

1999 DRAFTING REQUEST

Bill

Received: 11/24/98

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Etzler**

This file may be shown to any legislator: **NO**

Drafter: **nilsepe**

May Contact:

Alt. Drafters:

Subject: **Transportation - highways**

Extra Copies: **TNF**

Topic:

DOA:.....Etzler - On-property signs

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nilsepe 12/3/98	jgeller 12/3/98		_____			S&L
/P1			jfrantze 12/3/98	_____	lrb_docadmin 12/3/98		

FE Sent For:

<END>

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1?	nilsepe	1/1-12/3 jlg	7/12/9	7/12/9			

FE Sent For:

<END>

Department of Transportation
1999-2001 Biennial Budget Request
STATUTORY MODIFICATIONS

DIN NUMBER: 5406

TOPIC: Reduced Regulation of On-Property Signs

DESCRIPTION OF CHANGES

Include the provisions of 1997 SB 55:

1. Modify s.84.30 (3) (c) (intro) to provide that, "if the department issues permits for outdoor advertising signs, the department is not required to issue permits for on-property signs that conform to the requirements of this paragraph."
- 84.30(3)(c) 2. Repeal the several specific restrictions on the number, size, and location of on-property signs; under current law, these restrictions apply only to on-property signs located outside the incorporated area of cities or villages.
1. to 3. 3. Substitute restrictions, applying to all on-property signs, which specify that they may not be erected in a location where the sign would constitute a traffic hazard, and which prohibit certain types of sign illumination (flashing, intermittent, or moving lights, except those permitted by DOT administrative rule; illuminated signs that are not effectively shielded to prevent glare that would interfere with any driver's operation of a motor vehicle; and signs illuminated in a way that obscures an official sign or traffic signal).

JUSTIFICATION:

S.84.30 (3) generally prohibits signs "visible from the main-traveled way of any interstate or federal-aid highway" unless the type of sign is specified as one of several exceptions to the prohibition. One exception is provided for under s.84.30 (3) (c); it allows, "Signs advertising activities conducted on the property on which they are located ["on-property" signs] if such signs comply with applicable federal law and the June 1961 agreement between the department and the federal highway administrator relative to control of advertising adjacent to interstate highways." For signs located in unincorporated areas, more detailed limitations are statutorily specified for the size, number, and location of on-property signs relating to a single activity.

DOT currently uses a permit process to assure that on-property signs conform to the requirements of s.84.30, collecting a permit issuance fee estimated to average \$25 per permit issued. Since federal law does not require that on-property signs be as strictly controlled as required by s.84.30, DOT proposes to reduce the extent of its control of on-property signs. The language proposed in 1997 SB 55 (which failed to pass) would allow DOT discretion over whether or not to issue permits for on-property signs. DOT anticipates that it would not issue permits for on-property signs unless federally required.

DOT proposes to replace aesthetic regulations on the number and type of on-property signs with more safety-related prohibitions on distracting illuminations or hazardous sign locations. These regulations are already specified in current law at s.84.30 (4) for all "advertising" signs erected in "business areas." The SB 55 language would clarify that the safety-related regulations also apply to any type of on-property signs. DOT does not anticipate issuing permits for illuminated on-property signs unless required by federal law, but it would enforce the regulations against signs that are erected in conflict with the safety regulations.

De-regulation of these signs has been considered over the last ten years, as illustrated by SB 55. A similar bill passed the Senate, but not the Assembly, in the previous legislative session. As a result, districts have already been giving a low priority to the staff-intensive activity of enforcing compliance with the existing requirements. Property owners frequently express the view that governmental regulation of the types of signs they may erect on their own property is an excessive interference with their property rights.

In recent years, most DOT district offices have not been maintaining a current inventory of regulated on-property signs; they have only been issuing permits when a request for one is made. Nevertheless, the Department's fiscal

estimate for 1997 SB 55 estimated that a reduction of about 340 permits, at an average permit fee of \$25, or \$8,500 annually could occur if no permits were issued for on-property signs. The Department's estimate of miscellaneous revenues for 1999-2001 assumes that a slightly smaller revenue loss (\$7,800) would occur in the first year of the biennium, depending on the date of budget enactment. The Department is also separately proposing a schedule of annual permit renewal fees for other types of outdoor advertising signs. The new revenue will more than offset the revenue loss associated with the reduction in revenues from on-property sign permit fees. Both items are appropriate for inclusion in the biennial budget bill because of their effect on workload and Transportation Fund revenues.

Do A: ETZler: on property signs
1999-2001 Budget.

-1024/PI

TNF & PEN: jlg

1997 SENATE BILL 55

SOON

February 5, 1997 - Introduced by Senators BRESKE, COWLES, DRZEWIECKI and A. LASEE, cosponsored by Representatives GARD, RYBA, SERATTI and POWERS. Referred to Committee on Labor, Transportation and Financial Institutions.

no cut

1 AN ACT to ~~repeal~~ 84.30 (3) (c) 5., to amend 84.30 (3) (c) (intro.), and to repeal
2 ~~and recreate~~ 84.30 (3) (c) 1. to 3. of the statutes, relating to: restrictions on
3 on-property signs.

Anal: head -> TRANSPORTATION
anal. sub -> HIGHWAYS

Analysis by the Legislative Reference Bureau that

Under current law, outdoor advertising signs which are located along interstates and certain other highways and which advertise activities conducted on the property on which the signs are located (on-property signs) are subject to certain restrictions as to size, number and location.

This bill prohibits the erection of on-property signs at locations that constitute traffic hazards and eliminates specific restrictions applying solely to on-property signs located outside the incorporated area of a city or village. The bill specifies that permits are not required to be issued by the department of transportation for on-property signs.

(DOT)

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 SECTION 1. 84.30 (3) (c) (intro.)^X of the statutes is amended to read:

SENATE BILL 55

SECTION 1

PROOF W/STATS.

1 84.30 (3) (c) (intro.) Signs advertising activities conducted on the property on
2 which they are located if such ~~on-property~~ signs comply with applicable federal law
3 and the June 1961 agreement between the department and the federal highway
4 administrator relative to control of advertising adjacent to interstate highways.
5 ~~Additionally, any such sign located outside the incorporated area of a city or village~~
6 ~~shall comply with the following criteria~~ No on-property sign may be erected in a
7 location where it constitutes a traffic hazard. If the department issues permits for
8 outdoor advertising signs, the department is not required to issue permits for
9 on-property signs that conform to the requirements of this paragraph. On-property
10 signs may be illuminated, subject to the following restrictions:

11 SECTION 2. 84.30 (3) (c) 1. to 3. of the statutes are repealed and recreated to
12 read:

13 84.30 (3) (c) 1. Signs which contain, include or are illuminated by any flashing,
14 intermittent or moving light or lights are prohibited, except electronic signs
15 permitted by rule of the department.

16 2. Signs which are not effectively shielded as to prevent beams or rays of light
17 from being directed at any portion of the traveled ways of the interstate or
18 federal-aid primary highway and which are of such intensity or brilliance as to cause
19 glare or to impair the vision of the driver of any motor vehicle, or which otherwise
20 interfere with any driver's operation of a motor vehicle, are prohibited.

21 3. No sign may be so illuminated that it interferes with the effectiveness of or
22 obscures an official traffic sign, device or signal.

23 SECTION 3. 84.30 (3) (c) 5. of the statutes is repealed.

24 (END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1024/P1
TNF&PEN;jlg:jf

DOA:.....Etzler - On-property signs

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: restrictions on on-property signs.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

HIGHWAYS

Under current law, outdoor advertising signs that are located along interstates and certain other highways and that advertise activities conducted on the property on which the signs are located (on-property signs) are subject to certain restrictions as to size, number and location.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 84.30 (3) (c) (intro.) of the statutes is amended to read:

NOTE TO DRAFTING FILE for LRB-1024:

Per the drafter, this draft has been redrafted to a “/1” as no problems remain in the draft that require resolution before introduction of the budget bill. There are no changes between the “/PX” and the “/1.”

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