



WISCONSIN STATE LEGISLATURE ...  
PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Senate

(Assembly, Senate or Joint)

Committee on Natural Resources and  
Transportation...

**COMMITTEE NOTICES ...**

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

**INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL**

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)  
(**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

## Senate

### Record of Committee Proceedings

#### **Committee on Natural Resources and Transportation**

##### **Senate Bill 418**

Relating to: the erection of outdoor advertising signs in areas zoned for commercial or industrial activity.

By Senators Breske, A. Lasee, Grothman, Lassa and Plale; cosponsored by Representatives Mursau, Hines, Kestell, Pettis, Albers, Musser, Lothian and Gunderson.

November 03, 2005 Referred to Committee on Natural Resources and Transportation.

February 22, 2006 **PUBLIC HEARING HELD**

Present: (3) Senators Kedzie, Wirch and Breske.

Absent: (2) Senators Stepp and Kapanke.

##### Appearances For

- Keith Carsen, LaCrosse — Collins Outdoor Advertising
- Roger Breske — Senator, 12th Senate District
- Jeff Mursau — State Representative, 36th Assembly District
- Tom May, Crandon — Crandon Raceway
- Tiffany Landry, Crandon — Crandon Raceway
- Todd Achterberg — Eagle River Snowmobile Derby

##### Appearances Against

- David Vieth — Wisconsin Department of Transportation

##### Appearances for Information Only

- None.

##### Registrations For

- Janet Swandby — Outdoor Advertising Association of Wisconsin
- Andrew MacMorran, Marshfield — Lamar Advertising

##### Registrations Against

- Chuck Mitchell, Wauwatosa — Citizens for a Scenic Wisconsin
- Vernie Smith, Viroqua — Citizens for a Scenic Wisconsin
- Caryl Terrell, Madison — Sierra Club - John Muir Chapter

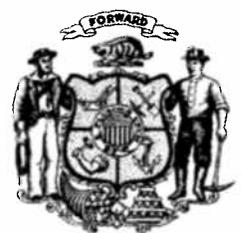
May 4, 2006

Failed to pass pursuant to Senate Joint Resolution 1.

Dan Johnson  
Committee Clerk



# WISCONSIN STATE LEGISLATURE



## Phillips, Matt

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**From:** Piliouras, Elizabeth  
**Sent:** Tuesday, November 08, 2005 3:01 PM  
**To:** Phillips, Matt  
**Subject:** Breske Hearing Request - SB418

Hi Matt:

Senator Breske would sincerely appreciate any consideration Senator Kedzie could give to Senate Bill 418 for a public hearing.

And, oddly enough, it's not an OAAW bill, but they may support it.

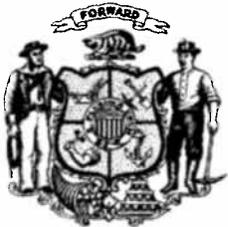
If you have any questions, I'd be happy to answer them.

Thanks,  
Beth

**Beth Piliouras**  
Senator Roger Breske  
608-266-2509



# WISCONSIN STATE LEGISLATURE





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## WISCONSIN LEGISLATIVE COUNCIL

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*Terry C. Anderson, Director  
Laura D. Rose, Deputy Director*

TO: SENATOR ROGER BRESKE  
FROM: *PGC* Philip G. Cardis, Staff Attorney  
RE: 2005 Senate Bill 418  
DATE: February 20, 2006

In response to your request, the following memorandum addresses: (1) 2005 Senate Bill 418 which relates to the erection of outdoor advertising signs in areas zoned for commercial or industrial activity; and (2) discusses "effective control" in regulation of outdoor advertising.

In sum, "effective control" is defined federally under the federal Highway Beautification Act, and whether or not "effective control" is provided can effect the amount of federal highway aid provided to Wisconsin. If the U.S. Department of Transportation (USDOT) Secretary determines that a state has not made adequate provisions for "effective control" of advertising along interstate and federal-aid highways in accordance with the Highway Beautification Act, then federal highway aid to that state could be reduced, until such time that "effective control" is provided.

It would be advisable to contact the Federal Highway Administration, along with WisDOT to clarify whether federal highway aid would be reduced to Wisconsin as a result of passing the proposed legislation.

### Current Law

The federal Highway Beautification Act [23 U.S.C. s. 131] 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, including signs relating to natural wonders and scenic and historical attractions.

2. Landmark signs.
3. Signs advertising the sale or lease of property on which the signs are located.
4. Signs advertising activities conducted on the property on which the signs are located.
5. Signs located beyond 660 feet of the highway in urban areas.
6. 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.

Under the exception identified in item 6., above, a sign erected in a business area after March 18, 1972, must comply with restrictions as to its size, lighting, and location, while a sign erected in a business area prior to this date is not required to comply with these restrictions. These restrictions are generally established by statute and by Department of Transportation (WisDOT) rule, except that in a zoned commercial or industrial area certain determinations by a local zoning authority may be accepted in lieu of these restrictions.

#### **2005 Senate Bill 418**

2005 Senate Bill 418 creates a new exception to allow signs erected in business areas after March 18, 1972, and before the effective date of the bill if, with respect to any such sign, all of the following apply:

1. The sign is located within a stadium, racetrack, or other sporting event arena in a zoned commercial or industrial area.
2. The sign is erected with the purpose of its message being read by spectators in the stadium, racetrack, or other arena.
3. The sign is consistent in size, lighting, and location with customary use in the zoned area as determined by the local zoning authority.
4. Allowing the sign will not result in reduction of federal highway aid to the state.

#### **"Effective Control" of Regulation of Outdoor Advertising**

In the federal Highway Beautification Act, Congress declared "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." [23 U.S.C. s. 131 (a).] As a result, the federal act requires states to restrict advertising along interstate and federal-aid primary highways. Current Wisconsin law incorporates these requirements in s. 84.30, Stats. Federal highway funds are apportioned to states which have "effective control" of advertising along interstate and federal-aid primary highways.

According to 23 U.S.C. s. 131 (c), "effective control" is defined as follows:

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 shall conform to national standards... 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. [23 U.S.C. s. 131 (c).]

#### "Effective Control" and Federal-Aid Highway Funds

23 U.S.C. s. 131 (b) provides the following with respect to federal highway funds and "effective control." Where the USDOT Secretary determines that a state has not made adequate provisions for effective control of outdoor advertising along the Interstate System and the primary highway system in accordance with the Highway Beautification Act, then federal highway aid "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." [23 U.S.C. s. 131 (b).] Any amount of federal highway aid which is withheld from apportionment to any state shall be reapportioned to other states. [23 U.S.C. s. 131 (b).]

In addition, s. 84.30 (12), Stats., provides that following guidance with respect to seeking federal compliance with the Highway Beautification Act. Section 84.30 (12), Stats., provides the following:

The department (WisDOT) on behalf of the state is authorized and directed to seek agreement with the secretary of transportation of the United States acting under the provisions of 23 USC 131, as amended, that the provisions of this section are in conformance with that federal law and provide **effective control** of outdoor advertising signs as set forth therein. [s. 84.30 (12), Stats.,] [Emphasis added.]

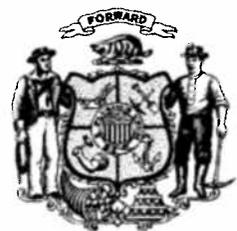
As a result, it would be advisable to contact the Federal Highway Administration, along with WisDOT, to clarify whether federal highway aid would be reduced to Wisconsin as a result of passing the proposed legislation.

If you have any questions about this matter, please contact me at the Legislative Council staff offices.

PGC:tlu



# WISCONSIN STATE LEGISLATURE





# Jeff Mursau

STATE REPRESENTATIVE • 36<sup>TH</sup> ASSEMBLY DISTRICT

## TESTIMONY ON SB 418

### Racetrack Signage

2/22/06

### Representative Jeffery Mursau

Chairperson Kedzie and members of the Senate Committee on Natural Resources and Transportation:

The federal Highway Beautification Act regulates billboards located within 660 feet of an interstate or US highway. Generally, the act limits signage to improve the viewscape along the road. The Wisconsin Department of Transportation is charged with enforcing the act.

Now, the DOT is now trying to regulate signs located in the Crandon International Raceway. Every year thousands of racing fans go to the Crandon Raceway. The racetrack has put up advertising meant to be viewed by the spectators in the stands. Because some of these ads are located within 660 feet of US Highway 8, the DOT believes that they have a right to regulate these signs.

The Highway Beautification Act was not meant to regulate signs located in racetracks or sports stadiums. In fact, the act states that it regulates signs, "visible from the main traveled way of the [highway] system, and erected with the purpose of their message being read from such main traveled way." Signs located in racetracks and stadiums are meant to be viewed by the spectators at sporting events. The fact that some of these signs may, for a split second, be viewed from a highway is incidental. As a matter of fact, until this issue came up, I didn't even realize that you could see the ads in the Crandon Raceway from Highway 8.

Senate Bill 418 simply states that signs located within a racetrack or sports stadium that are meant to be viewed by spectators at sporting events, are not subject to DOT authority. The bill still allows local zoning authorities to regulate such signs.

This bill will bring the DOT back into line with the intent of the Highway Beautification Act. Thank you for allowing me to testify in favor of SB 418. I welcome any questions you may have.