,000 square feet and the maximum height of 25 feet and maximum length of 60 feet, exclusive of any border, trim, ornamental base, apron, supports, embellishments, and other structural members, if the exclusions do not exceed 20 percent of the sign area.
2. The area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof which will encompass the area affected.
3. A sign structure may contain one or two advertisements per facing, not to exceed the maximum area as defined in paragraph 1 above.
4. Double-faced structures will be permitted with the maximum area being allowed for each facing.

Spacing of Signs

1. On the Interstate System and limited access facilities on the Federal-Aid Primary System:
 - a. After the effective date of this agreement no sign structure shall be erected within 500 feet of another structure on the same side of the highway.
 - b. Outside incorporated municipalities, no structure erected after the effective date of this agreement may be located adjacent to or within 500 feet of an interchange, intersection at grade, or rest area, said 500 feet to be measured along the Interstate or limited access Primary highway from the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way
2. On other routes on the Federal-Aid Primary System:
 - a. Outside of incorporated municipalities, no sign structure shall be erected after the effective date of the Agreement within 300 feet of another sign structure on the same side of the highway.
 - b. Inside incorporated municipalities, no sign structure shall be erected after the effective date of this Agreement within 100 feet of another sign structure on the same side of the highway.
3. a. The spacing-between-sign structure rules in paragraphs 1 and 2 shall not apply to sign structures separated by a building or other obstruction in such a manner that only one sign structure is visible from any point on the highway at any one time.

b. Official and “on premise” signs as defined in Section 131(c) of the Act shall not be counted nor shall measurements be made from them for the purposes of determining compliance with spacing requirements.

c. The minimum distance between signs shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway.

Lighting

Signs may be illuminated, subject to the following restrictions:

1. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather, or similar information.
2. Signs which are not effectively shielded to prevent beams or rays of light from being directed at any portion of the traveled ways of the Interstate or Federal-Aid Primary highway, and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver’s operation of a motor vehicle, are prohibited.
3. No sign shall be so illuminated as to obscure or interfere with the effectiveness of an official traffic sign, device, or signal.
4. All other Indiana laws relating to lighting of signs presently applicable to highways under the jurisdiction of the State of Indiana shall be applicable to signs subject to this Agreement.
5. The State and local political subdivisions shall have full authority under their own zoning laws to zone areas for commercial or industrial activities and the action of the State and local political subdivisions in this regard will be accepted for the purposes of this Agreement. At any time that a political subdivision adopts comprehensive zoning which includes the regulation of outdoor advertising in industrial or commercial areas, control will be subject to subsection A of this section.

IV. INTERPRETATION

The provisions contained herein shall constitute the minimum acceptable standards for effective control of signs, displays, and devices within the scope of this Agreement.

Nothing contained herein shall be construed to abrogate or prohibit the State or units of local government from exercising a greater degree of control of outdoor advertising than that required

or contemplated by the Act or from adopting standards which are more restrictive than those in this Agreement.

In the event that the Act is amended, the parties reserve the right to renegotiate this Agreement or to modify it to conform to the amendment.

V. SEPARABILITY

If any provision, clause, sentence or section of this Agreement shall be held void, unconstitutional, or in violation of any existing State statute, all the remaining provisions, clauses, sentences or sections which are not expressly held to be void, unconstitutional, or in violation of any State statute shall be deemed valid and shall continue in full force and effect.

This Agreement shall become effective sixty days after the date of execution.

IN WITNESS WHEREOF THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT AS OF THE FOURTH DAY OF AUGUST 1971.

s/Edgar D. Whitcomb

Edgar D. Whitcomb
Governor of Indiana

APPROVED AS TO LEGALITY AND FORM

August 4, 1971

s/John A. Volpe

John A. Volpe
Secretary
Department of Transportation

s/Sheldon A. Breskow

Deputy Attorney General

APPENDIX F

(Promulgated Rules Affecting Outdoor Advertising)

PROMULGATED RULES

Indiana Administrative Code

TITLE 105 INDIANA DEPARTMENT OF TRANSPORTATION

ARTICLE 7. PERMITS FOR HIGHWAYS

NOTE: Department of Highways was transferred to Indiana Department of Transportation. Whenever in any promulgated rule text there appears a reference to Department of Highways, substitute Indiana Department of Transportation.

Rule 3. Signs and Billboards

105 IAC 7-3-1 Permit required for each sign structure; applications; refusal of permits; change of advertising copy; revocation

Authority: IC 8-23-2-6; IC 8-23-20-25

Affected: IC 4-21.5; IC 8-23-20

Sec. 1.

(a) Except as otherwise provided in this rule, no person shall construct, maintain, erect, cause or allow to be constructed or erected any advertising sign, display, or device without first obtaining a permit therefore from the department and paying applicable fees as established in section 3 of this rule.

(b) A separate application for a permit shall be made for each sign structure or proposed sign structure on a form furnished by the department. The application shall be signed by the applicant, or a representative duly authorized in writing to act for the applicant, and shall describe and set forth the size, shape, and the nature of the proposed sign structure and its actual or proposed location with sufficient accuracy to enable the department to locate and identify it. The denial of a permit by the department shall be accompanied by an order served on the applicant by certified mail, return receipt requested. Such order shall include a clear statement of the rationale upon which the denial was based. If the permit is denied, the person applying for the permit shall be afforded the opportunity to request a hearing under to *[sic.]* IC 4-21.5 and IC 8-23-20. The application shall contain a certification of truthfulness, under penalties of perjury for all information contained therein.

(c) The holder of a permit or its authorized agent shall have the right to change the advertising copy on the structure or sign for which it was issued without payment of any additional fee.

(d) The department shall have authority, after thirty (30) days notice in writing to the permittee, to enter an order revoking any permit issued under this rule in any case where the application for the permit contains false or misleading information or where the permittee has violated any of the provisions of this rule.

(e) The issuance of the permit shall in no way imply department approval of or be intended to influence any action pending before a local board, commission, or agency.

(f) The department may subsequently refuse to issue a permit to an applicant that is found to have intentionally provided false information on a previous permit application within the previous two (2) years.

(Indiana Department of Transportation; 105 IAC 7-3-1; filed Apr 28, 1994, 9:30 a.m.: 17 IR 2042; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA)

105 IAC 7-3-1.5 Changeable message signs

Authority: IC 8-23-2-6; IC 9-21-19-2

Affected: IC 8-23-2-6

Sec. 1.5.

(a) A permit holder shall not convert a conforming sign to a changeable sign without the approval of the department. Approval may be sought by filing an application under section 7.5 of this rule.

(b) Only a conforming sign structure may be converted to a changeable message sign upon approval from the department. A nonconforming sign structure may not be modified to a changeable message sign under any circumstances.

(c) A changeable message sign shall only be constructed as one (1) of the following:

(1) A single face sign.

(2) A "V"- shaped structure.

(3) A back to back structure.

A stacked or side by side sign is not allowed under this section.

(d) The permit holder shall provide the department with a contact person and phone number for every permitted changeable message sign. The contact person must have the ability and authority to make modifications to the display and lighting levels should the need arise. The department may direct the permit holder to disable the changeable message sign:

(1) in cases of emergency; or

(2) when the contact is not responsive within a reasonable period of time.

(e) If the department determines that the changeable message sign:

- (1) impairs the vision of the driver of any motor vehicle; or
- (2) otherwise interferes with the operation of a motor vehicle;

then upon request from the department the permit holder of the changeable message sign shall take appropriate corrective action within twelve (12) hours. Failure to remedy the problem within twelve (12) hours may be cause for revocation of the permit under section 8 of this rule.

(f) A changeable message sign shall contain a default design that will freeze the sign in a dark or blank position if a malfunction occurs.

(g) No changeable message sign shall be located within three hundred (300) feet of any building used primarily as a residence, unless the owner of the building consents in writing to the location of the changeable message sign.

(Indiana Department of Transportation; 105 IAC 7-3-1.5)

105 IAC 7-3-2 Preconstruction permit

Authority: IC 8-23-2-6; IC 8-23-20-25

Affected: IC 8-23-20

Sec. 2.

- (a) A permit must be obtained before the erection of any sign structure.
- (b) As soon as practicable and no more than thirty (30) days after the issuance of a permit for a proposed structure, the permit tag shall be displayed upon a post or similar support such that the permit number is plainly visible from the right-of-way. Such tag shall be placed as close as practical at the right-of-way line at the nearest point to the proposed location.
- (c) Measurements to determine the compliance of a subsequent sign structure to the spacing criteria shall treat the permit tag display described in subsection (b) as if a sign structure was actually in existence on the date the permit was issued.
- (d) The proposed sign structure must be completed within three hundred sixty-five (365) days of issuance of the permit or the permit shall be revoked.
- (e) When multiple permit applications are received for proposed sign structures, priority shall be given in the order received.
- (f) When a spacing or related conflict exists between a sign structure constructed on or after July 1, 1993, and not holding a valid permit, and a proposed sign structure, the first permit application received shall have priority in the issuance of a permit.

(Indiana Department of Transportation; 105 IAC 7-3-2; filed Apr 28, 1994, 9:30 a.m.: 17 IR 2042; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA)

105 IAC 7-3-3 Application and fee

Authority: IC 8-23-2-6; IC 8-23-20-25

Affected: IC 8-23-20-25

Sec. 3.

Each application for a permit (for sign structures not subject to registration and permit under IC 8-23-20-25(h)) shall be accompanied by an application fee of twenty-five dollars (\$25) for each sign structure. The fee shall be retained by the department. If the application is approved, the applicant shall be billed for an additional seventy-five dollars (\$75) permit fee. Once the permit fee has been received by the department, the permit tag and approved permit application will be forwarded by U. S. mail.

(Indiana Department of Transportation; 105 IAC 7-3-3; filed Apr 28, 1994, 9:30 a.m.: 17 IR 2042; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA)

105 IAC 7-3-4 Permit identification number for signs; fastening to signs

Authority: IC 8-23-2-6; IC 8-23-20-25

Affected: IC 8-23-20

Sec. 4.

Each permit issued by the department shall be assigned a separate identification number, and it shall be the duty of each permittee to fasten to each sign structure the permit tag provided by the department in a prominent location with the permit number plainly visible from the right-of-way. The construction, erection, operation, use, or maintenance of an outdoor advertising sign structure without having affixed the proper permit tag shall be prima facie evidence that no permit has been obtained. In the event the provided permit tag is lost or destroyed, a new permit tag shall be obtained from the department upon the submission of a written request and the payment of a ten dollar (\$10) replacement fee. The replacement tag shall be fastened to the structure as provided in this section.

(Indiana Department of Transportation; 105 IAC 7-3-4; filed Apr 28, 1994, 9:30 a.m.: 17 IR 2043; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA)

105 IAC 7-3-5 Territory to which article applies; entries for examinations and surveys

Authority: IC 8-23-2-6; IC 8-23-20-25

Affected: IC 8-23-20

Sec. 5.

(a) The territory under the jurisdiction of the department for the purposes of this article shall include the following:

- (1) The Interstate Highway System.
- (2) The Federal-Aid Primary System as it existed on June 1, 1991.
- (3) Any other highways that are on the National Highway System.

Where additional roadways become subject to the requirements of 23 U.S.C. 131, as effective on December 18, 1991, such are deemed added to the control areas contained in subsection (c), sixty (60) days after publishing notice of the additions in the Indiana Register. In the event an additional roadway is added, sign owners shall have one hundred eighty (180) days after the date of publication to comply with this rule.

(b) The submission of a permit application is deemed permission to enter into and upon any land **on** which advertising signs are standing or proposed, or upon which displays or devices are exhibited and make such examinations and surveys as may be relevant and reasonable under this rule.

(c) The following is a list of control areas:

I-64	All
I-65	All
I-69	All
I-70	All
I-74	All
I-80	All
I-90	All
I-94	All
I-164	All
I-265	All
I-275	All
I-465	All
I-469	All
I-865	All
S.R. 1	from I-469 south intersection to S.R. 18
S.R. 1	from U.S. 36 to U.S. 52
S.R. 1	from I-74 to U.S. 50
S.R. 2	from U.S. 41 to U.S. 231
S.R. 2	from U.S. 30 to U.S. 31

S.R. 3 from U.S. 6 to I-69
 S.R. 3 from S.R. 18 to S.R. 62
 U.S. 6 All
 S.R. 7 All
 S.R. 8 from S.R. 2 to U.S. 421
 S.R. 9 All
 S.R. 10 from the Illinois state line to U.S. 421
 U.S. 12 from the Michigan state line to S.R. 212
 U.S. 12 from Bridge Street to Vermont Street in Hammond
 S.R. 14 from U.S. 421 to S.R. 19
 S.R. 15 from U.S. 33 to S.R. 15 and S.R. 9 north intersection
 S.R. 18 from U.S. 421 and S.R. 39 to S.R. 29 south intersection
 S.R. 18 from S.R. 19 to the Ohio state line
 S.R. 19 from U.S. 24 to S.R. 18
 S.R. 19 from the Michigan state line to U.S. 6
 U.S. 20 All
 S.R. 22 from S.R. 29 to I-69
 S.R. 23 from U.S. 20 and U.S. 31 to U.S. 6
 U.S. 24 All
 S.R. 25 from S.R. 28 to U.S. 231
 S.R. 25 from I-65 to U.S. 24
 S.R. 25 from S.R. 17 to S.R. 14
 S.R. 26 from the Illinois state line to U.S. 41
 S.R. 26 from U.S. 231 to U.S. 31
 U.S. 27 from S.R. 3 to the Ohio state line
 S.R. 28 from the Illinois state line to S.R. 67
 S.R. 29 All
 U.S. 30 All
 U.S. 31 from the Michigan state line to I-465 on south side of Indianapolis
 S.R. 32 from U.S. 231 to the Ohio state line
 U.S. 33 All
 U.S. 35 from S.R. 2 to I-70
 U.S. 36 from the Illinois state line to I-465 on the west side of Indianapolis
 U.S. 36 from U.S. 27 to the Ohio state line
 S.R. 37 from I-465 on the south side of Indianapolis to S.R. 66
 S.R. 37 from Meridian Street to I-69 via 38th Street, Fall Creek Road, and Binford Boulevard
 S.R. 37 from I-69 to S.R. 9
 S.R. 39 from the Michigan state line to S.R. 2
 S.R. 39 from S.R. 28 to S.R. 32
 S.R. 39 between S.R. 67 and S.R. 37
 U.S. 40 from I-465 west to Hendricks County line
 U.S. 41 All
 S.R. 43 from I-65 to U.S. 24
 S.R. 44 from S.R. 135 to U.S. 27
 S.R. 45 from S.R. 445 to S.R. 37
 S.R. 46 from S.R. 59 to S.R. 3 east intersection

S.R. 47 from U.S. 41 to S.R. 32
 S.R. 49 from U.S. 12 to U.S. 30
 U.S. 50 All
 U.S. 52 from the Illinois state line to U.S. 231 north
 U.S. 52 from I-465 on the east side of Indianapolis to I-74
 S.R. 54 from U.S. 41 to S.R. 43
 S.R. 56 from S.R. 61 and S.R. 57 south intersection to U.S. 50 and S.R. 350
 S.R. 57 from S.R. 54 to U.S. 41
 S.R. 58 from U.S. 231 to S.R. 37
 S.R. 59 from U.S. 36 to S.R. 54 east intersection
 S.R. 60 from U.S. 50 to I-65
 S.R. 61 from U.S. 41 to S.R. 57
 S.R. 61 from S.R. 68 to S.R. 66
 S.R. 62 from the Illinois state line to U.S. 231
 S.R. 62 from S.R. 56 to I-65
 S.R. 63 from U.S. 41 Carbondale to U.S. 41 Terre Haute
 S.R. 64 from the Illinois state line to U.S. 231
 S.R. 66 from the Illinois state line to S.R. 37
 S.R. 67 from U.S. 41 to the Ohio state line
 S.R. 69 from I-64 to S.R. 62
 S.R. 101 from S.R. 44 to U.S. 52
 S.R. 101 from I-74 to U.S. 50
 S.R. 109 from S.R. 9 to I-70
 S.R. 114 from U.S. 41 to U.S. 421
 S.R. 114 from S.R. 14 to U.S. 24
 U.S. 131 from the Michigan state line to I-80 and I-90
 S.R. 135 from S.R. 44 to the Kentucky state line
 S.R. 144 from S.R. 42 to S.R. 67
 S.R. 145 from S.R. 56 to I-64
 U.S. 150 All
 U.S. 152 All
 S.R. 154 All
 S.R. 161 from the Kentucky state line to I-64
 S.R. 212 All in Michigan City
 U.S. 224 All
 U.S. 231 from S.R. 2 south intersection to U.S. 41
 U.S. 231 from the U.S. 52 south intersection to the Kentucky state line
 S.R. 237 from S.R. 37 to the Kentucky state line
 S.R. 249 All
 S.R. 252 from S.R. 37 to S.R. 135
 S.R. 265 All
 S.R. 267 from I-65 to S.R. 42
 S.R. 312 from U.S. 20 to Hohmann Avenue in Hammond
 U.S. 421 from U.S. 20 to I-465 north side of Indianapolis
 U.S. 421 from S.R. 46 to the Kentucky state line
 S.R. 441 All in Vincennes

S.R. 443 All in West Lafayette
S.R. 445 All
S.R. 526 All
S.R. 912 All
S.R. 930 from I-69 to I-469

(Indiana Department of Transportation; 105 IAC 7-3-5; filed Apr 28, 1994, 9:30 a.m.: 17 IR 2043; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA)

105 IAC 7-3-6 Permit denial criteria

Authority: IC 8-23-2-6; IC 8-23-20-25

Affected: IC 8-23-20

Sec. 6.

No permit, except as provided in section 7 of this rule, may be issued for any sign structure:

- (1) Within six hundred sixty (660) feet of the right-of-way of a roadway, erected after January 1, 1968, except in zoned or unzoned commercial or industrial areas.
- (2) Beyond six hundred sixty (660) feet of the right-of-way, outside of urban areas, visible from the right-of-way, and erected with the purpose of a message being read from the traveled portion, and erected after June 30, 1976.
- (3) In an adjacent area where the sign fails to comply with the size and configuration restrictions in section 9 of this rule.
- (4) In an adjacent area where the sign fails to comply with the sign spacing criteria in section 10 of this rule.
- (5) In an adjacent area where the sign fails to comply with the sign lighting criteria in section 11 of this rule.
- (6) That fails to comply with the miscellaneous sign criteria in section 12 of this rule.

(Indiana Department of Transportation; 105 IAC 7-3-6; filed Apr 28, 1994, 9:30 a.m.: 17 IR 2044; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA)

105 IAC 7-3-7 Conditional permit

Authority: IC 8-23-2-6; IC 8-23-20-25

Affected: IC 8-23-20

Sec. 7.

A conditional permit shall be granted to any sign lawfully erected that is not eligible for a permit under section 6 of this rule, provided the following:

(1) The sign must remain substantially the same as it was on the date that its status initially became nonconforming. Reasonable maintenance and repair shall not be considered to have substantially altered the sign.

(2) The sign has not been destroyed, abandoned, or discontinued. If re-erected in kind, signs destroyed due to vandalism, criminal acts, or tortious acts shall not be considered destroyed.

(Indiana Department of Transportation; 105 IAC 7-3-7; filed Apr 28, 1994, 9:30 a.m.: 17 IR 2044; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA)

105 IAC 7-3-7.5 Modification of sign structure; addendum to permit

Authority: IC 8-23-1-14.3; IC 8-23-1-42.5

Affected: IC 8-23-20-25.5

Sec. 7.5.

Before modifying a conforming sign, other than changing the advertising copy, the permit holder shall submit a completed application to the department on a form to be provided by the department. The department may then issue an addendum to the permit allowing such change, provided the sign otherwise complies with any state or federal law. *(Indiana Department of Transportation; 105 IAC 7-3-7.5)*

105 IAC 7-3-8 Subsequent failure to comply with rule

Authority: IC 8-23-2-6; IC 8-23-20-25

Affected: IC 4-21.5; IC 8-23-20

Sec. 8.

(a) A sign structure issued a permit under this rule may have such permit revoked if the department determines the following:

(1) The sign structure is no longer in compliance with:

(A) The size and configuration restrictions in section 9 of this rule.

(B) The sign structure spacing criteria in section 10 of this rule.

(C) The sign lighting criteria in section 11 of this rule.

(D) The miscellaneous sign criteria in section 12 of this rule.

(2) If permit revocation under subsection (a) [*sic., this subsection*] is appropriate, the department shall issue a written order clearly explaining the rationale to the permit holder. The permit holder shall be allowed thirty (30) days to remedy the noncompliance or appeal the determination under IC 4-21.5. If the determination under this subsection is not appealed or remedied within the thirty (30) days allowed, the permit shall be revoked.

(b) A sign structure issued a permit under this rule may have such permit modified to a conditional permit if the department determines that changed circumstances would preclude the issuance of a permit under section 6 of this rule. Notice shall be given as provided in subsection (a). If the permit is modified to a conditional permit, the requirements of section 7 of this rule apply.

(Indiana Department of Transportation; 105 IAC 7-3-8; filed Apr 28, 1994, 9:30 a.m.: 17 IR 2044; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA)

105 IAC 7-3-9 Size and configuration criteria

Authority: IC 8-23-2-6; IC 8-23-20-25

Affected: IC 8-23-20

Sec. 9.

(a) The maximum area for any sign erected after October 4, 1971, shall be one thousand (1,000) square feet and the maximum height of twenty-five (25) feet and maximum length of sixty (60) feet, exclusive of any border, trim, ornamental base, apron, supports, embellishments, and other structural members, if the exclusions do not exceed twenty percent (20%) of the sign area.

(b) The area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof which will encompass the area affected.

(c) A sign structure may display one (1) or two (2) advertisements per facing, not to exceed the maximum area as defined in subsection (a).

(d) Double-faced structures will be allowed with the maximum area being permissible for each facing.

(Indiana Department of Transportation; 105 IAC 7-3-9; filed Apr 28, 1994, 9:30 a.m.: 17 IR 2045; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA)

105 IAC 7-3-10 Sign structure spacing criteria

Authority: IC 8-23-2-6; IC 8-23-20-25

Affected: IC 8-23-20

Sec. 10.

(a) All signs erected after October 4, 1971, in adjacent areas must conform to the following criteria:

(1) On the interstate system and limited access facilities on the Federal-Aid Primary System, the following:

(A) No sign structure shall be erected within five hundred (500) feet of another structure on the same side of the highway.

(B) Outside incorporated municipalities, no structure may be located adjacent to or within five hundred (500) feet of an interchange, intersection at grade, or rest area, said five hundred (500) feet to be measured along the interstate or limited access primary highway from the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way.

(2) On other routes on the Federal-Aid Primary System, the following:

(A) Outside of incorporated municipalities, no sign structure shall be erected within three hundred (300) feet of another sign structure on the same side of the highway.

(B) Inside incorporated municipalities, no sign structure shall be erected within one hundred (100) feet of another sign structure on the same side of the highway.

(b) The spacing-between-sign structure rules in subsection (a)(2) shall not apply to sign structures separated by a building or other obstruction in such a manner that only one (1) sign structure is visible from any point on the highway at any one (1) time.

(c) Official and on premise signs shall not be counted nor shall measurements be made from them for purposes of determining compliance with spacing requirements.

(d) The minimum distance between signs shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway.

(Indiana Department of Transportation; 105 IAC 7-3-10; filed Apr 28, 1994, 9:30 a.m.: 17 IR 2045; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA)

105 IAC 7-3-11 Sign lighting criteria

Authority: IC 8-23-2-6; IC 8-23-20-25

Affected: IC 8-23-20

Sec. 11.

This section applies to signs located within adjacent areas. Signs may be illuminated, subject to this rule and the following restrictions:

- (1) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather, or similar information.
- (2) Signs which are not effectively shielded to prevent beams or rays of light from being directed at any portion of the traveled ways of highways in the control areas, and which:
 - (A) are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle; or
 - (B) otherwise interfere with any driver's operation of a motor vehicle; are prohibited.
- (3) No sign shall be so illuminated as to obscure or interfere with the effectiveness of an official traffic sign, device, or signal.

(Indiana Department of Transportation; 105 IAC 7-3-11; filed Apr 28, 1994, 9:30 a.m.: 17 IR 2045; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA)

105 IAC 7-3-12 Miscellaneous criteria

Authority: IC 8-23-2-6; IC 8-23-20-25

Affected: IC 8-23-20

Sec. 12.

The following signs shall not be eligible for a permit:

- (1) Signs which are illegal under state laws or rules.
- (2) Signs not securely affixed to a substantial structure.
- (3) Signs which attempt or appear to attempt to regulate, warn, or direct the movement of traffic or which interfere with, imitate, or resemble any official traffic sign, signal, or device.

(4) Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.

(5) Signs otherwise inconsistent with:

(A) 23 U.S.C. 131, as effective December 18, 1991;

(B) 23 CFR 750;

(C) IC 8-23-20; or

(C) this rule.

(Indiana Department of Transportation; 105 IAC 7-3-12; filed Apr 28, 1994, 9:30 a.m.: 17 IR 2046; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA)

105 IAC 7-3-13 Separability

Authority: IC 8-23-2-6; IC 8-23-20-25

Affected: IC 8-23-20

Sec. 13.

The terms of this rule are declared to be separable. Should any word, phrase, sentence, or section be declared unconstitutional or otherwise invalid, the remainder of this article shall not thereby be affected, but shall remain in full force and effect.

(Indiana Department of Transportation; 105 IAC 7-3-13; filed Apr 28, 1994, 9:30 a.m.: 17 IR 2046; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA)

APPENDIX G

(23 USC 131 – Control of Outdoor Advertising)

TITLE 23--HIGHWAYS

CHAPTER 1 -- FEDERAL-AID HIGHWAYS

Sec. 131. Control of outdoor advertising

(a) The Congress hereby finds and declares that the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System and the primary system should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty.

(b) Federal-aid highway funds apportioned on or after January 1, 1968, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of outdoor advertising signs, displays, and devices which are within six hundred and sixty feet of the nearest edge of the right-of-way and visible from the main traveled way of the system, and Federal-aid highway funds apportioned on or after January 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of those additional outdoor advertising signs, displays, and devices which are more than six hundred and sixty feet off the nearest edge of the right-of-way, located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way, shall be reduced by amounts equal to 10 per centum of the amounts which would otherwise be apportioned to such State under section 104 of this title, until such time as such State shall provide for such effective control. Any amount which is withheld from apportionment to any State hereunder shall be reapportioned to the other States. Whenever he determines it to be in the public interest, the Secretary may suspend, for such periods as he deems necessary, the application of this subsection to a State.

(c) Effective control means that such signs, displays, or devices after January 1, 1968, if located within six hundred and sixty feet of the right-of-way and, on or after July 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, if located beyond six hundred and sixty feet of the right-of-way located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way, shall, pursuant to this section, be limited to

(1) directional and official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning lighting, size, number, and spacing of signs, and such other requirements as may be appropriate to implement this section,

(2) signs, displays, and devices advertising the sale or lease of property upon which they are located,

(3) signs, displays, and devices, including those which may be changed at reasonable intervals by electronic process or by remote control, advertising activities conducted on the property on which they are located,

(4) signs lawfully in existence on October 22, 1965, determined by the State, subject to the approval of the Secretary, to be landmark signs, including signs on farm structures or natural surfaces, or historic or artistic significance the preservation of which would be consistent with the purposes of this section, and

(5) signs, displays, and devices advertising the distribution by nonprofit organizations of free coffee to individuals traveling on the Interstate System or the primary system. For the purposes of this subsection, the term "free coffee" shall include coffee for which a donation may be made, but is not required.

(d) In order to promote the reasonable, orderly and effective display of outdoor advertising while remaining consistent with the purposes of this section, signs, displays, and devices whose size, lighting and spacing, consistent with customary use is to be determined by agreement between the several States and the Secretary, may be erected and maintained within six hundred and sixty feet of the nearest edge of the right-of-way within areas adjacent to the Interstate and primary systems which are zoned industrial or commercial under authority of State law, or in unzoned commercial or industrial areas as may be determined by agreement between the several States and the Secretary. The States shall have full authority under their own zoning laws to zone areas for commercial or industrial purposes, and the actions of the States in this regard will be accepted for the purposes of this Act. Whenever a bona fide State, county, or local zoning authority has made a determination of customary use, such determination will be accepted in lieu of controls by agreement in the zoned commercial and industrial areas within the geographical jurisdiction of such authority. Nothing in this subsection shall apply to signs, displays, and devices referred to in clauses (2) and (3) of subsection (c) of this section.

(e) Any sign, display, or device lawfully in existence along the Interstate System or the Federal-aid primary system on September 1, 1965, which does not conform to this section shall not be required to be removed until July 1, 1970. Any other sign, display, or device lawfully erected which does not conform to this section shall not be required to be removed until the end of the fifth year after it becomes nonconforming.

(f) The Secretary shall, in consultation with the States, provide within the rights-of-way for areas at appropriate distances from interchanges on the Interstate System, on which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained. The Secretary may also, in consultation with the States, provide within the rights-of-way of the primary system for areas in which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained. Such signs shall conform to national standards to be promulgated by the Secretary.

(g) Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under State law and not permitted under subsection (c) of this section,

whether or not removed pursuant to or because of this section. The Federal share of such compensation shall be 75 per centum. Such compensation shall be paid for the following:

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

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

(h) All public lands or reservations of the United States which are adjacent to any portion of the Interstate System and the primary system shall be controlled in accordance with the provisions of this section and the national standards promulgated by the Secretary.

(i) In order to provide information in the specific interest of the traveling public, the State transportation departments are authorized to maintain maps and to permit information directories and advertising pamphlets to be made available at safety rest areas. Subject to the approval of the Secretary, a State may also establish information centers at safety rest areas and other travel information systems within the rights-of-way for the purpose of informing the public of places of interest within the State and providing such other information as a State may consider desirable. The Federal share of the cost of establishing such an information center or travel information system shall be that which is provided in section 120 for a highway project on that Federal-aid system to be served by such center or system.

(j) Any State transportation department which has, under this section as in effect on June 30, 1965, entered into an agreement with the Secretary to control the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System shall be entitled to receive the bonus payments as set forth in the agreement, but no such State transportation department shall be entitled to such payments unless the State maintains the control required under such agreement: Provided, That permission by a State to erect and maintain information displays which may be changed at reasonable intervals by electronic process or remote control and which provide public service information or advertise activities conducted on the property on which they are located shall not be considered a breach of such agreement or the control required thereunder. Such payments shall be paid only from appropriations made to carry out this section. The provisions of this subsection shall not be construed to exempt any State from controlling outdoor advertising as otherwise provided in this section.

(k) Subject to compliance with subsection (g) of this section for the payment of just compensation, nothing in this section shall prohibit a State from establishing standards imposing stricter limitations with respect to signs, displays, and devices on the Federal-aid highway systems than those established under this section.

(l) Not less than sixty days before making a final determination to withhold funds from a State under subsection (b) of this section, or to do so under subsection (b) of section 136, or with respect to failing to agree as to the size, lighting, and spacing of signs, displays, and devices or as to unzoned commercial or industrial areas in which signs, displays, and devices may be erected

and maintained under subsection (d) of this section, or with respect to failure to approve under subsection (g) of section 136, the Secretary shall give written notice to the State of his proposed determination and a statement of the reasons therefore, and during such period shall give the State an opportunity for a hearing on such determination. Following such hearing the Secretary shall issue a written order setting forth his final determination and shall furnish a copy of such order to the State. Within forty-five days of receipt of such order, the State may appeal such order to any United States district court for such State, and upon the filing of such appeal such order shall be stayed until final judgment has been entered on such appeal. Summons may be served at any place in the United States. The court shall have jurisdiction to affirm the determination of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the United States court of appeals for the circuit in which the State is located and to the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254. If any part of an apportionment to a State is withheld by the Secretary under subsection (b) of this section or subsection (b) of section 136, the amount so withheld shall not be reapportioned to the other States as long as a suit brought by such State under this subsection is pending. Such amount shall remain available for apportionment in accordance with the final judgment and this subsection. Funds withheld from apportionment and subsequently apportioned or reapportioned under this section shall be available for expenditure for three full fiscal years after the date of such apportionment or reapportionment as the case may be.

(m) There is authorized to be appropriated to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed \$20,000,000 for the fiscal year ending June 30, 1966, not to exceed \$20,000,000 for the fiscal year ending June 30, 1967, not to exceed \$2,000,000 for the fiscal year ending June 30, 1970, not to exceed \$27,000,000 for the fiscal year ending June 30, 1971, not to exceed \$20,500,000 for the fiscal year ending June 30, 1972, and not to exceed \$50,000,000 for the fiscal year ending June 30, 1973. The provisions of this chapter relating to the obligation, period of availability and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967. Subject to approval by the Secretary in accordance with the program of projects approval process of section 105,¹ a State may use any funds apportioned to it under section 104 of this title for removal of any sign, display, or device lawfully erected which does not conform to this section.

¹ See References in Text note below.

(n) No sign, display, or device shall be required to be removed under this section if the Federal share of the just compensation to be paid upon removal of such sign, display, or device is not available to make such payment. Funds apportioned to a State under section 104 of this title shall not be treated for purposes of the preceding sentence as being available to the State for making such a payment except to the extent that the State, in its discretion, expends such funds for such a payment.

(o) The Secretary may approve the request of a State to permit retention in specific areas defined by such State of directional signs, displays, and devices lawfully erected under State law

in force at the time of their erection which do not conform to the requirements of subsection (c), where such signs, displays, and devices are in existence on the date of enactment of this subsection and where the State demonstrates that such signs, displays, and devices (1) provide directional information about goods and services in the interest of the traveling public, and (2) are such that removal would work a substantial economic hardship in such defined area.

(p) In the case of any sign, display, or device required to be removed under this section prior to the date of enactment of the Federal-Aid Highway Act of 1974, which sign, display, or device was after its removal lawfully relocated and which as a result of the amendments made to this section by such Act is required to be removed, the United States shall pay 100 per centum of the just compensation for such removal (including all relocation costs).

(q)(1) During the implementation of State laws enacted to comply with this section, the Secretary shall encourage and assist the States to develop sign controls and programs which will assure that necessary directional information about facilities providing goods and services in the interest of the traveling public will continue to be available to motorists. To this end the Secretary shall restudy and revise as appropriate existing standards for directional signs authorized under subsections 131(c)(1) and 131(f) to develop signs which are functional and esthetically compatible with their surroundings. He shall employ the resources of other Federal departments and agencies, including the National Endowment for the Arts, and employ maximum participation of private industry in the development of standards and systems of signs developed for those purposes.

(2) Among other things the Secretary shall encourage States to adopt programs to assure that removal of signs providing necessary directional information, which also were providing directional information on June 1, 1972, about facilities in the interest of the traveling public, be deferred until all other nonconforming signs are removed.

(r) Removal of Illegal Signs.—

(1) By owners.--Any sign, display, or device along the Interstate System or the Federal-aid primary system which was not lawfully erected, shall be removed by the owner of such sign, display, or device not later than the 90th day following the effective date of this subsection.

(2) By states.--If any owner does not remove a sign, display, or device in accordance with paragraph (1), the State within the borders of which the sign, display, or device is located shall remove the sign, display, or device. The owner of the removed sign, display, or device shall be liable to the State for the costs of such removal. Effective control under this section includes compliance with the first sentence of this paragraph.

(s) Scenic Byway Prohibition.--If a State has a scenic byway program, the State may not allow the erection along any highway on the Interstate System or Federal-aid primary system which before, on, or after the effective date of this subsection, is designated as a scenic byway under such program of any sign, display, or device which is not in conformance with subsection (c) of this section. Control of any sign, display, or device on such a highway shall be in accordance with this section. In designating a scenic byway for purposes of this section and section 1047 of

the Intermodal Surface Transportation Efficiency Act of 1991, a State may exclude from such designation any segment of a highway that is inconsistent with the State's criteria for designating State scenic byways. Nothing in the preceding sentence shall preclude a State from signing any such excluded segment, including such segment on a map, or carrying out similar activities, solely for purposes of system continuity.

(t) Primary System Defined.--For purposes of this section, the terms "primary system" and "Federal-aid primary system" mean the Federal-aid primary system in existence on June 1, 1991, and any highway which is not on such system but which is on the National Highway System.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 904; Pub. L. 86-342, title I, Sec. 106, Sept. 21, 1959, 73 Stat. 612; Pub. L. 87-61, title I, Sec. 106, June 29, 1961, 75 Stat. 123; Pub. L. 88-157, Sec. 5, Oct. 24, 1963, 77 Stat. 277; Pub. L. 89-285, title I, Sec. 101, Oct. 22, 1965, 79 Stat. 1028; Pub. L. 89-574, Sec. 8(a), Sept. 13, 1966, 80 Stat. 768; Pub. L. 90-495, Sec. 6(a)-(d), Aug. 23, 1968, 82 Stat. 817; Pub. L. 91-605, title I, Sec. 122(a), Dec. 31, 1970, 84 Stat. 1726; Pub. L. 93-643, Sec. 109, Jan. 4, 1975, 88 Stat. 2284; Pub. L. 94-280, title I, Sec. 122, May 5, 1976, 90 Stat. 438; Pub. L. 95-599, title I, Secs. 121, 122, Nov. 6, 1978, 92 Stat. 2700, 2701; Pub. L. 96-106, Sec. 6, Nov. 9, 1979, 93 Stat. 797; Pub. L. 102-240, title I, Sec. 1046(a)-(c), Dec. 18, 1991, 105 Stat. 1995, 1996; Pub. L. 102-302, Sec. 104, June 22, 1992, 106 Stat. 253; Pub. L. 104-59, title III, Sec. 314, Nov. 28, 1995, 109 Stat. 586; Pub. L. 105-178, title I, Sec. 1212(a)(2)(A), June 9, 1998, 112 Stat. 193.)

References in Text

This Act, referred to in subsec. (d), probably means Pub. L. 89-285, Oct. 22, 1965, 79 Stat. 1028, as amended, known as the Highway Beautification Act of 1965, which enacted section 136 of this title and provisions set out as notes under sections 131 and 135 of this title and amended sections 131 and 319 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 136 of this title and Tables.

Section 105, referred to in subsec. (m), was amended generally by Pub. L. 105-178, title I, Sec. 1104(a), June 9, 1998, 112 Stat. 127, and by Pub. L. 109-59, title I, Sec. 1104(a), Aug. 10, 2005, 119 Stat. 1163, and, as so amended, no longer refers to program of highway project approval process by Secretary.

The date of enactment of this subsection, referred to in subsec. (o), means May 5, 1976, the date of approval of Pub. L. 94-280.

The date of enactment of the Federal-Aid Highway Act of 1974, referred to in subsec. (p), means Jan. 3, 1975, the date of approval of Pub. L. 93-643.

For the effective date of this subsection, referred to in subsecs. (r)(1) and (s), see the Effective Date of 1991 Amendment note set out below.

Section 1047 of the Intermodal Surface Transportation Efficiency Act of 1991, referred to in subsec. (s), is section 1047 of Pub. L. 102-240, which is set out as a note under section 101 of this title.

Amendments

1998--Subsec. (i). Pub. L. 105-178, Sec. 1212(a)(2)(A)(ii), substituted "State transportation departments" for "State highway departments".

Subsec. (j). Pub. L. 105-178, Sec. 1212(a)(2)(A)(i), substituted "State transportation department" for "State highway department" in two places.

1995--Subsec. (s). Pub. L. 104-59 inserted at end "In designating a scenic byway for purposes of this section and section 1047 of the Intermodal Surface Transportation Efficiency Act of 1991, a State may exclude from such designation any segment of a highway that is inconsistent with the State's criteria for designating State scenic byways. Nothing in the preceding sentence shall preclude a State from signing any such excluded segment, including such segment on a map, or carrying out similar activities, solely for purposes of system continuity."

1992--Subsec. (n). Pub. L. 102-302 inserted at end "Funds apportioned to a State under section 104 of this title shall not be treated for purposes of the preceding sentence as being available to the State for making such a payment except to the extent that the State, in its discretion, expends such funds for such a payment."

1991--Subsec. (m). Pub. L. 102-240, Sec. 1046(a), inserted at end "Subject to approval by the Secretary in accordance with the program of projects approval process of section 105, a State may use any funds apportioned to it under section 104 of this title for removal of any sign, display, or device lawfully erected which does not conform to this section."

Subsecs. (r) to (t). Pub. L. 102-240, Sec. 1046(b), (c), added subsecs. (r) to (t).

1979--Subsec. (c)(5). Pub. L. 96-106 substituted "distribution by nonprofit" for "distribution of nonprofit".

1978--Subsec. (c). Pub. L. 95-599 Secs. 121, 122(c), inserted "including those which may be changed at reasonable intervals by electronic process or by remote control," after "devices" in cl. (3) and added cl. (5).

Subsec. (g). Pub. L. 95-599, Sec. 122(a), inserted provision relating to just compensation for the removal of signs lawfully erected under State law but not permitted under subsec. (c).

Subsec. (j). Pub. L. 95-599, Sec. 122(d), inserted provision relating to permission by the State to erect and maintain information displays.

Subsec. (k). Pub. L. 95-599, Sec. 122(b), substituted ``Subject to compliance with subsection (g) of this section for the payment of just compensation, nothing" for ``Nothing".

1976--Subsec. (f). Pub. L. 94-280, Sec. 122(a), authorized the Secretary, in consultation with the States, to provide within the rights-of-way of the primary system for areas in which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained.

Subsec. (i). Pub. L. 94-280, Sec. 122(c), authorized a State to establish travel information systems within the rights-of-way and prescribed as the Federal share of the cost of establishing an information center or travel information system the Federal share which is provided in section 120 of this title for a highway project on that Federal-aid system to be served by such center or system.

Subsecs. (o) to (q). Pub. L. 94-280, Sec. 122(b), added subsecs. (o) to (q).

1975--Subsec. (b). Pub. L. 93-643, Sec. 109(a), required reduction of Federal-aid highway funds apportioned on or after Jan. 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of those additional outdoor advertising signs, displays, and devices which are more than 660 feet off the nearest edge of the right-of-way, located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way.

Subsec. (c). Pub. L. 93-643, Sec. 109(b), substituted ``Effective control means that such signs, displays, or devices after January 1, 1968, if located within six hundred and sixty feet of the right-of-way and, on or after July 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, if located beyond six hundred and sixty feet of the right-of-way, located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way," for ``Effective control means that after January 1, 1968, such signs, displays, and devices", deleted in cl. (1) ``other" before ``official signs", and added cl. (4).

Subsec. (g). Pub. L. 93-643, Sec. 109(c), substituted first sentence reading ``Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under State law." for prior first sentence which provided for payment of just compensation for removal of outdoor advertising signs, displays, and devices (1) lawfully in existence on Oct. 22, 1965, (2) lawfully on any highway made a part of the interstate or primary system on or after Oct. 22, 1965, and before Jan. 1, 1968, and (3) lawfully erected on or after Jan. 1, 1968.

1970--Subsec. (m). Pub. L. 91-605 authorized to be appropriated not to exceed \$27,000,000, \$20,500,000 and \$50,000,000, for the fiscal years ending June 30, 1971, 1972, and 1973, respectively.

1968--Subsec. (d). Pub. L. 90-495, Sec. 6(a), provided that whenever a bona fide State, county, or local zoning authority has made a determination of customary use, such determination will be accepted in lieu of controls by agreement in the zoned commercial and industrial areas within the geographical jurisdiction of such authority.

Subsec. (j). Pub. L. 90-495, Sec. 6(b), struck out provision for the imposition of controls on outdoor advertising by the Federal government that are stricter than those imposed by the State highway department.

Subsec. (m). Pub. L. 90-495, Sec. 6(c), inserted provision authorizing an appropriation of not to exceed \$2,000,000 for the fiscal year ending June 30, 1970.

Subsec. (n). Pub. L. 90-495, Sec. 6(d), added subsec. (n).

1966--Subsec. (m). Pub. L. 89-574 substituted provisions making applicable to the funds authorized to be appropriated to carry out this section after June 30, 1967 the provisions of chapter 1 of this title relating to the obligation, period of availability and expenditure of Federal-aid primary highway funds for provisions prohibiting the use of any part of the Highway Trust Fund in carrying out this section.

1965--Subsec. (a). Pub. L. 89-285 struck out specific reference to the area which lies within six-hundred and sixty feet of the edge of the right-of-way and which is visible from the right-of-way and instead made only general reference to the areas adjacent to the Interstate System and struck out reference to types of permissible signs.

Subsec. (b). Pub. L. 89-285 substituted provisions reducing by 10 per centum the apportioned share, on or after January 1, 1968, of any State not making provision for effective control of erection and maintenance of outdoor advertising signs, displays and devices within six-hundred and sixty feet of the nearest edge of the right of way and visible from the traveled portion, reapportioning withheld funds to other States, and allowing for suspension of such provisions in the discretion of the Secretary, for provisions which authorized the Secretary to enter into agreements with the States to carry out national policy on control of areas adjacent to the Interstate System.

Subsec. (c). Pub. L. 89-285 substituted provisions setting out permissible types of signs as directional and other official signs and notices, signs advertising sale or lease of property on which the sign is located, and signs, displays, and devices advertising activities conducted on the property on which the sign is located, for provisions allowing for an increase in the Federal share payable under the Federal-Aid Highway Act of 1956, as amended, in the case of States entering into an agreement with the Secretary prior to July 1, 1965.

Subsec. (d). Pub. L. 89-285 substituted provisions allowing for agreements between the Secretary and the several States covering commercial or industrial property, for provisions covering control of the adjacent area when the Interstate System is located on or near public lands or reservations of the United States.

Subsec. (e). Pub. L. 89-285 substituted provisions setting out the timetable for removal of signs, displays, and devices lawfully along Interstate System or Federal-aid primary system highways, for provisions allowing the inclusion of the cost of purchase or condemnation of the right to advertise or control advertising in the area adjacent to Interstate System right-of-way as part of the cost of construction.

Subsecs. (f) to (m). Pub. L. 89-285 added subsecs. (f) to (m).

1963--Subsec. (c). Pub. L. 88-157 substituted ``July 1, 1965" for ``July 1, 1963".

1961--Subsec. (c). Pub. L. 87-61 substituted ``July 1, 1963" for ``July 1, 1961".

1959--Subsec. (b). Pub. L. 86-342 substituted ``Agreements entered into between the Secretary of Commerce and State highway departments under this section shall not apply to those segments of the Interstate System which traverse commercial or industrial zones within the presently existing boundaries of incorporated municipalities wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, or which traverse other areas where the land use, as of the date of approval of this Act, is clearly established by State law as industrial or commercial" for ``Upon application of the State, any such agreement may, within the discretion of the Secretary of Commerce consistent with the national policy, provide for excluding from application of the national standards segments of the Interstate System which traverse incorporated municipalities wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, or which traverse other areas where the land use is clearly established by State law as industrial or commercial."

Effective Date of 1991 Amendment

Amendment by Pub. L. 102-240 effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and, with certain exceptions, not applicable to funds appropriated or made available on or before Sept. 30, 1991, see section 1100 of Pub. L. 102-240, set out as a note under section 104 of this title.

Effective Date of 1968 Amendment

Amendment by Pub. L. 90-495 effective Aug. 23, 1968, see section 37 of Pub. L. 90-495, set out as a note under section 101 of this title.

Study of State Practices on Specific Service Signing

Pub. L. 105-178, title I, Sec. 1213(g), June 9, 1998, 112 Stat. 202, provided that:

``(1) Study.--The Secretary shall conduct a study to determine the practices in the States for specific service food signs described in sections 2G-5.7 and 2G-5.8 of the Manual on

Uniform Traffic Control Devices for Streets and Highways. The study shall examine, at a minimum—

“(A) the practices of all States for determining businesses eligible for inclusion on such signs;

“(B) whether States allow businesses to be removed from such signs and the circumstances for such removal;

“(C) the practices of all States for erecting and maintaining such signs, including the time required for erecting such signs; and

“(D) whether States contract out the erection and maintenance of such signs.

“(2) Report.--Not later than 1 year after the date of enactment of this Act [June 9, 1998], the Secretary shall transmit to Congress a report on the results of the study, including any recommendations and, if appropriate, modifications to the Manual.”

Effect of 1991 Amendment on State Compliance Laws or Regulations

Section 1046(d) of Pub. L. 102-240 provided that: “The amendments made by this section [amending this section] shall not affect the status or validity of any existing compliance law or regulation adopted by a State pursuant to section 131 of title 23, United States Code.”

Use of Tourist Oriented Directional Signs

Section 1059 of Pub. L. 102-240 provided that:

“(a) In General.--The Secretary shall encourage the States to provide for equitable participation in the use of tourist oriented directional signs or ‘logo’ signs along the Interstate System and the Federal-aid primary system (as defined under section 131(t) of title 23, United States Code).

“(b) Study.--Not later than 1 year after the effective date of this title [Dec. 18, 1991], the Secretary shall conduct a study and report to Congress on the participation in the use of signs referred to in subsection (a) and the practices of the States with respect to the use of such signs.”

Highway Beautification Commission

Section 123 of Pub. L. 91-605, as amended by Pub. L. 93-6, Feb. 16, 1973, 87 Stat. 6, established the Commission on Highway Beautification to (1) study existing statutes and regulations governing control of outdoor advertising and junkyards in areas adjacent to Federal-aid highway system, (2) review policies and practices of Federal and State agencies charged with

administrative jurisdiction over such highways insofar as such policies and practices relate to governing control of outdoor advertising and junkyards, (3) compile data necessary to understand and determine the requirements for such control which may now exist or are likely to exist within foreseeable future, (4) study problems relating to control of on-premise outdoor advertising signs, promotional signs, directional signs, and signs providing information that is essential to motoring public, (5) study methods of financing and possible sources of Federal funds, including use of the Highway Trust Fund, to carry out highway beautification program, and (6) recommend such modifications or additions to existing laws, regulations, policies, practices, and demonstration programs as will, in judgment of the Commission, achieve a workable and effective highway beautification program and best serve the public interest and to submit, not later than Dec. 31, 1973, its final report. The Commission terminated six months after submission of said report.

Comprehensive Study on Highway Beautification Programs

Section 302 of Pub. L. 89-285 provided that in order to provide the basis for evaluating the continuing programs authorized by Pub. L. 89-285, and to furnish the Congress with the information necessary for authorization of appropriations for fiscal years beginning after June 30, 1967, the Secretary, in cooperation with the State highway departments, shall make a detailed estimate of the cost of carrying out the provisions of Pub. L. 89-285, and a comprehensive study of the economic impact of such programs on affected individuals and commercial and industrial enterprises, the effectiveness of such programs and the public and private benefits realized thereby, and alternate or improved methods of accomplishing the objectives of Pub. L. 89-285. The Secretary was required to submit such detailed estimate and a report concerning such comprehensive study to the Congress not later than Jan. 10, 1967.

Standards, Criteria, Rules and Regulations

Section 303 of Pub. L. 89-285 mandated the holding of public hearings by the Secretary of Commerce prior to the promulgation of standards, criteria and rules and regulations necessary to carry out this section and section 136 of this title, such standards, criteria, etc., to be reported to Congress not later than Jan. 10, 1967.

Acquisition of Dwellings

Section 305 of Pub. L. 89-285 provided that: ``Nothing in this Act or the amendments made by this Act [amending this section and section 319 of this title and enacting section 136 of this title and provisions set out as notes under this section and sections 135 and 136 of this title] shall be construed to authorize the use of eminent domain to acquire any dwelling (including related buildings)."

Taking of Private Property Without Just Compensation

Section 401 of Pub. L. 89-285 provided that: ``Nothing in this Act or the amendments made by this Act [amending this section and section 319 of this title and enacting section 136 of this title and provisions set out as notes under sections 131, 135, and 136 of this title] shall be construed to authorize private property to be taken or the reasonable and existing use restricted by such taking without just compensation as provided in this Act."

Authorization of Additional Appropriations for Administrative Expenses

Section 402 of Pub. L. 89-285, as amended by Pub. L. 97-449, Sec. 2(a), Jan. 12, 1983, 96 Stat. 2439, provided that: ``In addition to any other amounts authorized by this Act and the amendments made by this Act [amending this section and section 319 of this title and enacting section 136 of this title and provisions set out as notes under this section and sections 135 and 136 of this title], there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary not to exceed \$5,000,000 for administrative expenses in carrying out this Act (including amendments made by this Act)."

APPENDIX H

(23 USC 140 – Nondiscrimination)

Whenever apportionments are made under section 104(b) of this title, the Secretary shall deduct such sums as he may deem necessary, not to exceed \$2,500,000 for the transition quarter ending September 30, 1976, and not to exceed \$10,000,000 per fiscal year, for the administration of this subsection. Such sums so deducted shall remain available until expended. The provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), shall not be applicable to contracts and agreements made under the authority herein granted to the Secretary. Notwithstanding any other provision of law, not to exceed 1/2 of 1 percent of funds apportioned to a State for the surface transportation program under section 104(b) and the bridge program under section 144 may be available to carry out this subsection upon request of the State highway department to the Secretary.

23 USC 140

TITLE 23--HIGHWAYS

CHAPTER 1--FEDERAL-AID HIGHWAYS

Sec. 140. Nondiscrimination

(a) Prior to approving any programs for projects as provided for in subsection (a) of section 105 of this title, the Secretary shall require assurances from any State desiring to avail itself of the benefits of this chapter that employment in connection with proposed projects will be provided without regard to race, color, creed, national origin, or sex. He shall require that each State shall include in the advertised specifications, notification of the specific equal employment opportunity responsibilities of the successful bidder. In approving programs for projects on any of the Federal-aid systems, the Secretary shall, where he considers it necessary to assure equal employment opportunity, require certification by any State desiring to avail itself of the benefits of this chapter that there are in existence and available on a regional, statewide, or local basis, apprenticeship, skill improvement or other upgrading programs, registered with the Department of Labor or the appropriate State agency, if any, which provide equal opportunity for training and employment without regard to race, color, creed, national origin, or sex. In implementing such programs, a State may reserve training positions for persons who receive welfare assistance from such State; except that the implementation of any such program shall not cause current employees to be displaced or current positions to be supplanted or preclude workers that are participating in an apprenticeship, skill improvement, or other upgrading program registered with the Department of Labor or the appropriate State agency from being referred to, or hired on, projects funded under this title without regard to the length of time of their participation in such program. The Secretary shall periodically obtain from the Secretary of Labor and the respective State transportation departments information which will enable him to judge compliance with the requirements of this section and the Secretary of Labor shall render to the Secretary such assistance and information as he shall deem necessary to carry out the equal employment opportunity program required hereunder.

(b) The Secretary, in cooperation with any other department or agency of the Government, State agency, authority, association, institution, Indian tribal government, corporation (profit or nonprofit), or any other organization or person, is authorized to develop, conduct, and administer highway construction and technology training, including skill improvement programs, and to develop and fund summer transportation institutes. Whenever apportionments are made under section 104(b)(3) of this title, the Secretary shall deduct such sums as he may deem necessary,

not to exceed \$2,500,000 for the transition quarter ending September 30, 1976, and not to exceed \$10,000,000 per fiscal year, for the administration of this subsection. Such sums so deducted shall remain available until expended. The provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), shall not be not be applicable to contracts and agreements made under the authority herein granted to the Secretary. Notwithstanding any other provision of law, not to exceed $\frac{1}{2}$ of 1 percent of funds apportioned to a State for the surface transportation program under section 104(b) and the bridge program under section 144 may be available to carry out this subsection upon request of the State transportation department to the Secretary.

(c) The Secretary, in cooperation with any other department or agency of the Government, State agency, authority, association, institution, Indian tribal government, corporation (profit or nonprofit), or any other organization or person, is authorized to develop, conduct, and administer training programs and assistance programs in connection with any program under this title in order that minority businesses may achieve proficiency to compete, on an equal basis, for contracts and subcontracts. Whenever apportionments are made under subsection 104(a) of this title, the Secretary shall deduct such sums as he may deem necessary, not to exceed \$10,000,000 per fiscal year, for the administration of this subsection. The provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), shall not be applicable to contracts and agreements made under the authority herein granted to the Secretary notwithstanding the provisions of section 302(e)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252(e)).

\1\ See References in Text note below.

(d) Indian Employment and Contracting.--Consistent with section 703(i) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2(i)), nothing in this section shall preclude the preferential employment of Indians living on or near a reservation on projects and contracts on Indian reservation roads. States may implement a preference for employment of Indians on projects carried out under this title near Indian reservations. The Secretary shall cooperate with Indian tribal governments and the States to implement this subsection.

(Added Pub. L. 90-495, Sec. 22(a), Aug. 23, 1968, 82 Stat. 826; amended Pub. L. 91-605, title I, Sec. 110, Dec. 31, 1970, 84 Stat. 1719; Pub. L. 93-87, title I, Sec. 120, Aug. 13, 1973, 87 Stat. 259; Pub. L. 94-280, title I, Sec. 126, May 5, 1976, 90 Stat. 440; Pub. L. 97-424, title I, Sec. 119, Jan. 6, 1983, 96 Stat. 2110; Pub. L. 100-17, title I, Sec. 122, Apr. 2, 1987, 101 Stat. 160; Pub. L. 102-240, title I, Sec. 1026, Dec. 18, 1991, 105 Stat. 1965; Pub. L. 102-388, title IV, Sec. 412, Oct. 6, 1992, 106 Stat. 1565; Pub.L. 105-178, Title I, SS 1208, 1212(a)(2)(A), June 9, 1998, 112 Stat. 186, 193.)

References

in

Text

Subsection (e) of section 302 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252(e)), referred to in subsec. (c), was struck out by section 2714(a)(1)(B) of Pub. L. 98-369 and restated in subsection (c)(1) of section 302 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252(c)(1)).

Amendments

1998--Subsec. (a). Pub.L. 105-178, S 1208(a), following the third sentence, inserted "In implementing such programs, a State may reserve training positions for persons who receive welfare assistance from such State; except that the implementation of any such program shall not cause current employees to be displaced or current positions to be supplanted or preclude workers that are participating in an apprenticeship, skill improvement, or other upgrading program registered with the Department of Labor or the appropriate State agency from being referred to, or hired on, projects funded under this title without regard to the length of time of their participation in such program."

Pub.L. 105-178, S 1212(a)(2)(A)(ii), substituted "State transportation departments" for "State highway departments".

Subsec. (b). Pub.L. 105-178, S 1208(b), in the first sentence, substituted "highway construction and technology training" for "highway construction training" and inserted ", and to develop and fund summer transportation institutes" following "skill improvement programs", and in the second sentence, struck out "104(b)" and inserted "104(b)(3)".

Pub.L. 105-178, S 1212(a)(2)(A)(i), substituted "State transportation department" for "State highway department".

Subsec. (c). Pub.L. 105-178, S 1208(c), substituted "104(b)(3)" for "104(a)".

1992--Subsec. (b). Pub. L. 102-388 substituted ``1/2 of 1 percent" for ``1/4 of 1 percent" in last sentence.

1991--Subsec. (b). Pub. L. 102-240, Sec. 1026(a), (b), inserted ``Indian tribal government," after ``institution," and inserted at end ``Notwithstanding any other provision of law, not to exceed 1/4 of 1 percent of funds apportioned to a State for the surface transportation program under section 104(b) and the bridge program under section 144 may be available to carry out this subsection upon request of the State highway department to the Secretary."

Subsec. (c). Pub. L. 102-240, Sec. 1026(b), inserted ``Indian tribal government," after ``institution,".

Subsec. (d). Pub. L. 102-240, Sec. 1026(c), inserted after first sentence ``States may implement a preference for employment of Indians on projects carried out under this title near Indian reservations."

1987--Subsec. (d). Pub. L. 100-17 added subsec. (d).

1983--Pub. L. 97-424, Sec. 119(c), substituted "Nondiscrimination" for "Equal employment opportunity" in section catchline.

Subsec. (a). Pub. L. 97-424, Sec. 119(a), substituted "national origin, or sex" for "or national origin" after "color, creed", in two places.

Subsec. (c). Pub. L. 97-424, Sec. 119(b), added subsec. (c).

1976--Subsec. (b). Pub. L. 94-280 substituted second sentence "Whenever apportionments are made under section 104(b) of this title, the Secretary shall deduct such sums as he may deem necessary, not to exceed \$2,500,000 for the transition quarter ending September 30, 1976, and not to exceed \$10,000,000 per fiscal year, for the administration of this subsection." for "Whenever an apportionment is made under subsections 104(b)(1), (b)(2), (b)(3), (b)(5), and (b)(6) of this title of the sums authorized to be appropriated for expenditure upon the Federal-aid primary and secondary systems, and their extensions within urban areas, the Interstate System, and the Federal-aid urban system for the fiscal years 1972, 1973, 1974, 1975, and 1976, the Secretary shall deduct such sums as he may deem necessary not to exceed \$5,000,000 per fiscal year for the fiscal years 1972 and 1973, and \$10,000,000 per fiscal year for the fiscal years 1974, 1975 and 1976, for administering the provisions of this subsection to be financed from the appropriation for the Federal-aid systems."

1973--Subsec. (b). Pub. L. 93-87 included apportionment of appropriated moneys for administration of subsec. (b) provisions for fiscal years 1974, 1975, and 1976, and substituted provisions which made available for such administration \$5,000,000 per fiscal year for fiscal years 1972, and 1973, and \$10,000,000 per fiscal year for fiscal years 1974, 1975, and 1976, for prior provision making available \$5,000,000 per fiscal year for such administration.

1970--Pub. L. 91-605 designated existing provisions as subsec. (a) and added subsec. (b).

Effective Date of 1991 Amendment

Amendment by Pub. L. 102-240 effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and, with certain exceptions, not applicable to funds appropriated or made available on or before Sept. 30, 1991, see section 1100 of Pub. L. 102-240, set out as a note under section 104 of this title.

Effective Date

Section effective Aug. 23, 1968, see section 37 of Pub. L. 90-495, set out as an Effective Date of 1968 Amendment note under section 101 of this title.

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APPENDIX I

(23 USC 319 - Landscaping and scenic enhancement)

TITLE 23--HIGHWAYS

CHAPTER 3--GENERAL PROVISIONS

Sec. 319. **Landscaping and scenic enhancement**

(a) Landscape and Roadside Development.--The Secretary may approve as a part of the construction of Federal-aid highways the costs of landscape and roadside development, including acquisition and development of publicly owned and controlled rest and recreation areas and sanitary and other facilities reasonably necessary to accommodate the traveling public, and for acquisition of interests in and improvement of strips of land necessary for the restoration, preservation, and enhancement of scenic beauty adjacent to such highways.

(b) Planting of Wildflowers.—

(1) General rule.--The Secretary shall require the planting of native wildflower seeds or seedlings, or both, as part of any landscaping project under this section. At least $\frac{1}{4}$ of 1 percent of the funds expended for such landscaping project shall be used for such plantings.

(2) Waiver.--The requirements of this subsection may be waived by the Secretary if a State certifies that native wildflowers or seedlings cannot be grown satisfactorily or planting areas are limited or otherwise used for agricultural purposes.

(3) Gifts.--Nothing in this subsection shall be construed to prohibit the acceptance of native wildflower seeds or seedlings donated by civic organizations or other organizations and individuals to be used in landscaping projects.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 916; Pub. L. 89-285, title III, Sec. 301(a), Oct. 22, 1965, 79 Stat. 1032; Pub. L. 89-574, Sec. 8(b), Sept. 13, 1966, 80 Stat. 768; Pub. L. 90-495, Sec. 6(f), Aug. 23, 1968, 82 Stat. 818; Pub. L. 94-280, title I, Sec. 136(a), May 5, 1976, 90 Stat. 442; Pub. L. 100-17, title I, Sec. 130, Apr. 2, 1987, 101 Stat. 169.)

Amendments

1987--Pub. L. 100-17 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

1976--Pub. L. 94-280, in revising section, struck out subsec. (a) designation for existing text; incorporated as part of the section provision of former subsec. (b) for acquisition of interests in and improvement of strips of land necessary for the restoration, preservation, and enhancement of scenic beauty adjacent to Federal-aid highways; and struck out subsec. (b) designation and other subsec. (b) provisions relating to: allocation to a State out of appropriated funds an amount equivalent to 3 per centum of funds apportioned to a State for Federal-aid highways for landscape and roadside development use within the highway right-of-way, including acquisition and development of publicly owned and controlled rest and recreation areas and sanitary and

other facilities within or adjacent to the highway right-of-way without being matched by the State; authorization of Secretary to except a State from the requirement upon a showing that amount is in excess of the State needs for the purposes; lapse of unused funds; appropriations authorization of \$120,000,000 for fiscal years ending June 30, 1966, and 1967, and \$20,000,000 for fiscal year ending June 30, 1970; and provision making chapter 1 respecting obligation, period of availability, and expenditure of Federal-aid primary highway funds applicable to funds authorized to be appropriated to carry out subsec. (b) after June 30, 1967.

1968--Subsec. (b). Pub. L. 90-495 inserted provisions authorizing an appropriation of not to exceed \$20,000,000 for the fiscal year ending June 30, 1970.

1966--Subsec. (b). Pub. L. 89-574 substituted provisions making applicable to the funds authorized to be appropriated to carry out this subsection after June 30, 1967, the provisions of chapter 1 of this title relating to the obligations, period of availability, and expenditure of Federal-aid primary highway funds for provisions prohibiting the use of any part of the Highway Trust Fund in carrying out this subsection.

1965--Pub. L. 89-285 rearranged section structurally, made provision for apportionment of an amount, in addition to the state's annual apportionment, equivalent to 3 per centum of the fund annually apportioned to the state for federal-aid highways to acquire interests and improvements for restoration, preservation, and enhancement of scenic beauty adjacent to Federal-aid highways, authorized appropriations of \$120,000,000 for fiscal year ending June 30, 1966, and \$120,000,000 for fiscal year ending June 30, 1967, and prohibited use of Highway Trust Fund moneys in carrying out the scenic enhancement provisions.

Effective Date of 1968 Amendment

Amendment by Pub. L. 90-495 effective August 23, 1968, see section 37 of Pub. L. 90-495, set out as a note under section 101 of this title.

Continuing Availability of Appropriated Funds for Appropriation, Obligation, and Expenditure

Section 136(b) of Pub. L. 94-280 provided that: ``All sums authorized to be appropriated to carry out section 319(b) of title 23, United States Code [former subsec. (b) of this section], as in effect immediately before the date of enactment of this section [May 5, 1976] shall continue to be available for appropriation, obligation, and expenditure in accordance with such section 319(b) [former subsec. (b) of this section], notwithstanding the amendment made by the subsection (a) of this section [to this section]."

National Scenic Highway System Study and User Access Study for Parks and Recreation Areas

Pub. L. 93-87, title I, Sec. 134, Aug. 13, 1973, 87 Stat. 268, mandated a study to determine the feasibility of a scenic highway system to link together recreational, historical sites, and a study of user access to parks and recreational areas, including alternatives to private automobiles, the results of the studies to be reported to Congress no later than July 1, 1974, and Jan. 1, 1975, respectively.

Acquisition of Dwellings

Prohibition against the use of eminent domain to acquire any dwelling (including related buildings) under the terms of Pub. L. 89-285, see section 305 of Pub. L. 89-285, set out as a note under section 131 of this title.

Taking of Private Property Without Just Compensation

Prohibition against the taking of private property or the restriction of reasonable and existing use by such taking without just compensation under the terms of Pub. L. 89-285, see section 401 of Pub. L. 89-285, set out as a note under section 131 of this title.

APPENDIX J

(Designated State and Federal Scenic Byways)

Designated State and Federal Scenic Byways

Below is a listing of State-designated scenic byways and the route followed by each one. Those Scenic Byways shown in **bold/blue** have also been designated Federal Scenic Byways. In any case, once a route has been declared a State Scenic Byway, there will be no new outdoor advertising sign structures permitted along the stretches of designated highway that fall on or within view of a Control Route as designated in 105 IAC 7-3-5. For these portions of a scenic byway, INDOT will be responsible for controlling outdoor advertising. For all other segments of scenic byway, outdoor advertising control standards and enforcement are the responsibility of the local jurisdiction(s).

Ohio River Scenic Byway (added to State System in 1989)

SR-62 (Illinois Line) to SR-66 (Evansville), SR-66 to SR-62 (Crawford County), SR-62 to SR-56 (Jefferson County), SR-56 to Ohio Line.

INDOT is responsible for enforcement of ODA ban from:

SR-62 at the Illinois line to the junction of SR-66 and SR-62 in Crawford County and SR-62 from the junction of I-65 to the Ohio Line on SR-56.

Local jurisdictions are responsible for control from:

SR-62 in Crawford County to the junction of I-65 in Floyd County.

The Historic National Road Scenic Byway (added to State System in October 1996)

US-40 from the Illinois State Line to the Ohio State Line.

INDOT is responsible for enforcement of ODA ban from:

I-465 (west side of Indianapolis) to .5-miles West of the Hendricks/Marion County Line.

Local jurisdictions are responsible for control from:

Illinois State Line to .5-miles west of the Hendricks/Marion County Line and from I-465 (west side of Indianapolis) to the Ohio State Line.

Indiana's Historic Pathways Scenic Byway (added to State System on October 19, 2004)

US-50 from the Illinois State Line to the Ohio State Line and US-150 from Shoals to the Falls of the Ohio.

INDOT is responsible for enforcement of ODA ban from:

US-50 from border to border. US-150 from Shoals to junction of I-64 and from I-64 to the Ohio River

Local jurisdictions are responsible for control from:

Any portion of US-150 in Floyd and Clark Counties from I-64 to the Falls of the Ohio.

River Road Scenic Byway (added to State System June 25, 2008)

Tippecanoe County Road 875W from Ross Hills County Park to Division Road, to South River Road, and then following South River Road to the junction with US-231, proceeding along US-231 to the junction with SR-43, and continuing along SR-43 to byway terminus at I-65.

INDOT is responsible for enforcement of ODA ban from:

US-231 from junction with South River Road to junction with SR-43.

Local jurisdictions are responsible for control from:

CR-875W from Ross Hills County Park to Division Road to South River Road to its junction with US-231 and then SR-43 from the junction of US-231 to I-65..

Whitewater Canal Scenic Byway (added to State System June 25, 2008)

US-50 from Walnut Street in Lawrenceburg to the Ohio State Line, < *Ohio segment excluded* >, “Old US-52” at the Ohio State Line to I-74 then proceeding along New/current US-52 to SR-121. Continuing north on SR-121 to junction with SR-1 in Connersville and following SR-1 to byway terminus at junction with SR-38 in Hagerstown.

INDOT is responsible for enforcement of ODA ban from:

US-50 in Lawrenceburg to the Ohio Line, US-52 from I-74 to junction with SR-121, and SR-1 from junction with SR-121 to byway terminus in Hagerstown.

Local jurisdictions are responsible for control from:

Entire SR-121 segment and “Old US-52” from I-74 to the Ohio State Line.

Proposed Loop Routes

Loop 1 (Eastern Fork Loop)

Beginning at the intersection of US-40 and SR-1, east on US-40 to Richmond, Indiana and the intersection of US-40 and US-27. Thence south on US-27 to Liberty, Indiana and the intersection of US-27 at SR-101. Thence south on SR-101 to Brookville, Indiana and the intersection with US-52 where the loop ends.

INDOT is responsible for enforcement of ODA ban from:

US-27 from US-40 to junction with SR-101.

SR-101 from junction with US-27 to junction with US-52.

Local jurisdictions are responsible for control from:

US-40 from start of Loop at SR-1 to junction with US-27.

Loop 2 (Batesville/Oldenburger Loop)

Beginning at West edge of Metamora, at the intersection of US-52 and SR-229, thence south on SR-229 to Batesville and the intersection of SR-46. Thence east on SR-46 to St. Leon and the intersection of SR-1. Thence north on SR-1 to US-52 where the loop ends.

Local jurisdictions are responsible for ODA control from:

Entire *Loop Route* as there are no Control Routes.

Loop 3 (Dearborn County Loop)

Beginning in Lawrenceburg at the intersection of US-50 and Walnut Street. Thence southwest on US-50 to Aurora and the intersection of US-50 and SR-350. Thence west on SR-350 to Milan, Indiana and the intersection of SR-350 and SR-101. Thence north on SR-101 to Sunman, Indiana and the intersection of SR-101 and Eastern Avenue/East CR-1100 N. Thence east on Eastern Avenue to County Line Road N. Thence south on County Line Road N to North Dearborn Road. Thence east on North Dearborn Road to Dover, Indiana and the intersection of North Dearborn Road and SR-1. Thence south on SR-1 to Lawrenceburg and the intersection of SR-1 and US-50 where the loop ends.

INDOT is responsible for enforcement of ODA ban from:

US-50 from Walnut Street in Lawrenceburg to SR-350 in Aurora.
SR-1 from Dover to Lawrenceburg.
SR-101 from Milan to Sunman.

Local jurisdictions are responsible for control from:

Remainder of *Loop Route*.

Lincoln Highway Scenic Byway

1913 Alignment:

Generally, US-30 from the Ohio State Line to US-33, continuing through Goshen, Elkhart, and South Bend along US-20 to Valparaiso where it rejoins US-30, and continues to the Illinois State Line. See the attached turn-by-turn routing.

1928 Alignment:

Generally US-30 from the Ohio State Line to the Illinois State Line. See the attached turn-by-turn routing.

INDOT is responsible for enforcement of ODA ban along:

US-20 (and US-20 *Business*), US-30 (and US-30 *Business*), US-33, and US-421; as well as along SR-2, SR-5, SR-9, SR-13, SR-15, SR-23, SR-39, SR-120, SR-130, SR-930, and SR-933.

Local jurisdictions are responsible for control as follows:

City of Fort Wayne – along Goshen Rd., Goshen Ave., Sherman Blvd., W. State Blvd., N. Wells St., Putnam St., Washington Blvd., Van Buren St., Maumee Ave., Fletcher Ave., and New Haven Ave.

City of New Haven – along Lincoln Hwy and Green St.

City of Ligonier – along Lincoln Way West

City of Goshen – along 1st, River, and Chicago Aves.

City of Elkhart – along Indiana Ave.

City of South Bend – along West LaSalle Ave.

City of LaPorte – along Eggebrecht Rd.

City of Valparaiso – along LaPorte Ave and Joliet Rd.

City of Merrillville – Old Lincoln Hwy.

City of Schererville – along Joliet St.

Town of Hamlet – along Plymouth St.

City of Plymouth – along Jefferson and Lincolnway

Town of Bourbon – along Center St.

City of Warsaw – along E. Center & Kosciusko, N. & W. Lake Sts.

City of Columbia City – along Park St.

Allen County – along W. Washington & Lake Center Rds., Maumee Rd., Estella Ave., and Lincoln Highway East.

Noble County – along CR-800N, Clark St. (Kimmell), and S. Oak St. (Merriam)

Elkhart County – along County Roads 148, 50, and 16

Saint Joseph County – along Ash Road

LaPorte County – along US-30A Rt., S. CR-700W, Old SR-2, W. Main St. (Westville), W. CR-300S, and E. Oak Knoll Rd. (Rolling Prairie).

Porter County – along Comeford and Joliet Rds., and CR-150E.

Lake County – along Old Lincoln Hwy.

Starke County – along Old US-30.

Marshall County – along Lincoln Highway

Michigan Road Historic Pathway

The Historic Michigan Road Byway stretches across the State of Indiana, from the Ohio River to Lake Michigan. The byway follows the route established by the State of Indiana in 1826 and constructed through the 1830s. The highway numbering system applied a variety of highway numbers to the route in the 20th century, however, it was and still is known in many counties and communities through which it passes as Michigan Road, Michigan Street, Michigan Avenue, or Michigan Boulevard.

The route begins in Madison, Indiana and continues north-northwest through Greensburg and Shelbyville into Indianapolis, then north to Logansport before it takes a bend toward Rochester, then north to South Bend and finally west to Michigan City where it terminates at Lake Michigan. The Historic Michigan Road has over 300 historic road-related resources on its path, 42 Indiana Historical Bureau Signs and 90 National Register of Historic Places Sites or Districts within its corridor. This makes the byway route an important experiential opportunity for telling the early history of the Hoosier State.

The Michigan Road begins in Madison about six blocks north of the Ohio River at the end of West St. It ends in Michigan City where it intersects with 4th Street and Willard Avenue, about 1,000 feet south of Lake Michigan.

Note: Portions of State Road 25 and US 31 along which the Michigan Road runs are likely to be relinquished by the state to local governing authorities, possibly before this application is approved. The Historic Michigan Road Byway will remain on its original historic alignment, and will not follow the redirected highways.

INDOT is responsible for enforcement of ODA ban along:

I-65 (660-feet either side of Washington Street and again 660-feet either side of Dr. Martin Luther King Jr. Street), **I-74** (from MM 104-99 as well as any portion of I-74 that is visible from MRHP), **I-80/90** (660-feet either side of US-20), **I-94** (660-feet either side of US-20/US-35), **I-465** (660-feet either side of Southeastern Ave and 660-feet either side of Michigan Road), **US-12** (as applicable), **US-20** (and **US-20 Business** as needed), **US-31** (660-feet either side of SR-25 as well as .8-miles at Plymouth, from 2-miles south of LaPaz to Quinn Trail, and from .4-miles south of Lakeville to US-20/31 Bypass), **US-31/US-20 Bypass** (660-feet from US-31 and again 660-feet either side of US-20 Exit), **US-35** (as applicable), and **US-421** (as applicable); as well as along **SR-3** (660-feet either side of US-421), **SR-9** (from 660-feet south of SR-44 to Michigan Road), **SR-14** (660-feet either side of SR-25), **SR-18** (660-feet from south intersection with SR-29), **SR-22** (660-feet from SR-29), **SR-25** (Logansport to Rochester), **SR-26** (660-feet either side of SR-29), **SR-28** (660-feet either side of SR-29), **SR-29** (ALL), **SR-32** (660-feet either side of US-421), **SR-44** (in Shelby County), and **SR-212** (in LaPorte County).

Local jurisdictions are responsible for control (for all routes not listed above) as

follows: (Note: Local jurisdictions responsible for portions listed in black; INDOT is responsible for portions in red and underlined.)

Jefferson County **Madison.** Milton Street, West Street, and Michigan Road. Left off West Street onto Michigan Road.
Intersection with State Road 62. Straight through.
Intersection with US 421. Turn left onto US 421.

Ripley County Divergence of original Michigan Road route and early-1900s Michigan Road “auto trail” route.

To follow the original route:

Intersection with Old Michigan Road. Turn left.
New Marion. Straight through.
US 50. Straight through.
Dabney. Straight through.
Road ends at County Road 850 N. Turn right, and then immediately left onto US 421.

To follow the “auto trail” route:

State Road 129. Straight through.
Versailles, at US 50. Turn left to stay on US 421.
US 50 and US 421 diverge. Turn right to stay on US 421.
Osgood. Straight through.
Napoleon, at State Road 229. Straight through.

Directions resume on original route.

Decatur County Road ends at State Road 46. Turn left.
Greensburg, at courthouse square. Turn right onto Franklin St.
North St. Turn left.
Jackson St. Turn right, then immediately make a slight left onto Michigan St.
US 421 rejoins the route.
State Road 3. Straight through.
US 421 exits to follow I-74. Stay on Michigan St.
St. Omer. Straight through.
Middletown. Straight through.

Shelby County E County Road 425 S. Slight right onto this original one-lane alignment of the road.
Old US 421. Slight left.
Road ends at State Road 44. Turn left.
Shelbyville, at State Road 9. Turn right and drive around Public Square, staying on State Road 9.
Michigan Road. Turn left.
Pass over I-74.

Michigan Road. Turn left.
Road ends at London Road (County Road 700 W). Turn left and immediately left again onto [I-74 West](#). (*I-74 was built on top of the Michigan Road for a few miles starting here.*)
(Optional) Pleasant View exit. A 1.4-mile segment of the original road runs through **Pleasant View**, dead-ending at I-74 on both ends. Return to I-74 after exploring this segment.

**Marion
County**

Acton Road exit. Follow it and turn left onto Acton Road.
Southeastern Avenue. Turn right.
Wanamaker. Straight through.
Pass over [I-465](#).
Road ends. Turn left to stay on Southeastern Avenue.
Road ends at Washington Street. Turn left.
Indianapolis, at Meridian Street. Straight through.
West Street. Turn right.
Indiana Avenue. West Street becomes Dr. Martin Luther King, Jr., Street.
Straight through.
Follow left-hand exit to stay on Dr. Martin Luther King, Jr., Street.
38th Street. Dr. Martin Luther King, Jr., Street becomes Michigan Road.
Straight through.
Augusta. Straight through.
Pass under [I-465](#). Road becomes [US 421](#).

**Hamilton
County**

Continue on [US 421](#). (Only 1¾ miles of the Michigan Road passes through Hamilton County.)

**Boone
County**

State Road 334. Straight through.
[State Road 32](#). Straight through.
State Road 47. Straight through.

**Clinton
County**

Kirklin, at State Road 38. Straight through.
[State Road 28](#). Straight through.
[State Road 29](#) begins. Straight onto State Road 29.
Boyleston. Straight through.
Michigantown. Straight through.
Middlefork, at [State Road 26](#). Straight through.

**Carroll
County**

Burlington, at [State Road 22](#). Straight through.
Wheeling, at [State Road 18](#). Straight through.
Sycamore Row original alignment on left.
State Road 218. Straight through.
Deer Creek. Straight through.

**Cass
County**

State Road 29 exits left. Continue straight onto Burlington Avenue.
Logansport, 3rd Street at State Road 25 (Market St.) Turn right.
6th St. Turn left.

Michigan Avenue, immediately following bridge over Eel River. Turn right.

Metea. Straight through.

**Fulton
County**

Fulton, at State Road 114. Straight through.

Pass under [US 31](#).

[State Road 14](#). Straight through.

Rochester, at courthouse, Main Street (Old US 31) at 9th Street. State Road 25 turns right; continue straight onto Main Street.

**Marshall
County**

State Road 110. Straight through.

Argos, at State Road 10. Straight through.

Road ends at [US 31](#). Turn right.

Michigan Road. Turn left.

State Road 17. Straight through.

Plymouth, Michigan Street at Jefferson Street. Straight through.

Follow ramp onto [US 31](#) North.

La Paz. Straight through.

**St. Joseph
County**

Quinn Trail, original road alignment. Turn left.

Road ends at Magnus Drive. Turn right and then immediately left onto US 31.

Lakeville. Straight through.

State Road 4. Straight through.

[US 31](#) exits right. Pass under the St. Joseph Valley Parkway ([US 31 and US 20](#)).

State Road 23 and State Road 933. Straight through.

Western Avenue, where Michigan Street curves and becomes St. Joseph Avenue. Turn left and immediately right back onto Michigan Street.

South Bend. Michigan Street at Washington Street. Straight through.

Colfax Avenue. Turn right and then immediately left onto St. Joseph Street, and then left again onto La Salle Avenue.

Bear right onto Lincoln Way West.

Roundabout. Follow it and stay on Lincoln Way West.

Roundabout. Bear right onto State Road 123 (Mayflower Road).

Pass under the St. Joseph Valley Parkway ([US 31/US 20](#)). The road becomes [US 20](#).

New Carlisle. Straight through.

**LaPorte
County**

Fork. Follow Bootjack Road on the right, leaving [US 20](#) behind.

Road ends at Wiley Road. Turn right.

Road ends at Michigan Street. Turn left.

Rolling Prairie. Straight through.

Road ends at [US 20](#). Turn right.

Pass over the Indiana Toll Road ([I-80/I-90](#)).

Wilhelm Road. Turn left to follow original alignment.

Fork. Follow Springville Road on the right.

Springville, at State Road 39.
Road ends at **US 20**. Turn left.
US 35 enters from the left. Straight through, and immediately pass under **I-94**.
US 20 exits at **State Road 212**. Pass under.
Michigan City, **US 35** at US 12. Turn left onto **US 12**.
End of the Michigan Road, **US 12** (Michigan Boulevard) at 4th Street and Willard Avenue.

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APPENDIX K

(USADOT/FHWA Letter: Destroyed Sign Guidance, September 9, 2009)



U.S. Department
of Transportation
**Federal Highway
Administration**

Memorandum

Subject: **INFORMATION:** Destroyed Sign
Guidance

Date: September 9, 2009

From: Gerald Solomon, Esq. 
Director, Office of Real Estate Services

In Reply Refer To: HEPR-20

To: Division Administrators
Director of Technical Services
Directors of Field Services
ATTN: Division and Federal Lands Realty
Professionals

In 2008 the FHWA entered into an interagency agreement with the U.S. Institute for Environmental Conflict Resolution (Institute) in an effort to implement recommendations contained in the January 2007 Conflict Assessment: Federal Outdoor Advertising Control Program (Assessment). The Assessment was prepared by the Osprey Group of Boulder, Colorado and the Executive Summary included issues that were both important to stakeholders and having reasonable potential for agreement.

The Office of Real Estate Services worked with the Institute to determine how to implement recommendations in the Assessment and to identify what issues to examine first. After careful review of the Assessment report with the Institute we focused on the Acts of God/definition of "destroyed signs" issue as the first step for collaboration with stakeholders.

A representative group of stakeholders comprised of State outdoor advertising regulators, representatives of the Outdoor Advertising Industry and Scenic America was assembled by the Institute for a collaborative workshop in December 2008 that focused on developing a definition of "destroyed signs." With the help of a facilitator, the State and FHWA representatives developed a draft definition. The Scenic America representatives expressed support for the definition. While the Outdoor Advertising Industry did not support the definition they did commit to continued involvement in the collaboration.

It was agreed by FHWA that the draft definition would be discussed with the National Alliance of Highway Beautification Agencies and the Outdoor Advertising Technical Council of the AASHTO Right of Way & Utilities Subcommittee to allow for a further exchange of ideas from interested parties prior to issuing any further guidance. The need for

guidance was identified in the original Assessment because of the difficulty in addressing the destroyed sign provision of the Outdoor Advertising Regulations in 23 CFR 750.707(d)(6)(i). Additionally it appears some States may not have addressed this issue appropriately in their rules and regulations.

After extensive consideration and consultation as noted above we are providing the following guidance for your use in determining if the state has developed adequate criteria to define a destroyed sign.

Destroyed" means that (a specified percentage*) or more of the upright supports of a sign structure are physically damaged such that normal repair practices would call for: in the case of wooden sign structures, replacement of the broken supports or, in the case of metal sign structures, replacement of at least (a specified percentage**) of the length above ground of each broken, bent, or twisted support.

*A range of 40 to 60% would be considered effective control.

**A range of 20 to 30% would be considered effective control.

Please review your State's outdoor advertising rules and regulations to see if they contain criteria to implement 23 CFR 750.707(d)(6)(i). If the State has criteria different from the above guidance, please ensure that it provides for effective control of destroyed signs

If you have any questions or comments on this guidance, please contact Ed Kosola by telephone (202) 493-0350 or e-mail Edward.Kosola@dot.gov.

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APPENDIX L

(USADOT/FHWA Guidance: Customary Maintenance Issues, Thursday, July 29, 2010)

CUSTOMARY MAINTENANCE GUIDELINES

Purpose and Need

The purpose of regulatory oversight is to maintain effective control of outdoor advertising, not to eliminate or perpetuate nonconforming signs. Federal regulations require that “each state shall develop its own criteria to determine when customary maintenance ceases and a substantial change has occurred which would terminate nonconforming rights.” Project NCHRP 20-7 (247) “Outdoor Advertising Sign Regulation Study, May 5, 2009,” reports that not all states have complied with this requirement. The intent of this guidance is to assist states in formulating criteria, consistent with 23 CFR 750.707(d)(5), that are practical and unambiguous. States may be more restrictive than these criteria.

Customary Maintenance

Customary maintenance, which is allowed, includes:

1. Nailing, cleaning and painting, and replacement of nuts and bolts
2. Replacement of structural components, including vertical supports, with the same material, and consistent with the state’s definition of a destroyed sign
3. Changes in the advertising message
4. Upgrading existing lighting for energy efficiency or worker safety
5. Addition of catwalks or handrails when required to resolve safety concerns

Substantial Change

A nonconforming sign must remain substantially the same as it was on the date it became nonconforming. A substantial change, which would terminate nonconforming rights, includes:

1. Increasing the number of vertical supports or changing the vertical support materials, such as replacing wooden supports with metal, or replacing I-beams with a monopole
2. Increasing the height of the sign
3. Changing the physical location
4. Changing the configuration of the sign structure, such as changing a “V” sign to a stacked or back-to-back sign, or a single face sign to a back-to-back sign
5. Increasing the size or dimensions of the sign face, including the addition of a face
6. Adding bracing, guy wires or other reinforcing devices
7. Adding variable or changeable message capability
8. Adding lighting, either attached or unattached, to a sign that previously did not have lights
9. Removing or re-erecting the structure