

# Clearinghouse Rule 97-107

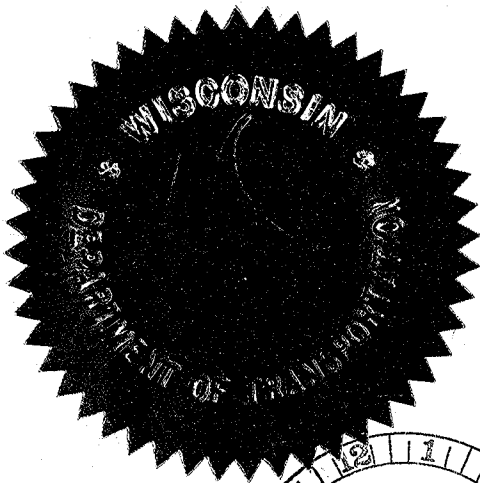
## CERTIFICATE

STATE OF WISCONSIN )  
 ) ss.  
DEPARTMENT OF TRANSPORTATION )

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

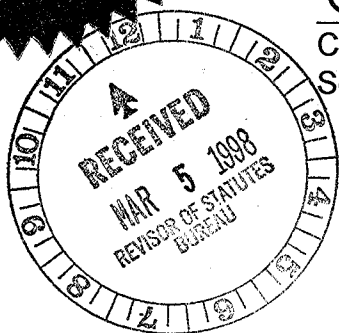
I, CHARLES H. THOMPSON, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to **erecting outdoor advertising signs where messages may be changed by electronic process**, was duly approved and adopted by this Department on March 4, 1998.

I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 4 day of **March**, 1998.

  
CHARLES H. THOMPSON  
Secretary



5-198

The Wisconsin Department of Transportation adopts an order to repeal and recreate TRANS 201.15, relating to erecting outdoor advertising signs where messages may be changed by electronic process.

**ORDER ADOPTING RULE****Analysis Prepared by the Wisconsin Department of Transportation**

**STATUTORY AUTHORITY:** ss. 84.30(14), 85.16(1) and 227.10(1), Stats.

**STATUTES INTERPRETED:** s. 84.30, Stats.

**General Summary of Rule.** This rule making proposes to repeal and recreate a section of the Department's rule on the regulation of outdoor advertising under s. 84.30, Stats. Section Trans 201.15 authorizes and regulates the use of signs whose messages may be changed by electronic process. The current provision permits only those signs known in the outdoor advertising industry as variable message signs which use lamps or lighting to change messages.

Until recently, the United States Department of Transportation took the position that signs which changed messages through the use of moving triangular louvers were illegal under federal law. This type of sign is known in the outdoor advertising industry as a multiple message sign. In 1996, the Federal Highway Administration reversed its position and advised the states that this type of sign would be permissible if not prohibited by the individual federal-state agreements on size, spacing and lighting for off-premises advertising signs. The agreement between the State of Wisconsin and the United States Department of Transportation executed in 1972 does not prohibit signs with parts moved by electronic process to effect message changes.

The Wisconsin Department of Transportation received a request from the Wisconsin Outdoor Advertising Association to amend ch. Trans 201 to allow the erection of multiple message signs in Wisconsin subject to reasonable restrictions to protect public safety. The Department and the Association agreed that the speed with which the louvers rotate and the length of time that a message is displayed should be regulated. This rule making will repeal and recreate s. Trans 201.15 to allow both variable message signs and multiple message signs. The louvers on multiple message signs will need to rotate in one second or less and will need to remain in a fixed position for six seconds or more. If there is litigation involving a multiple message sign, the louvers will be required to remain in a fixed position until a final decision is reached in the litigation.

**Fiscal Impact.** The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, technical

college district, sewerage district, or any federally-recognized American Indian tribes or bands. The Department also estimates no fiscal impact on state funds.

**Final Regulatory Flexibility Analysis.** This rule will have no adverse impact on small businesses.

**Copies of Rule.** Copies of this rule may be obtained upon request, without cost, by writing to Robert Hardie, Department of Transportation, Bureau of Highway Operations, Room 501, P. O. Box 7986, Madison, WI 53707-7986, or by calling (608) 266-3813. Alternate formats of the rule will be provided to individuals at their request.

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### **TEXT OF RULE**

Under the authority vested in the state of Wisconsin, department of transportation, by s. 84.30(14) and 85.16(1), Stats., the department of transportation hereby adopts an order repealing and recreating a section of a rule interpreting s. 84.30, Stats., relating to the erection of outdoor advertising signs whose messages are changed by electronic process.

**SECTION 1.** Trans 201.15 is repealed and recreated to read:

**Trans 201.15 ELECTRONIC SIGNS.** (1) PURPOSE. The purpose of this section is to set standards for the use of signs whose messages may be changed by electronic process in accordance with 23 USC 131(c)(3) and (j), and ss. 84.30(3)(c) and (4)(b), Stats.

(2) DEFINITIONS. In this section:

(a) "Activities conducted on the property on which the signs are located" has the meaning provided in s. Trans 201.19(2).

(b) "Message" means anything displayed on a sign, including copy, art animations and graphics.

(c) "Multiple message sign" means an outdoor advertising sign, display or device whose messages are on triangular louvered facings and are changed by electronic rotation of the louvers.

(d) "Public service information" means a message on an electronic sign which provides the time, date, temperature, weather, or information concerning civic, charitable or other noncommercial activities.

(e) "Segmented message" means any message or distinct subunit of a message presented by means of at least one display change on a variable message sign.

(f) "Traveling message" means a message which appears to move across a variable message sign.

(g) "Variable message sign" means an outdoor advertising sign, display or device without moving parts whose message may be changed by electronic process through the use of moving or intermittent light or lights.

(3) VARIABLE MESSAGE SIGNS. Signs authorized under s. 84.30(3)(c) and (e), Stats., may consist in whole or in part of a variable message sign subject to all of the following restrictions:

(a) Signs erected under s. 84.30(3)(c), Stats., may be used only to advertise activities conducted on the property on which the signs are located or to present public service information.

(b) Signs erected under s. 84.30(3)(e), Stats., may be used only to present public service information.

(c) No message may be displayed for less than one-half of a second.

(d) No message may be repeated at intervals of less than 2 seconds.

(e) No segmented message may last longer than 10 seconds.

(f) No traveling message may travel at a rate slower than 16 light columns per second or faster than 32 columns per second.

(g) No variable message sign lamp may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. Signs found to be brighter than necessary for adequate visibility shall be adjusted by the person owning or controlling the sign in accordance with the instructions of the department.

(4) MULTIPLE MESSAGE SIGNS. Signs authorized under s. 84.30(3)(c) and (e), Stats., may consist in whole or in part of a multiple message sign subject to all of the following restrictions:

(a) The louver rotation time to change a message shall be one second or less.

(b) The time a message remains in a fixed position shall be 6 seconds or more.

(c) During an appeal under s. 84.30(18), Stats., or any other litigation with the department concerning a multiple message sign, the person owning or controlling the sign shall place the louvers in a fixed position and may not rotate them until a final decision has been rendered.

**NOTE: A multiple message sign as defined in s. Trans 201.15(2)(c) refers to the sign known in the outdoor advertising industry as a tri-vision sign, and a variable message sign defined in s. Trans 201.15(2)(g) includes the device known in the outdoor advertising industry as a commercial electronic variable message sign.**

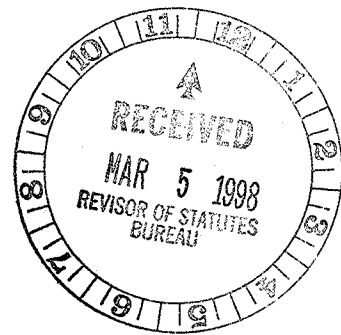
**(END OF RULE TEXT)**

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**Effective Date.** This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 4 day of March, 1998.

  
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CHARLES H. THOMPSON  
Secretary  
Wisconsin Department of Transportation





# Wisconsin Department of Transportation



Tommy G. Thompson  
Governor

Charles H. Thompson  
Secretary

OFFICE OF GENERAL COUNSEL  
P. O. Box 7910  
Madison, WI 53707-7910

March 5, 1998

Mr. Gary Poulson  
Deputy Revisor of Statutes  
131 West Wilson Street, Suite 800  
Madison, Wisconsin 53703

RE: **CLEARINGHOUSE RULE 97-107**

In the Matter of the Adoption of **TRANS 201**, Wisconsin Administrative Code, relating to the **erection of outdoor advertising signs whose messages are changed by electronic process.**

Dear *Gary* Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 97-107**, an administrative rule relating to the above-mentioned matter.

Sincerely,

*Julie A. Johnson*  
Julie A. Johnson  
Paralegal

Enclosures

cc: Gene Kussart  
Mike Goetzman  
Sandy Beaupre  
Jim Gruendler  
Bob Hardie

