

2005 DRAFTING REQUEST

Bill

Received: **10/24/2005**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Cathy Stepp (608) 266-1832**

By/Representing: **Scott Nelson (aide)**

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

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - highways**

Extra Copies: **PJH**

Submit via email: **YES**

Requester's email: **Sen.Stepp@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Outdoor advertising signs; electronic 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>
/?				_____			State
/P1	agary 11/30/2005	jdyer 12/01/2005	jfrantze 12/05/2005	_____	sbasford 12/05/2005		State
/1	agary 12/06/2005	jdyer 12/08/2005	pgreensl 12/08/2005	_____	lemery 12/08/2005	Inorthro 02/01/2006	

FE Sent For:

HH intro.

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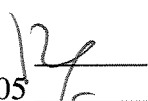
Topic:

Outdoor advertising signs; electronic signs

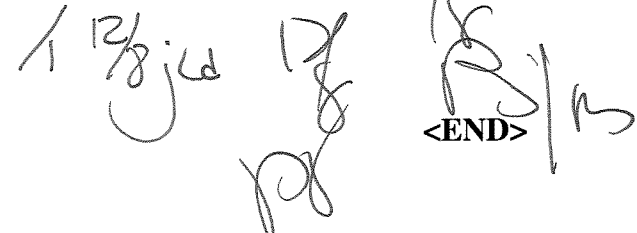
Instructions:

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/?							State
/P1	agary 11/30/2005	jdye 12/01/2005	jfrantze 12/05/2005		sbasford 12/05/2005		

FE Sent For:


<END>

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/?	agary	PI 12/1/05 jld	J 12/2/05	J 12/2/05	Ps		

FE Sent For:

<END>

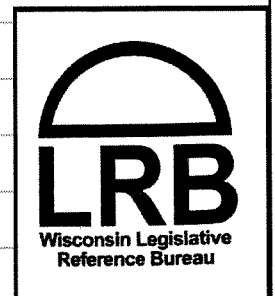
10/24/05

Mc w/ Scott

- Stepp.

· wants draft - comments of Swandberg

· will send e-mail



Gary, Aaron

From: Nelson, Scott - Legislature
Sent: Monday, November 28, 2005 12:56 PM
To: Gary, Aaron
Subject: RE: Outdoor Advertising Legislative Request

Aaron,

They are only concerned with off-premises signs, so 84.30(3)(c) 1 does not have to be changed. Let me know if you have any other questions.

W. Scott Nelson

Office of Senator Cathy Stepp
21st Senate District
State Capitol - 7 South
608-266-1832

From: Gary, Aaron
Sent: Monday, November 28, 2005 11:41 AM
To: Nelson, Scott - Legislature
Subject: RE: Outdoor Advertising Legislative Request

Scott,

On the "Electronic Signs" part, item 1. refers in the text only to "off-premises" signs but includes a citation [84.30 (3) (c) 1.] that applies only to on-premises signs. Do you want the draft to cover only off-premises signs, or both off-premises and on-premises signs? Thanks. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Nelson, Scott - Legislature
Sent: Monday, October 24, 2005 3:41 PM
To: Gary, Aaron
Subject: Outdoor Advertising Legislative Request

Aaron,

If you have any questions about this memo, please let me know. They would prefer to have these issues drafted separately even if they could be combined. Item 3 in the second bill request is taken from a California statute or rule. Thanks for your help.

<< File: Billboard Bills - Drafting Request.doc >>

W. Scott Nelson

Office of Senator Cathy Stepp
21st Senate District
State Capitol - 7 South
608-266-1832

Gary, Aaron

From: Nelson, Scott - Legislature
Sent: Monday, October 24, 2005 3:41 PM
To: Gary, Aaron
Subject: Outdoor Advertising Legislative Request

Attachments: Billboard Bills - Drafting Request.doc

Aaron,

If you have any questions about this memo, please let me know. They would prefer to have these issues drafted separately even if they could be combined. Item 3 in the second bill request is taken from a California statute or rule. Thanks for your help.



Billboard Bills -
Drafting Req...

W. Scott Nelson

Office of Senator Cathy Stepp
21st Senate District
State Capitol - 7 South
608-266-1832

Drafting Instructions (two separate bills)

Electronic Signs

1. Amend 84.30(3) (c) (1) and 84.30(4) (b).
2. Add language allowing multiple messages on off-premises outdoor advertising signs.
3. Multiple messages on these signs may be changed by any electronic process.
4. The message change must be accomplished in 1 second or less.
5. The time the message remains in a fixed position shall be 6 seconds or more.
6. Language can be included from Trans 201.15 to clarify that segmented messages or traveling messages are not allowed on off-premises signs.
7. Language can be included from Trans 201.15 to limit brightness. No electronic sign may be illuminated to a degree of brightness that is greater than necessary for adequate visibility.

Directional Signs

1. Amend 84.30(3)(a)
2. Add language from Trans 201.05(2) (e) regarding message content. In the message content limitations, clarify that "identification of the attraction or activity" may include the use of commercial symbols or trademarks. Trademark identification must be similar to the marking that would be allowed a LOGO (specific information sign in 86.195).
3. Add language from Trans 201.05(2) (f) regarding selection methods and criteria. Include language that confirmation that the activity is nationally or regionally know and is of outstanding interest to the traveling public means that a letter, resolution, or other official document made by a local public officer, public agency, county board of supervisors, or city council, who exercises governmental authority over the area and the sign must be received by the DOT with the application.

Soon

in 11/30

JLD

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

1

Gen

AN ACT ...; relating to: multiple or variable messages on off-premises outdoor advertising signs along interstate and federal-aid primary highways

and granting rule-making authority

2

Analysis by the Legislative Reference Bureau

The federal Highway Beautification Act requires states to restrict advertising along interstate and federal-aid primary highways, and current state law incorporates these requirements. Current law prohibits, with certain exceptions, the erection or maintenance of outdoor advertising signs within 660 feet of, or beyond 660 feet but visible (and erected for the purpose of being visible) from, the main-traveled way of an interstate or federal-aid primary highway. Exceptions to this prohibition include (with some restrictions):

1. Directional and other official signs.
2. Signs advertising activities conducted on the property on which the signs are located (on-premises signs).
3. Signs located beyond 660 feet of the highway in urban areas.
4. Signs located in "business areas," which generally are areas within 660 feet of the highway that are zoned for business, industrial, or commercial activities or are unzoned and used for commercial or industrial activities. These signs erected after March 18, 1972 (off-premises business area signs), must comply with certain size, lighting, and spacing requirements.

Under current law, off-premises business area signs may not contain flashing, intermittent, or moving lights, except those signs giving public service information. On-premises signs may include electronic signs if permitted by rule by the Department of Transportation (DOT), but off-premises business area signs generally may not.

Under this bill, off-premises business area signs may contain multiple or variable messages, including messages on louvers that are rotated and messages formed solely by use of lights or other electronic or digital displays. These messages may be changed by any electronic process, but each change of message must be accomplished in one second or less and each message must remain in a fixed position for at least six seconds. In addition, by rule, DOT may prohibit or restrict the use of traveling messages or segmented messages and may prohibit messages from being illuminated to a degree of brightness that is greater than necessary for adequate visibility.

For further information see the *state* 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:

1 **SECTION 1.** 84.30 (4) (b) 1. of the statutes is amended to read:

2 84.30 (4) (b) 1. Signs which contain, include, or are illuminated by any flashing,
3 intermittent, or moving light or lights are prohibited, except those specified in par.
4 (bm) and those giving public service information such as time, date, temperature,
5 weather, or similar information.

History: 1971 c. 197; 1975 c. 196, 340, 418; 1977 c. 29 ss. 946, 1654 (1), (8) (a); 1977 c. 43, 273; 1977 c. 418 s. 924 (48); 1979 c. 90 s. 24; 1979 c. 154, 253; 1981 c. 347; 1983 a. 92, 189, 463; 1989 a. 56; 1991 a. 316; 1993 a. 16, 112, 357; 1997 a. 27; 1999 a. 9, 185; 2001 a. 109.

6 **SECTION 2.** 84.30 (4) (bm) of the statutes is created to read:

7 84.30 (4) (bm) Signs may contain multiple or variable messages, including
8 messages on louvers that are rotated and messages formed solely by use of lights or
9 other electronic or digital displays, that may be changed by any electronic process,
10 subject to all of the following restrictions:

11 1. Each change of message shall be accomplished in one second or less.

12 2. Each message shall remain in a fixed position for at least 6 seconds.

13 3. The department, by rule, may prohibit or establish restrictions on the use
14 of traveling messages or segmented messages and may prohibit messages from being

1 illuminated to a degree of brightness that is greater than necessary for adequate
2 visibility.

3

4

(END)

D - Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3915/P1dn

ARG:.....

↑
JK

ATTN: Scott Nelson

Please review the attached draft carefully to ensure that it is consistent with your intent.

I have interpreted the request as intended to cover both "multiple message signs" and "variable message signs" as defined in Trans 201.15, Wis. Adm. Code. Under current Trans 201.15, a "multiple message sign" containing advertising may be placed on an off-premises sign, but a "variable message sign" containing advertising may not. (A variable message sign is limited to on-premises signs and to providing public service information on off-premises signs.) Federal law seems to contemplate the use of variable message signs on on-premises signs and on off-premises signs for providing public service information but not on off-premises signs for advertising. See 23 USC 131 (c) (3) and (j). I recommend that you consult with DOT, or seek a determination from the Federal Highway Administration, as to whether enactment of this bill would jeopardize any federal highway aid to the state.

I am not sure what was intended by the word "can" in items 6. and 7. of the instructions. DOT's rules do not prohibit traveling messages or segmented messages (where they are authorized), but impose restrictions on them. The attached draft does not directly prohibit these messages, but allows DOT to prohibit them or impose restrictions by rule.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3915/P1dn
ARG:jld:jf

December 5, 2005

ATTN: Scott Nelson

Please review the attached draft carefully to ensure that it is consistent with your intent.

I have interpreted the request as intended to cover both "multiple message signs" and "variable message signs" as defined in Trans 201.15, Wis. Adm. Code. Under current Trans 201.15, a "multiple message sign" containing advertising may be placed on an off-premises sign, but a "variable message sign" containing advertising may not. (A variable message sign is limited to on-premises signs and to providing public service information on off-premises signs.) Federal law seems to contemplate the use of variable message signs on on-premises signs and on off-premises signs for providing public service information but not on off-premises signs for advertising. See 23 USC 131 (c) (3) and (j). I recommend that you consult with DOT, or seek a determination from the Federal Highway Administration, as to whether enactment of this bill would jeopardize any federal highway aid to the state.

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Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

Gary, Aaron

From: Nelson, Scott - Legislature
Sent: Tuesday, December 06, 2005 2:24 PM
To: Gary, Aaron
Subject: FW: Bill Draft

Aaron,

Could you please take a look at Janet Swandby's response to your Drafter's Notes and make the appropriate change to the draft? Thanks for your help.

Scott:

We have reviewed the draft and Aaron's "Drafter's Note" and feel that one change has to be made.

The material I submitted to you may have been confusing to the drafter. According to the Federal Highway Beautification Act and Federal Highway Administration guidelines, "traveling messages or segmented messages" are not allowed on off-premises signs. As a result, the draft will have to be changed on page 2, line 13 to include a restriction on "traveling messages or segmented messages".

With regard to the illumination or degree of brightness language on page 2, line 13 through page 3 line 2, the department authority to establish restrictions by rule is fine.

I see that Aaron suggested that you consult with DOT regarding any potential loss of federal highway aid. At the hearing in the Joint Committee for the Review of Administrative Rules on Trans 201, Dave Vieth of the DOT testified that the FHWA has approved changeable messages on off-premises signs including the use of LED technology. In fact, these changeable message signs are now operational in a number of states with the approval of FHWA.

Please ask Aaron to make the above mentioned change in the draft. Thanks.

Janet

W. Scott Nelson

Office of Senator Cathy Stepp
21st Senate District
State Capitol - 7 South
608-266-1832



soon

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

in 12/6

KMR

Regen

1 AN ACT *to amend* 84.30 (4) (b) 1.; and *to create* 84.30 (4) (bm) of the statutes;
2 **relating to:** multiple or variable messages on off-premises outdoor advertising
3 signs along interstate and federal-aid primary highways and granting
4 rule-making authority.

Analysis by the Legislative Reference Bureau

The federal Highway Beautification Act requires states to restrict advertising along interstate and federal-aid primary highways, and current state law incorporates these requirements. Current law prohibits, with certain exceptions, the erection or maintenance of outdoor advertising signs within 660 feet of, or beyond 660 feet but visible (and erected for the purpose of being visible) from, the main-traveled way of an interstate or federal-aid primary highway. Exceptions to this prohibition include (with some restrictions):

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Under current law, off-premises business area signs may not contain flashing, intermittent, or moving lights, except those signs giving public service information.

NO
Traveling messages and segmented messages are prohibited.

On-premises signs may include electronic signs if permitted by rule by the Department of Transportation (DOT), but off-premises business area signs generally may not.

Under this bill, off-premises business area signs may contain multiple or variable messages, including messages on louvers that are rotated and messages formed solely by use of lights or other electronic or digital displays. These messages may be changed by any electronic process, but each change of message must be accomplished in one second or less and each message must remain in a fixed position for at least six seconds. In addition, by rule, DOT may prohibit or restrict the use of ~~traveling messages or segmented messages and may prohibit messages from being~~ illuminated to a degree of brightness that is greater than necessary for adequate visibility. *illumination*

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

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12 2. Each message shall remain in a fixed position for at least 6 seconds.

13 *3. ←* *MOVE*
14 *4.5* The department, by rule, may prohibit or establish restrictions on the use
of traveling messages or segmented messages, ~~and may prohibit messages from being~~

is prohibited.

NO
the illumination of messages

① ~~illuminated~~ to a degree of brightness that is greater than necessary for adequate
2 visibility.

3

(END)

Northrop, Lori

From: Nelson, Scott - Legislature
Sent: Wednesday, February 01, 2006 11:04 AM
To: LRB.Legal
Subject: Draft review: LRB 05-3915/1 Topic: Outdoor advertising signs; electronic signs

It has been requested by <Nelson, Scott - Legislature> that the following draft be jacketed for the SENATE:

Draft review: LRB 05-3915/1 Topic: Outdoor advertising signs; electronic signs