

# **Signs, Billboards and Your Community**

**A citizen's manual for  
improving the roadside  
environment by  
effective control  
of billboards  
and outdoor  
advertising**

**Pennsylvania Resources Council, Inc.  
Society Created to Reduce Urban Blight**

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Lynn McConville  
Project Manager, PRC

*"We find it hard to conceive that our constitutional founders believed that visual blight and ugliness were a fundamental aspect of our national heritage or that our state and local governments were to be powerless in protecting the beauty and harmony in our human as well as our natural environments."*

—County of Cumberland v. Eastern Federal Corp., 48 N.C. App. 518, 269 S.E.2d 672 (N.C. 1980)

This manual does not address regular business signs, known as on-premise or accessory signs, that only identify the business or products for sale where the sign is located. It is written to address off-premise signs, with specific emphasis on roadside billboards.

Information about on-premise signs is available from several sources listed in Appendix B of this manual.

## Introduction: Outdoor Advertising and Your Community

Outdoor advertising, especially in its form as roadside billboards, is frequently a controversial part of America's landscape. Although general outdoor advertising signs can be appropriate in some locations, the proliferation of billboards and other forms of outdoor advertising can create sign clutter and visual blight in our communities.

The Pennsylvania Resources Council, Inc. (PRC) and the Society Created to Reduce Urban Blight (SCRUB) have developed this manual to provide information on billboard and outdoor advertising control for Pennsylvanians. PRC has been a strong advocate for visual beauty and the environmental protection of our public roadways since 1939. Originally known as the Pennsylvania Roadside Council, the organization changed its name to the Pennsylvania Resources Council, Inc. in 1985. PRC has active programs on litter awareness and prevention, the promotion of recycling and environmental shopping, green building, and protection of the region's visual and scenic environment. SCRUB is a Philadelphia-based billboard control and community visual environment advocacy group. Formed in 2000, SCRUB has been instrumental in educating the public on Philadelphia's sign control laws, preventing new billboard construction in inappropriate locations of the city, and encouraging the city to improve enforcement of Philadelphia's billboard control laws. In addition, SCRUB networks with neighborhood groups to improve the streetscape visual environment within their local commercial corridors.

This manual is divided into three major parts. **Part One – Understanding Outdoor Advertising** provides background information on outdoor advertising, the outdoor advertising industry, and the federal, state and local laws that regulate billboards and other outdoor advertising. **Part Two – Effective Control of Outdoor Advertising** provides information for citizens and municipalities interested in strengthening or revising local ordinances. **Part Three – Our Future Roadscape** discusses strategies for dealing with outdoor advertising problems and for developing a "scenic agenda" for our communities.

This manual is intended to draw together information about the issue and promote discussion among community members, municipalities and local businesses on what can and should be done to promote preservation and enhancement of the visual environment in our communities. This manual is not intended to be a definitive statement on what should be done about outdoor advertising in your community. It is not a legal document, and should not be relied upon for legal advice.

## PART I

### Understanding Outdoor Advertising

- The Importance of Controlling Outdoor Advertising
- The Outdoor Advertising Industry
- Federal and State Billboard Control Laws
- Local Sign and Billboard Control Laws

*The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment..."*

— Article 1, Section 27 of the Constitution of the Commonwealth of Pennsylvania

*Pollution is not limited to the air we breath and the water we drink; it can equally offend the eye and the ear."*

—Chief Justice Warren Burger

*"More than any country ours is an automobile society ....by making our roads highways to the enjoyment of nature and beauty we can greatly enrich the life of nearly all our people in city and countryside alike."*

— President Lyndon Johnson, 1965 Special Message to Congress on Conservation and Restoration of Natural Beauty

### Section 1: The Importance of Controlling Outdoor Advertising

The visual identity of a community creates a sense of place and civic pride. A community is strengthened when people have positive attitudes toward it, and the visual environment can strongly affect those attitudes. Poorly controlled outdoor advertising can foster a sense of blight or reduce one's sense of community character, to the detriment of civic pride.

Pennsylvanians have long recognized the unique esthetic values of their towns and countryside. This appreciation is incorporated in the Pennsylvania Constitution's Bill of Rights, acknowledging that the preservation of esthetic values is a fundamental right of the citizens of Pennsylvania. When outdoor advertising is improperly placed in the community landscape, made too large, too many in numbers, or illuminated late into the night, it can infringe on those natural, scenic, historic and esthetic values. The impact is felt not only by the citizens in the immediate neighborhood of the sign, but also by the community and the traveling public as well.

President Lyndon B. Johnson stated, "For centuries Americans have drawn strength and inspiration from the beauty of our country. It would be a neglectful generation indeed, indifferent alike to the judgment of history and the command of principle, which failed to preserve and extend such heritage for its descendants." He went on to note, "A concern for the enhancement of beauty must infuse every aspect of the growth and development of metropolitan areas. It must be a principle responsibility of local government, supported by active and concerned citizens."

Strong state and local control of roadside advertisements helps preserve and extend the heritage of beauty in our communities and surrounding areas. Concern and protection of the visual environment is important in any community but is of special importance in communities feeling the impact of rapid growth and change.

## Outdoor Advertising and Community Esthetics:

***"It is not speculative to recognize that billboards by their very nature, wherever located and however constructed, can be perceived as an "esthetic harm."***

— Metromedia, Inc. v. City of San Diego, 453 U.S. 490, 101 S.Ct. 2882 (U.S. Cal 1981)

***"The availability of job and career opportunities is a necessary but insufficient condition to attract the young knowledge workers...Quality of place completes the picture."***

— Richard Florida, "Competing in the Age of Talent"

***"A good sign code is pro-business, since an attractive business district will attract more customers than an ugly one. Moreover, when signs are controlled, merchants do a better job of selling and at less cost."***

— Edward T. McMahon, The Conservation Fund.

Hawaii banned billboards statewide in the 1950's to preserve the visual environment of the island. Vermont, Maine and Alaska followed suit in the 1970's to preserve the rural and bucolic nature of the states, both for the citizens and to promote tourism. Many tourist destinations ban billboards or restrict them to certain districts where the advertisements themselves are considered part of the ambience. These states and towns recognize that outdoor advertising creates a definite visual image that can work against the marketing of their communities to visitors.

It is not only tourist destinations that are finding that scenic and visually pleasing esthetics are important to the local economy. A number of business economists are pointing out that "quality of life" issues are becoming major factors in people's decision on where to live and work. A study by the Bank of America in 1993 concluded that "public policies that protect a community's environment and quality of life help to sustain long-term economic growth." In suburban communities and urban areas, the concern is preservation or restoration of a pleasing visual environment to promote business or encourage redevelopment in depressed areas along with concerns of visual clutter and driver distraction. Encouraging both tourist and business traffic into an older downtown necessitates planning what sign control best promotes and compliments the downtown and protects the community's visual esthetics. The goals of protecting public welfare and promotion of business and community quality of life may require significantly stronger sign controls than are available in the Federal and State outdoor advertising control regulations.

In today's world, any object can be painted, covered or wrapped and turned into an advertisement. In a world filled with advertising messages, pressure to place outdoor advertising in areas that previously had none will only increase. In addition, areas that have signs will face pressure to increase the number, locations and size of signs. Strong local ordinances are needed to insure that our communities do not become inadvertent casualties of this marketplace "battle of the advertisers" but instead will be places that reflect a consensus of public citizenship, pride and beauty.

## Outdoor Advertising and Business:

Real estate agents know that "curb appeal" of a property, its visual appearance from the street, can help make a sale or even increase the sale price. This concept applies to commercial and industrial properties in addition to residential housing. Curb appeal not only attracts tenants and buyers of real estate, it attracts customers to a business. With many options to choose from, a customer's choice of where to shop is often influenced by curb appeal and esthetics. Control of outdoor advertising insures that sign clutter and poorly placed, oversized outdoor advertisements won't detract from

***“Community character and image directly affect business in general and tourism in particular. Both potential visitors and investors are naturally drawn to places that are charming, orderly and visually appealing.”***

Enhancing the  
Roadscape – Monroe  
2020 Comprehensive  
Plan

***“In the year 2000 alone, the cost of motor vehicle crashes totaled over \$ 230.6 billion, with 2.3 million people injured.”***

— “The Economic  
Impact of Motor Vehicle  
Crashes, 2000”  
National Highway Traffic  
Safety Administration

**A 1968 study of street signs and graphics along Baltimore County roads found that with traffic signs, business signs, billboards and other advertisements on some roads, a driver would have to read over 440 words per minute, twice the average reading speed, to understand all the signs.<sup>1</sup>**

or overwhelm other visual amenities, offsetting businesses' efforts to improve their curb appeal.

In addition, sign clutter may make it difficult for smaller businesses to be seen. When a business sign is overshadowed by larger billboards and other off-premise advertising, it can go unrecognized by passing potential customers. Control of outdoor advertising helps level the playing field in a commercial district so businesses do not have to compete with one another in a “sign war” to attract customers with ever bigger or flashier signs.

### **Outdoor Advertising and Traffic Safety:**

To work, outdoor advertising must be seen and read by the traveling public and therefore must temporarily attract their attention away from other tasks. While this is not a concern for passengers in cars, it is a concern for drivers.

It is difficult to design realistic studies that can measure distraction. A Federal Highway Administration (FHWA) report on billboards and driver attention reviewed various studies on advertising and traffic safety and concluded that determining the effect of outdoor advertising on accident rates was difficult. However, the report highlighted issues that could have adverse effects on a driver's attention to driving. Clutter and visual complexity were shown to affect the time a driver has to look away from the road and search for information. Driver distraction was also noted to be potentially more significant with high accident and high-risk age groups who may have more difficulty handling divided attention demands while driving.<sup>2</sup>

The FHWA report quotes a study noting drivers tend to spend between 0.4 and 0.7 seconds fixing on simple traffic signs, but may need to spend 2.3 seconds fixing on an advertisement to understand it. If a driver has trouble understanding a sign, or if there is presentation of a subject that is of particular interest to the driver, this may result in longer reading times.

The attention time becomes a concern in areas of high traffic volume and high billboard density. Under state and federal standards, many roadways allow billboards every 500 feet. With billboards 500 feet apart and traffic traveling at 60 miles per hour, a driver would approach a billboard every 5.7 seconds. Given an attention time of 2.3 seconds to read and understand a billboard, a driver reading billboards would use 40 percent of his attention time to read advertisements rather than attending to driving.

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<sup>1</sup> Mandelker, D. and Ewald, W. (1988) Street Graphics and the Law

<sup>2</sup> Federal Highway Administration (2001) Research Review of Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction. Final Report, Office of Safety Research and Development

***"The young people as well as the adults have the message of the billboard thrust upon them by all the arts and devices that skill can produce ... The radio can be turned off, but not so the billboard or street car placard. These distinctions clearly place this kind of advertisement in a position to be classified so that regulations or prohibitions may be imposed upon all within the class."***

**-- Packer v. Utah (1932)  
285 U.S. 105, 52 S.Ct 273  
(U.S. Utah 1932)**

***"Leading medical experts estimate that 90% of disease is caused or complicated by stress. This epidemic of stress is a strong contributor to both high medical costs and poor medical outcomes"***

**- The Congressional Prevention Coalition on Stress Prevention: Its Impact on Health and Medical Savings, June 24, 1998**

For these reasons, experienced drivers learn to ignore features such as signage along roadways that they travel frequently. The outdoor advertising industry refers to the driver's learned behavior of ignoring signs as "site fatigue." The advertiser is then put in a position of either having its message ignored or having to frequently rotate messages and put up more eye-catching advertisements to draw driver's attention back away from the road.

### **Outdoor Advertising and Public Health Issues:**

Outdoor advertising represents a form of advertising that an individual cannot control. Unlike television, radio or print ads the individual cannot turn a billboard off. For that reason, billboard advertising creates public health concerns when children are exposed to inappropriate advertising. Billboard advertising for tobacco was a concern until the tobacco companies agreed to stop placing outdoor advertisements. Concern still exists for alcohol advertising that is viewed by a non-target audience, children and teenagers. Whereas a responsible business would not advertise alcohol in a magazine or television show tailored to a young audience, a billboard advertising alcohol along a local street or highway will automatically present the desirability of that product to everyone, including the passing busload of school children.

First amendment rights limit a municipality from regulating the content of advertisements in the community. The large size of many outdoor advertisements and their presence along primary travel corridors creates an issue of advertising to children, who become part of the billboard's "advertising catch." They are not the intended audience, but they have no way to avoid a billboard's advertising reach.

Concern has grown over the issue of how visual clutter and blight affect stress. Stress in our society is a major health problem. Research measuring how the visual environment may impact health and stress has found some interesting results. Some studies indicate that people have lower stress levels and recover more quickly from stress when they view a natural setting rather than a cluttered urban setting with concrete, buildings and signs dominating the landscape.<sup>3</sup> Other studies indicated that as a landscape's "care level" decreases - as it begins to look littered, cluttered and less cared for - people's perception of danger increases significantly and their feelings of tranquility and ease in the environment drop.<sup>4</sup> If litter, excessive signage, visual blight and visual clutter combine to create stress and other adverse physiological impacts, planning a community's streetscape appearance to enhance the public visual environment would be an important component of public health.

<sup>3</sup> R. Parsons et al. The view from the road: implications for stress recovery and immunization. Journal of Environmental Psychology (1998) Volume 18, Issue 2

<sup>4</sup> Herzog and Chernick Tranquility and danger in urban and natural settings. Journal of Environmental Psychology (2000) Volume 20, Issue 1

**Billboards  
by the  
Numbers**

How many billboards are in Pennsylvania? How does that compare to our neighboring states? How much does regulation of billboards and outdoor advertising cost taxpayers? Scenic America, a national organization concerned with the visual environment of our landscapes and roadways, contacted 46 state departments of transportation in a survey to quantify the billboard issue. The facts, self-reported by the state DOT's, are summarized in their report "The Highway Beautification Act: A Broken Law." Table 1 and Table 2 below show these facts for billboards in the Eastern Region along interstates and primary federal-aid highways.

**Table 1: Number of Billboards On Interstate and Primary Highways as Reported by State's Department of Transportation.**

State	Total Number of billboards on highways	billboards allowed in unzoned rural areas?	Estimated number in rural areas
PA	14,127	Yes	3,500
NY	5,028	No	0
MD	4,181	No	0
MA	3,685	No	0
VA	3,683	Yes	unknown
WV	2,543	Yes	unknown
CT	988	Yes	0
NH	754	Yes	unknown
NJ	607	Yes	0
DE	298	Yes	0
RI	253	No	0
ME	0	No	0
VT	0	No	0

PENNDOT reported significantly more billboards in Pennsylvania than were reported by other east coast states. In the United States, only 5 other states reported more billboards present along their major roadways.<sup>5</sup> This is in spite of the fact that citizen groups in Pennsylvania were among some of the first nationwide to campaign for billboard restrictions in the 1940's and 1950's.

**Billboard Fees**

Most states charge permit fees for their billboard permits. Billboard permit fees help pay for the costs of the billboard control program mandated by Congress as part of the Highway Beautification Act. Application fees and

<sup>5</sup> States reporting more billboards along their interstate and primary highways include Florida with 20,711, Ohio with 16,436, Mississippi with 16,082, Texas with 15,409 and Wisconsin with 14,990.



annual permit fees vary greatly from state to state, with a low of \$ 0 for an annual billboard permit in West Virginia to a high of \$ 350 for a large sign in New Jersey. Table 2 shows fees in some of the Eastern Region states, along with state billboard control program costs.

**Table 2: Cost and Fees Collected on Billboard Permits as Reported by State Departments of Transportation<sup>6</sup>**

State	Application fee per sign	Billboard annual permit fee	Fees meet cost of control program?	Annual program subsidy required
MD	\$ 10 – 35	\$ 10 – 35	No	\$ 600,000
PA	<b>\$ 10 – 30</b>	<b>\$ 10 – 30</b>	<b>No</b>	<b>\$ 500,000</b>
VA	\$ 3 – 70	\$ 3 – 70	No	\$ 432,000
NJ	\$ 50 – 200	\$ 5 – 350	No	\$ 257,000
WV	\$ 100 + 13	\$ 0	No	\$ 221,000
CT	\$ 25 – 50	\$ 10 – 30	No	\$ 200,000
DE	\$ 5 – 20	\$ 5 – 20	No	\$ 126,500
RI	\$200 + 100/face	\$ 100	No	\$ 95,000
NH	\$ 50 – 100	\$ 50 – 100	No	\$ 17,350
NY	\$ 20 – 100	\$ 20 – 100	Yes	\$ 0
MA	\$ 60 – 160	\$ 60 – 160	Yes – this fee structure produces a state surplus of \$ 390,000	
ME and VT – billboards are banned statewide, no permit program is administered by the state				

If permit costs do not cover the billboard control program costs, funds from the state transportation budget or general funds from the state treasury must be used to subsidize the program. For those states with permit fees that don't cover costs, taxpayers pay the difference - effectively subsidizing billboards and paying to keep those billboards inexpensive for the advertisers. In Pennsylvania, state permit fees have not changed since 1971, when the Pennsylvania Outdoor Advertising Control Act was first authorized.

<sup>6</sup> Information for Tables 1 and 2 obtained from "The Highway Beautification Act: A Broken Law" published 1997 by Scenic America, 21 Dupont Circle, Washington D.C, 20036 B1:HBA

## Section 2: The Outdoor Advertising Industry

Although the Outdoor Advertising Industry is a 5.2 billion dollar industry, it only accounts for approximately 2.2 % of the advertising dollars spent in the United States annually.<sup>7</sup>

Nationwide, there are 10 major sign companies in the industry

- Clear Channel
- Viacom
- Lamar
- AK Media
- JCDecaux
- Adams Outdoor
- Tri-state Outdoor
- Fairway Outdoor
- Van Wagner Communication
- Reagan Outdoor

Outdoor advertising as we know it today exists as a result of the tremendous public effort and funding put forth to create the modern American transportation system. This unprecedented system opened vast areas of the United States to the movement of large numbers of people. This effort also created opportunities for advertisers to try and seize upon the traveling public as a captive audience delivered to their ads, willingly or not, as they drove down the public roadways. The modern outdoor advertising industry developed and grew alongside the expanding network of interstates and highways.

The outdoor advertising industry consists of three components. The first component is the **advertiser**, the companies, individuals or organizations who want to rent space to advertise their goods and/or services, or place their messages regionally or nationwide. The second component is the **advertising agency**, the people who help the company or organization plan and execute an advertising campaign. The third component is the **sign company**, who build outdoor display structures such as billboards on land they either own or lease. The sign company rents space on those structures to the advertisers through the advertising agency.

In recent years, there has been a consolidation in the number of sign companies who own outdoor displays. Thirty years ago most sign displays were owned by a number of regional sign companies. Today most sign displays are owned by one of a few large national media conglomerates.

Nationwide, Clear Channel Communications, Viacom, and Lamar Advertising dominate the outdoor advertising industry. Clear Channel, which owns radio and television stations and runs entertainment services, has acquired many sign companies in recent years, among them Eller Media, to form Clear Channel Outdoor. Viacom is a global media company with broadcast and cable television, radio and online operations in addition to an outdoor advertising division. The third big player in the industry is Lamar Advertising. Unlike the other two companies, Lamar does not own radio and television stations but concentrates on both outdoor and indoor mall and shopping center advertising displays.

Other smaller outdoor advertising companies do business in Pennsylvania. Some of them are Steen Outdoor Advertising, NextMedia Group, and Whiteco Outdoor. In addition, small new billboard companies are formed periodically. Many of these newer companies are not in the business of building billboards but work instead to acquire and lease sites and then obtain local permits. These sites and permits are later sold to the larger sign companies for sign construction.

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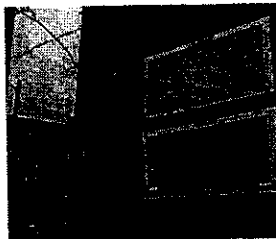
<sup>8</sup> Advertising Age magazine - : <http://www.adage.com/datacenter.cms>  
Coen's 2002 US Advertising Volume (Coen/McCann-Erikson)

## **Off-premise Outdoor**

### **Advertising:**

Off-premise or non-accessory signs consist primarily of advertisements for activities or products that are not conducted or sold on the premise on which the signs are located, or signs that bring rental income to the property owner.

## **8-Sheet Billboards**



**Size:**  
72 sq. feet  
6' high 12' wide

## **Types of Off-Premise Outdoor Advertising (OA):**

Most people know off-premise advertising as the billboard along a highway. Although this is the most common form of outdoor advertising, OA includes a number of different sign types - from giant "wall wraps" to the small signs nailed on a utility pole advertising a new weight loss program. Regulations of off-premise outdoor advertising need to cover all the various types of off-premise outdoor advertisements, both traditional forms of outdoor advertising such as billboards and poster signs, and less traditional forms such as stake signs, transit signs, wall wraps, logo signs, mobile advertisements and more.

### **Traditional Outdoor Advertising: Billboards**

Billboards come in standard sizes that allow advertisers to generate and reproduce designs for regional and nationwide advertising campaigns. From the small sizes, called "8-sheets" to the larger "Bulletin" billboards, what advertisers choose to use depends on their target audience and what sizes are available in their target locations. Currently, most billboards support traditional paper advertisements or newer vinyl mesh printed advertisements, but digital billboards are being tested in a number of markets. Digital billboards provide a lighted display much like a video game display which can be changed electronically to advertise a variety of products.

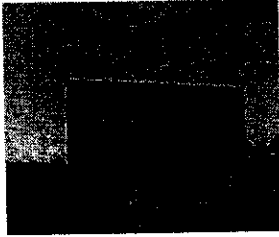
**Small** - The smallest sized billboard is referred to as an 8-sheet poster. The term comes from the time when a billboard consisted of smaller sheets of paper glued together to form the advertisement. These smaller billboards were made up of 8 sheets of paper. These billboards are generally used in areas where there is slow moving traffic, where there is pedestrian traffic, or where there are size restrictions prohibiting larger billboards. They may be placed on a pole, but often they are bolted directly to a wall.

Advertisers rent 8-sheet billboards in groups of 20 to 200 signs in order to create a "spread" of advertising coverage for a short-term or seasonal promotion of a product. Because many of the 8 sheets are located within cities, and frequently in older or lower income areas, there is concern among some neighborhood organizations of the "targeting" of advertisements for alcohol and other products to specific ethnic groups. This often becomes an issue when the ads are located near homes, schools and playgrounds.

On average, in the Philadelphia area markets, these types of boards rent in 4 week periods for approximately \$200 to \$ 250 per board.<sup>8</sup>

<sup>8</sup> Rates are from self-published rate cards listed on major sign company websites such as [www.clearchanneloutdoor.com](http://www.clearchanneloutdoor.com) or [www.lamaroutdoor.com](http://www.lamaroutdoor.com), or [www.viacomoutdoor.com](http://www.viacomoutdoor.com).

### 30-Sheet Billboards



Size:  
300 sq. feet  
12' high 25' wide

**Medium** - Medium sized billboards are called "30-sheets." They are generally about 300 square feet in size. These are among the most common form of older billboards along both primary and secondary roadways. These billboards are often double-sided to provide advertisement in both directions of travel, and sometimes are stacked with two faces on each side to provide space for two to four different advertisements.

30 sheet billboards are either rented in spreads like the 8-sheets, or they may be rented individually. They are commonly placed on a wall, on a rooftop, or are free standing on one or more poles.

In the Philadelphia area markets, these types of boards rent on average for approximately \$750 to \$ 800 per board face per 4 week periods, but the rental rate can vary depending on location and the presence or scarcity of other billboards in the area.

### Bulletin Billboards



Size:  
670 sq. feet to  
1,200 sq. feet  
14' high by 48' wide  
or 20' high by 60' wide

**Large** - Larger billboards are called either bulletin billboards or premier sheets depending on size and shape. These signs can vary in size, from approximately 670 square feet to larger premier panels of approximately 1200 square feet. They are placed along major highways and interstates where traffic is moving at a higher speed, and where there is a longer sight view.

Advertisers rent these billboards individually based on location and expected viewership. Some bulletins are "permanent," where the advertiser has signed a long-term contract to rent the sign for more than one year. Others are "rotational" bulletins, where various advertisers rotate advertisements on a short-term contract for several months.

In the Philadelphia area markets, these types of boards rent on average for approximately \$5,000 to \$ 8000 per board face per 4 week periods but the price will vary depending on desirability of the billboard location. Prime locations can rent for considerably more.

### Wall Wraps

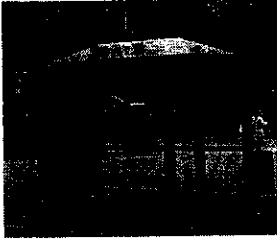


Size: Variable  
Sizes typically run  
from 1,200 sq. feet to  
over 10,000 sq feet.

**Extra Large** - Advancements in materials and printing technology now allow the creation of signs of any size. Printing on vinyl mesh rather than paper allows the creation of advertisements that can range from either the traditional billboard size, to an advertisement that is the size of a 10 story building. The largest of these new vinyl advertisements are called mega-size signs, or "wall wraps."

Using bolts and cords or cables, wall wraps attach directly to the building. A large wall wrap goes directly over the windows and architectural features of the building. Although one can see through the vinyl mesh of the advertisement, sunlight and visibility through the covered window is diminished.

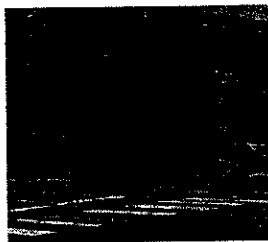
Newer versions of the standard billboard include trivision signs that rotate three or more sign messages on one face, or digital video faces that can be programmed to show changing advertisements throughout the day.



### Transit or Bus Shelter Ads

Size:  
22 sq. ft  
4' wide by 5 ½ high

### Mobile Ads



Size: Variable  
Size varies depending on vehicle.

Wall wraps are custom made, and typically have longer term leases than for rotational billboards. Price varies greatly depending on the wrap's size and location. A mega-size wall wrap on Times Square can cost an advertiser several hundred thousand dollars to show. A smaller sized wrap in a less prominent location may cost around the same price as a regular billboard advertisement of that size.

### Other Types of Outdoor Advertising:

Not every off-premise outdoor advertising meets the definition of a billboard, which is a free-standing or wall mounted sign board of a standard size and type. From the old style advertisements on bus benches to a simple poster nailed on the utility pole, to modern digital outdoor video displays that provide changing advertisements, outdoor advertising can take a range of traditional and non-traditional forms.

**Bus Shelters** - Unlike billboards, where the structure exists simply as a support for the advertisement, transit shelter signs are incorporated into the bus or transit shelter structure. Typically one or two panels of the bus stop shelter are clear to allow placement of commercial advertisements. Like 8-sheets, these bus shelter panels are rented out in groups to create a short term advertising spread in a region. Unlike billboards, where each structure is on a separate property leased from individual property owners, the bus shelter structures are built by the sign company within the public right-of-way as part of an agreement with the local municipality or local transit agency. These types of shelters are generally placed on transit routes in commercial areas, along sidewalks and other road right-of-ways or easements where outdoor advertising is normally prohibited.

Although these bus shelter ad-boards are smaller than the traditional 8-sheet billboard, they have a higher average rental cost. The higher rental costs reflect both the higher cost in construction of the bus shelter, and the fact that these advertisements are often in prime commercial locations where other off-premise advertising may be restricted or prohibited. In the Philadelphia area markets, these types of boards rent for approximately \$1,000 per board per 4 week period.

**Mobile advertisements** are ads that are placed on buses, trucks, vans or on trailers. The simplest form is a 30-sheet sized billboard that is mounted on a trailer and towed behind a truck. Other forms are printed on a vinyl mesh and either glued or strapped to the side of a flat panel truck or "shrink wrapped" directly onto a vehicle. Buses, cars or trucks can be completely "wrapped" in a single advertisement. The vinyl printing technology now allows almost any object to be viewed as a potential location for advertising.

Mobile advertisements also come in high-tech versions. In addition to vinyl mesh ads, video and digital imaging technology has improved to the point where giant mounted video screens and changing digital signs are being tested and used in major markets such as New York City and Los Vegas. Since mobile ads are not stationary structures, but are mounted on a motor vehicle, they are not covered by the HBA or Pennsylvania's Outdoor Advertising Control Act. Any controls would be through Pennsylvania's motor vehicle laws.

### **Nuisance Signs, Snipe Signs, and "Street Spam":**

#### **Stake Signs –**



**Size:**  
small, generally  
1 to 3 sq. ft.

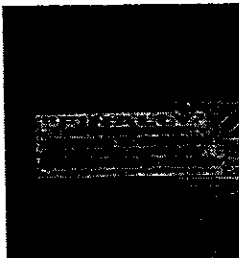
**Stake signs** are small poster sized signs that are driven into the ground on small stakes. Common forms include the ubiquitous realty signs that pop up on weekends. Some of these signs are intended to serve as directional signs, and some are intended to serve as advertisement.

These signs in a roadway right-of-way can create visual clutter and traffic hazards. Directional signs that are improperly placed may increase the risk of accidents by creating confusion, or quick lane changes by drivers. For these reasons, unofficial signs not approved by PENNDOT or the municipality are banned from road right-of-ways.

Some municipalities allow periodic placement of stake signs outside of the road right of way for political signs, directional signs, noncommercial messages, and signs that relate to periodic public events. Most municipalities have ordinances that spell out when and where these types of signs can be placed. However, improper placement of these signs within the road right-of-way is commonly done.

#### **Poster Signs -**

**Size:**



**small, generally  
1 to 3 sq. feet**

**Poster or Utility Pole Signs** - For a number of years, the typical poster signs nailed to utility poles would be advertising yard sales, looking for lost dogs, or promoting candidates during the election season. Although nailing these signs on trees, public property and utility poles has always been illegal, most were considered a temporary nuisance and ignored by code enforcement officers.

Recently, however, poster signs have gone commercial with scores of signs sometimes peppering communities. They advertise work from home projects, weight loss programs, home buying services, and a host of other businesses. Some people specialize in putting them up, charging a business a fixed rate per 100 signs, and nailing signs to trees, utility poles and buildings despite laws against this type of advertising placement.

These signs, referred to by most code enforcement officers as "nuisance signs", or as "street spam" or "snipe signs" tend to proliferate due to the low cost in associated with generating and posting these signs. They especially tend to proliferate if there is lack of emphasis given for removal by state and local officials.

## The Economics of Billboards

### Economics for the Sign Company

The Philadelphia region ranks as the fourth largest demographic marketing area in the United States.<sup>9</sup> Competition among the sign companies for billboards and new sign locations is very active as each company tries to take a dominant position in this market. How signs are bought, sold or rented depends on traffic demographics within this market.

### DEC – Daily Effective Circulation:

A calculation based on traffic counts showing how many people will pass the outdoor advertisement location during an average day.

**Size:** Billboards exist to attract attention to themselves. Therefore, in outdoor advertising, conventional wisdom asserts that bigger is better. As a result, rental rates to the advertiser are significantly higher for large billboards than for small billboards, making large billboards significantly more profitable than small or medium sized billboards.

**Viewers:** For larger signs, the sign's rental rate is priced in much the same way as television, radio and print advertising is priced. The value depends on how many people will see it in during a given day. For a billboard, how many people will see it is directly dependent on its location. A billboard along a major interstate with heavy traffic "delivers" more viewers to the advertiser, and will cost more to rent than a billboard along a smaller, less traveled route.

**GRP – Gross  
Rating Points:**  
the percentage of people in a given market who will see an advertising campaign. This number depends on the number of billboards rented for the campaign, and each billboard's DEC.

The sign industry publishes rental formulas based on the two factors of billboard size and the DEC - Daily Effective Circulation. The DEC for a road is based on traffic counts and community demographics. Each billboard location has a DEC calculation made for it. Since top dollar can be charged for a large sign on a heavily traveled route with a high DEC, there are strong economic incentives for signs to increase in size and be placed in a community's major travel corridors.

As communities grow and roadways are upgraded, a change in a road's DEC may mean that an area which was not attractive to billboard companies before may suddenly see a surge of billboard applications. These factors may be in direct conflict with a community's plan to moderate the size of outdoor advertising or and keep it off the major gateways into a community. Few community or transportation planners even consider this side-effect of changing traffic patterns when the roadways are designed or when communities experience growth.

**Market:** The amount a billboard earns also depends on its presence as a component of a larger "advertising spread" in a regional market. That spread is measured by the GRP or Gross Rating Point. A group of billboards are used together to deliver a large GRP with which to attract advertisers. The need to have a number of billboards in a market to develop a large GRP is one of the major factors for the consolidation of the billboard industry and the rising

<sup>9</sup> Data taken from Clear Channel Communications website  
[www.clearchanneloutdoor.com](http://www.clearchanneloutdoor.com) 9/1/03

value of billboards often see their billboard restrictions targeted for a challenge. As a sign company tries to improve its market reach, it will try to move into areas with few billboards in order to improve their GRP. If one sign company can secure a site in a restrictive area when others can't, that company has a competitive advantage.

**GIM – a technique used to determine a sign's long term market value by estimating potential revenue over a period of years.**

**Real property – land or buildings, those things that cannot be easily moved or relocated.**

**Personal property – those things on the land or in the building or business that can be moved, replaced or relocated**

**Sign Schedules – formulas or tables often developed by various state's Department of Transportation to determine sign values. Many use replacement costs as the primary criteria for valuation, but may also include other items such as leasehold values in their formulas.**

**What is a billboard worth?** When sign companies buy and sell billboards, the price is often based on the billboard's expected revenue over time. The value is calculated using a gross income multiplier (GIM) which multiplies the expected annual income of the sign by a designated number of years. In most cases, groups of billboards are purchased together to create or enlarge a sales territory. Part of the price reflects the strategy of a company increasing its advertising market share in a region while working to keep competing sign companies from increasing their market share.

On the other hand, many states assess a billboard's value by viewing billboards as personal property, a fixture to real property rather than real property itself. As personal property the value of the billboard is considered to be its replacement or relocation cost, rather than its market price. Billboards are considered to be not an income-producing real property, but an income-producing asset in a going concern – the advertising sign business.<sup>10</sup> Real property, such as land or a building, is typically assessed at market value, since it is something that cannot be removed or relocated to a different site.

How to determine the value of an outdoor advertising sign is of concern because the difference in approaches can yield significantly different sign values. If a community needs to remove a sign from a highway due to road reconstruction or roadside beautification projects, federal law requires they pay compensation if the sign is on a federal-aid highway. How much should be paid depends on the way in which the sign was appraised. For obvious reasons, the sign owner would prefer that the sign's value be set using the gross income multiplier method, since that typically yields a higher price. Yet this price includes more than the sign – it also includes business costs that are not typically part of compensation proceedings. The FHWA, in its suggested guidelines for determining sign valuation, notes that if the GIM method is used, a number of factors should be considered so that the "non-sign" values that make up part of the market price be deducted from the sign's value<sup>11</sup>.

Currently, PENNDOT considers outdoor advertising signs to be personal property, and does not use income multipliers in its appraisal methods.

<sup>10</sup> Billboard Valuation Without Distortion: The Heathrow Decision. Stephan M. Cantwell, MAI, The Appraisal Journal, July 1999

<sup>11</sup> Sign and Site Valuation Formula and Schedule Guide for Controlling Outdoor Advertising Pursuant to 23 U.S.C. 131 Federal Highway Administration Federal-Aid Policy Guide, December 9, 1991





## Economics for the Property Owner

Most billboards are located on property that is leased from the property owner. Since location is the primary factor in determining a billboard's rental rate and market value, it would seem logical that the property owner should have the upper hand in negotiating to receive a large share of the billboard's annual advertising revenue. However, this may not always be the case.

In looking at the issue nationally, the Outdoor Advertising Association of America reported that in 1999, approximately 2.9 billion dollars were spent by advertisers for billboard advertising. It also reported that during that period, \$ 500 million of the 2.9 billion dollars went to landowners for real estate lease payments for billboards.<sup>12</sup> Nationally then, an average of 17 percent of the advertising revenue goes to local property owners for billboard location leases. That number may seem low given the fact that in outdoor advertising, location is the primary determinant of rental costs and billboard value, but likely reflects the fact that not every landowner knows how to aggressively negotiate his or her billboard leases.

## Economics for the Community



Many municipalities charge minimal fees for sign permits. In larger cities where there are a number of billboards, the cost for monitoring outdoor advertising can be significant. In these areas, like in the state permit program, the permit fees rarely match the cost of the permit program.

While outdoor advertising does provide an inexpensive advertising venue for some businesses, there are costs. From snipe signs that cost the advertiser pennies per sign, to large billboards that may dominate a skyline, the benefits of this inexpensive advertising can go to a few businesses, while the community as a whole carries much of the cost.

Revenue to the community from outdoor advertising may not be significant. Since outdoor advertising signs are considered personal property rather than real property, they are generally not included in property taxes. If placed on agricultural land, vacant land or abandoned buildings, the property tax reflects the low property value, even though the sign itself may be a significant revenue generator for the sign company. Most sign companies are not locally based, and may provide few local jobs or business taxes.

Signs cost a community when removal is needed for beautification projects. But billboards also cost a community when the signs add to visual clutter, reducing people's desire to work, live or shop in a community. Improving semi-fixed or easily changeable features such as signs, billboards, landscaping and decorations in many cases has a great effect on a community's appearance and improves people's perceptions and feelings about their community.<sup>13</sup> Too much visual clutter from outdoor advertising can have the opposite effect, and create a hidden cost to the community.

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<sup>12</sup> Data taken from the Outdoor Advertising Association of America website [www.oaaa.org](http://www.oaaa.org): "Outdoor Advertising Today: The Positive Role of Outdoor Advertising in the U.S." dated 1/22/2001. The OAAA is the lead trade organization representing the outdoor advertising industry. Its website provides useful information on the outdoor advertising industry.

<sup>13</sup> The Evaluative Image of the City. Jack L. Nasar 1998 Sage Publications pgs. 17-33 "Measuring Community Appearance"

## **The Federal Highway Beautification Act of 1965 (HBA), Public Law 89-285**

The stated goal of the 1965 HBA was to control placement of junkyards, and to regulate billboards and other outdoor advertising signs in order to "protect public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty."

A good overview of outdoor advertising control over the years can be viewed on the Federal Highway Administration's website. See [www.fhwa.gov/realestate/out-ad.htm](http://www.fhwa.gov/realestate/out-ad.htm)

### **Which roads in Pennsylvania are covered by the HBA?**

It is not always easy to know. The best way to find out about the roads in your area is to ask your local PENNDOT District office.

## **Section 3: Federal and State Sign Control Laws**

The creation of the American highway system was one of the most ambitious and significant public works projects in our history. This massive building of interstate roadways and upgrading of intra-state highways was funded by federal tax dollars. Understanding that a public works project of this magnitude would have a significant impact on rural and small communities, this building project created the first nationwide concern for planning for the environment. Beginning in the late 1930's various state Roadside Councils were formed by concerned citizens who felt that without action, billboards, junkyards, and trash would litter the new highways and degrade the visual environment in our countryside and towns.

This concern helped create a Federal-Aid Highway Act in 1938 which authorized funding for landscaping and roadside rests. However, billboards increased on the new highways, creating a push for the 1958 Bonus Act that contained the first federal incentives for state control of billboard placement in rural and scenic areas. When this voluntary program had less effect than intended, the state roadside councils and various garden clubs nationwide pushed for a more comprehensive regulation. With the help of a president's wife, First Lady Ladybird Johnson, the Highway Beautification Act (HBA) was created.

In 1965 Congress passed the Highway Beautification Act to control outdoor advertising in areas adjacent to the Federal Interstate and areas adjacent to what was called the Federal-Aid Primary (FAP) highway system. Congress charged the FHWA with developing regulations for the control of outdoor advertising along these roadways. These regulations are found in subsection 750, of section 23 in the Code of Federal Regulations (23 CFR 750). Section 23 in the Code deals with highway regulations in general, subsection 750 deals specifically with highway beautification regulations.

The HBA does not directly regulate signs along the highway system but mandates that states establish a system of regulations and standards for "effective control" of outdoor advertising along interstates and highways that are part of the federal-aid primary highway system. Failure by a state to impose the required controls can result in the loss of 10 percent of the state's annual federal-aid highway funding.

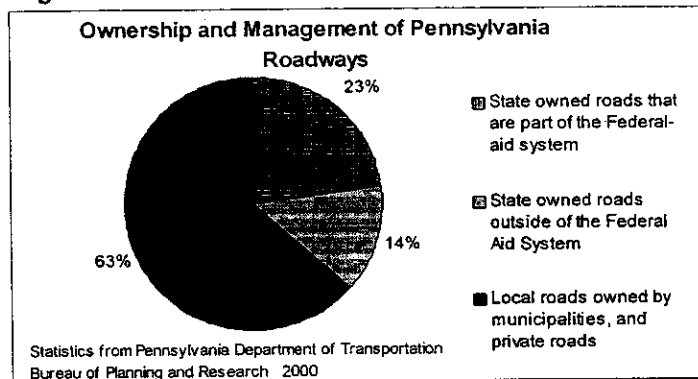
The HBA covers all interstates, such as I-95, or I-476 and all highways that were designated FAP highways. Not every highway in the state has this designation. The roads that are regulated by the HBA was reset in 1991. New federal highways may be added to the system, but a road may not be subtracted from the system even if it reverts to a locally maintained highway. If a highway is not an interstate or FAP designated highway, it is not covered by the regulations of the Highway Beautification Act.

## The Pennsylvania Outdoor Advertising Control Act of 1971: Act 160

The state legislature passed Act 160 to ensure that Pennsylvania would not suffer economically from a reduction in federal-aid highway funds. The Act was: *"for the purpose of assuring 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 system."*

In addition, the Act was passed: *"to promote the welfare, convenience and recreational value of public travel; and to preserve natural beauty".*  
-Section 2: Act 160

Figure 1.



According to the Pennsylvania Department of Transportation, only about 23 % of Pennsylvania's roadways are covered by the HBA<sup>14</sup>.

## State Sign Control Laws

Because the HBA does not actually regulate signs, but only withholds highway funds from states that do not follow the Federal Highway Code guidelines, actual regulation of outdoor advertising is controlled by state law. Although states may enact stricter controls than those in the HBA, that is not required. All the state regulations have to do is provide for "effective control" of outdoor advertising. In order to ensure that there is a determination of "effective control" from the FHWA, most states, including Pennsylvania, model their Outdoor Advertising Control Acts to closely follow the Federal Highway Beautification Act standards.

In response to the Federal Highway Beautification Act, the Commonwealth of Pennsylvania passed the Outdoor Advertising Control Act of 1971, Act No. 160. The responsibility for administering the act was given to PENNDOT. Within each PENNDOT district, the Office of Real Estate has the job of ensuring signs placed along the interstate and FAP highway system comply with state and federal standards.

Act 160 is closely tied to the HBA and does not extend the state regulations beyond the areas covered by the HBA. In Pennsylvania, only areas adjacent to interstates and federal-aid primary highways are covered by the state Outdoor Advertising Control Act. The regulations in Act 160 do not apply to other roadways in the Commonwealth. For these roadways, regulation of outdoor advertising is the responsibility of local authorities.

<sup>14</sup> Further information on which roads are covered by Act 160 and regulated by the state can be obtained from your local Pennsylvania Department of Transportation office, as listed in Appendix A, or can be obtained from the PENNDOT website at [www.dot.state.pa.us](http://www.dot.state.pa.us). On the website, click on "Special Interest Areas", then click on "PA Byways", and on the Pa Byways page click on "FAP/NHS County Maps"

## How the Pennsylvania Outdoor Advertising Control Act of 1971 (Act 160) works

- **Act 160's Goal - to limit off-premise outdoor advertising to commercial and industrial areas.**
- **PENNDOT is responsible for implementing Act 160.**
- **Each PENNDOT district implements and enforces Act 160 in its own district.**
- **Act 160 establishes a 660' "control zone" along the highway where regulations apply.**
- **Act 160 outlines what type of sign is allowed in which area of the control zone.**
- **No un-official sign is allowed within any state highway right-of-way.**
- **Control standards for the placement of signs differs between rural and urban/suburban areas, and between interstate and other state highways.**

The act works by identifying different sign types and land uses along areas of the highway, and by setting different control standards for each sign type and land use. The state legislature gave the Pennsylvania Department of Transportation (PENNDOT) the responsibility for developing and enforcing the regulations implementing Act 160. Those regulations are published in Title 67 of the Pennsylvania Code for Transportation, Chapter 445.

Since the regulations were adopted, PENNDOT has clarified details in the regulations in response to questions and court challenges. Questions often arise in areas where there are exceptions to the general rules, such as "Cotton" or "Kerr" areas where the date of when the highway was built or when the area was incorporated can change the need for a state permit. For these reasons, questions on specific issues in Title 67, Chapter 445 should always be addressed to the local PENNDOT District office for up-to-date information on the outdoor advertising control regulations.

Under Act 160, all non-official signs are prohibited within the highway right-of-way. The road right-of-way is the area immediately adjacent to the road that is held by the state for the road and its maintenance. On smaller roads, this includes the pavement and the associated shoulder or road berm. On larger roads, however, it may include a medium strip and a wider landscaped or mown corridor along the roadway, and can be 120 feet wide or wider.<sup>15</sup>

Under Act 160, PENNDOT has established a 660-foot outdoor advertising "control zone" extending out from either side of the highway right-of-way. The signs regulated in the control zone are all signs pointing toward the highway whose message is visible and intended to be read from the highway. The control zone is 660 feet in urban and suburban areas, but can potentially extend beyond the standard 660 feet in rural areas for very large signs put up with the purpose of their message being read from the controlled highway.

Within the 660 foot control zone, sign control regulations become detailed. What advertising sign is allowed, and whether it needs a state permit depends on where the sign is located, what type of sign it is, how large the sign is, when the sign was put up, and how close it is to other signs.

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<sup>15</sup> Local PENNDOT districts and local municipalities have maps that show the width of most road right-of-ways in their area. For the lay person, a rough estimate of the road right-of-way can be made by looking for utility line poles. They are often placed just inside the edge of many road right-of-ways.

## Regulations applying to all signs.

Under Act 160, all signs, regardless of type, must meet set safety standards regarding lighting. Lights may not be pointed toward drivers or reflect in such a way as to impair the drivers vision. No sign may interfere with traffic signals or signs, and no sign may have flashing and blinking lights that would distract drivers.

In addition, no type of sign may be attached to trees or be painted on rocks. No sign may be placed in a way that prevents a driver from having a clear and unobstructed view of official signs or approaching or merging traffic.

## State sign control standards are set depending on 3 defined sign types:

- Directional and official signs
- On-premise advertising signs
- Off-premise advertising signs

Chapter 445.6 of the regulations specify which types of signs need state permits. It outlines what types of signs can be placed within the control zone of the interstate and primary highway and where they can be placed. Even if a sign does not need a state permit, it must comply with the land use, size and spacing standards set by the regulations in order to be legal.

In the Pennsylvania state regulations, the concept of an "on-premise" advertisement and an "off-premise" advertisement is a critical distinction. An on-premise sign or billboard must primarily identify and advertise the main business, service or industry that is present on the site. It can also be a for-lease or for-sale sign for the property. If a sign or billboard brings rental income to the property owner, it is not considered an on-premise sign. On-premise signs do not need a state permit, but must meet state standards in size and placement, and have local permits or meet local sign control ordinances to be considered legal by PENNDOT.

"Off-premise" signs, or "general outdoor advertising devices," have predominantly trade or brand names rather than the name of the business or site where they are located, or they provide rental income to the property owner from an advertising agency or sign company. These off-premise general outdoor advertisements are subject to more controls in size, spacing and location. The goal of the HBA and Act 160 is to limit off-premise outdoor advertising to commercial and industrial areas along the interstates and FAP highways.

## Restrictions on off-premise outdoor advertising

For off-premise advertising, certain restrictions on size, spacing and lighting were put in place to control sign proliferation even within those commercial and industrial areas. The restrictions vary between urban areas and rural areas. Because the laws were geared more toward protecting rural areas from billboards and other outdoor advertising, they were written with slightly more controls in rural areas and more lenient controls along roadways that run through urban areas. In Act 160, urban areas were defined as cities of all classes, and boroughs.

**Key points on the State's off-premise advertising restrictions**

- Signs are regulated
- by type of highway
  - by rural v. urban
  - by zoning or land use
  - by size
  - by spacing

**In Urban Areas (cities and boroughs)**

- The control zone extends only 660 from right-of-way
- Off-premise advertising is allowed in commercial or industrial zoned areas
- On interstates and limited access highways, off-premise signs are to be spaced at least 500 feet apart
- On regular access highways, off-premise signs are to be spaced at least 100 feet apart.
- On-premise and directional signs are not counted in the spacing requirement between off-premise signs
- Off-premise signs may be no larger than 1200 square feet, but may be double sided or v-shaped with two 1200 square feet faces pointing in opposite directions
- each side of the road is evaluated separately for spacing

**In Rural Areas**

- The control zone generally extends 660 from the road right-of-way, but can extend beyond 660' for large signs erected for the purpose of being read from the highway
- For un-zoned areas, off-premise advertising is allowed only within 800 feet of an area of commercial or industrial activity visible from the road. For areas with zoning, off-premise advertising is only allowed in commercial and industrial zones
- Off-premise signs are to be spaced at least 500 feet apart on interstate and limited access highways, and at least 300 feet apart on regular access highways
- On-premise and directional signs are not counted in the spacing between off-premise signs
- No off-premise sign is to be within 500 feet of interchanges or safety rest stops
- Each side of the road is evaluated separately for spacing

There are some exemptions and special circumstances that apply to these general rules. For full information and for any revisions or changes in how these rules are applied statewide, contact the outdoor advertising control officer at your regional PENNDOT district for more information.

**Municipalities where state sign control permits are not needed.**

- Philadelphia
- Pittsburgh

State permits are not required in municipalities that have been certified by the Secretary of Transportation as maintaining their own program of outdoor advertising control. Currently, Philadelphia and Pittsburgh are the only municipalities that have been certified by the state. This certification does not exempt the municipalities from the provisions of the Highway Beautification Act. The municipality's regulations have to establish an approved means of providing "effective control". This certification maintains the requirement that off-premise outdoor advertising be limited to commercial and industrially zoned areas within the 660 foot highway control zones in the municipality.

## State permits versus local permits

*"nothing in this act shall be construed to abrogate or affect the provisions of any lawful ordinance, regulation, or resolution which are more restrictive than the provisions in the act"*

Section 13: Act 160

## Nonconforming Billboards

General tips on identifying nonconforming billboards:

- If a billboard structure has wooden supports or a wooden structure, or
- has three or more narrow metal supports

it is likely to be an older, nonconforming board.

Billboards built since the 1980's tend to have a single large metal pole (mono-pole structures)

## Enforcement of Act 160

The requirement for a state sign permit does not exempt a sign from needing a local permit. If a local municipality has an ordinance that requires general outdoor advertising devices to obtain a local permit, then that local permit must be obtained before the state can issue its permit. If the local ordinance is more restrictive than the state as to what signs need permits and where they may be located, those local conditions must be met. The state will not issue its permit if a local permit is required and has not been obtained.

As noted before, Act 160 does not apply to local roads and highways that are not designated federal-aid primary highways. No state permits are needed for general outdoor advertising on these roads, even though local permits may be needed.

Act 160 was signed in 1971. Any billboards along the controlled roadways that were in existence prior to 1971 became non-conforming billboards at that time. Non-conforming means they were put up legally before the law, but they don't meet the standards of the new law. Although a non-conforming billboard is allowed to remain, it cannot alter its original structure in direction, size, shape or placement. The non-conforming billboard can maintain its state permit unless it is altered. While regular maintenance provisions in the state law allow portions of the signs to be repaired and replaced with like materials, if too much of the sign is replaced or is otherwise altered the sign can lose its nonconforming status and its right to a permit. It then becomes illegal and must be removed.

Many legislators and citizen roadside groups assumed these older billboards in rural areas would disappear over time, but the signs' continued profitability have ensured that they have remained, even in the rural and scenic areas that the billboard control laws were specifically designed to protect. Some states took action to remove non-conforming billboards shortly after the passage of their outdoor advertising control laws, but many states, like Pennsylvania, did not. The issue of what to do about nonconforming billboards in rural and scenic areas continues to be debated on both the federal and state level.

Each PENNDOT District is responsible for permitting and the enforcement of Act 160 along the interstates and FAP highways in its district. Generally, the work is done by personnel in the District's Right-of-Way section. They issue permits and conduct regular field surveys along the regulated roadways to monitor compliance and ensure no illegal signs are in the control zone. They are very familiar with the outdoor advertising in the area, and are a good resource for answering questions about state regulations and the conforming or nonconforming status of particular signs.

**Other State Sign  
Control Laws**

Pennsylvania has other restrictions on general sign placement that are not part of Act 160. These regulations are part of other codes and statutes that deal with traffic safety and public welfare.

**Title 67,  
Section 211.10:**

**The right-of-way  
restrictions that apply  
to all Pennsylvania  
state highways**

State regulations prohibit the placement of any sign in state road right-of-ways without written consent. This prohibition covers all state highways, not just those that are part of the federal-aid highway system. **Section 211.10** of the state transportation code states:

*"(a) Prohibition. It shall be unlawful to place any sign, banner or advertising matter of any kind whatsoever on or across any Commonwealth highway or on or across any structure within the legal limits of any State-designated highway without first having obtained the written consent of the Department.*

*(b) Abatement. Any such sign, banner or advertising matter placed without the consent of the Department shall be declared to be a public nuisance and may be abated by the Department with or without notice to the persons responsible for the placing of such sign.*

Although this regulation covers only state roadways, most municipalities have similar regulations prohibiting signs and other non-authorized objects in the local road right-of-ways.

**Title 67,  
Section 211.2(b)  
The traffic device  
restrictions that apply  
to all traffic signs on  
all roads.**

State regulations also prohibit placing signs on any official traffic device. **Title 67, Section 211.2(b)** specifies, *"No traffic sign or its support shall bear any commercial advertising."* This applies to advertising signs that are placed on any traffic sign or support, regardless of whether it is on a state road or local road.

**Title 18,  
Section 6905 of  
the PA Crimes  
Code  
The utility pole  
restrictions that apply  
to all utility poles on  
all roads and  
easements**

**Title 18, Section 6905** prohibits the placement of any signs that use metal nails, tacks or staples on utility poles. The regulations state *"a person is guilty of a summary offense if he drives a nail or tack or attaches any metal or hard substance to or into any pole of any public utility pole line."* These regulations apply to all utility poles on all public roadways, whether state or local, and on utility poles on right-of-way easements. This is to insure utility workers can quickly and safely access utility lines in emergencies without difficulties due to nailed or stapled signs and advertisements.



## Section 4: Local Sign Control Laws

### The need for a strong local sign control law

*"First impressions matter. This applies to communities as well as to people. For visitors and residents alike, the first impression of Monroe County and its Pocono Mountain landscape is shaped by what is visible along its roadways...Even though roadways occupy only a small percentage of land area of the county, they nevertheless represent the county as a whole and present the county's face to the world."*

Monroe County  
Comprehensive Plan:  
Enhancing the  
Roadscape

*Zoning ordinances ... may permit, prohibit, regulate, restrict and determine: (2) Size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures.*

- Article VI, Section 603  
(b)(2) of the  
Pennsylvania  
Municipalities Planning  
Code

The Highway Beautification Act was passed to preserve the scenic beauty of rural areas and the visual attractiveness of local communities. This is an ongoing concern, especially in areas that are under development pressure. As traffic volume increases in an area due to development, roadway redesign or new roadway construction, and as land is rezoned as part of development, new markets open up for sign companies. Without strong local sign regulations, the visual environment in a community can change overnight.

Communities often struggle with the question of which type of sign control ordinance is best. This question has no definitive answer. The type of sign control that is best depends on factors such as:

- the history of sign control in the community
- the need and opportunity for outdoor advertising in the region
- the public tolerance or intolerance for billboards and signage
- the community's vision of its future
- public interest and investments in community esthetics
- the resources of the community for enforcement.

These factors differ from urban areas to a rural countryside and from community to community, creating different ordinance needs.

In Pennsylvania's 2,000 + municipalities, there are 2,000 different types of sign control ordinances. Since federal and state law regulates signs by sign type, land use, size, and spacing, most local ordinances do the same. In Pennsylvania, it is common for the local outdoor advertising control laws to be more restrictive than the state law.

Most local regulations are written to control signs along all roadways, not just on the state or interstate highways. For municipalities that zone, the sign control ordinances are frequently found in the zoning section of the municipal ordinances. Some municipalities have their sign ordinances separate from their zoning code, particularly those areas that do not do land use zoning.<sup>16</sup>

<sup>16</sup> You can obtain a copy of your local sign control ordinance from your local municipal office. In addition, many Pennsylvania municipal ordinances are available online. You can look for the code at your municipal website, if there is one. Two other good web sites to view for municipal codes are [www.generalcode.com](http://www.generalcode.com) and [www.municode.com](http://www.municode.com). In both web sites, click on "e-codes online" or "online codes" and look for Pennsylvania codes. Most sign regulations are in the zoning section of the municipal ordinance, although some municipalities have sign ordinances that separate from the zoning code. You can often find the sign ordinance by doing a keyword search. Good search words are "billboards," "advertising sign," or "permitted signs."

**Sign regulation and control by sign type:**

- On-premise or accessory signs
- off-premise or non-accessory signs
- commercial signs
- non-commercial signs
- political signs
- "event" signs
- directional signs

Most municipalities regulate signs by sign types, with different controls for on-premise signs and off-premise signs. In addition to these standard types, ordinances need to be concerned with other sign types, such as non-commercial message signs, political signs, community event or promotion signs, and directional signs for various businesses or activities. The sign types that are regulated need to be clearly defined in the ordinance's definitions. Of critical importance is that while the sign type may be regulated, regulation of sign content must be avoided. No ordinance should be written that has the effect of allowing commercial signs while prohibiting non-commercial messages or signs.

Billboards are sometimes identified separately as a specific sign type, or may be included in a broader definition of off-premise signs. Some municipalities ban billboards, but allow other types of outdoor advertising, such as bus stop benches or shelter advertisements. Clear identification of the type of sign being controlled is important, especially since advertising is evolving. Definitions must encompass new forms of outdoor advertising, such as mobile advertisements, wall wraps and electronic or digital displays.

**Sign regulation and control by zoning or land use:**

Many municipalities limit off-premise commercial outdoor advertising to certain land use areas in the community. These are commonly industrial or commercial areas since advertising signs in these areas are seen to be a somewhat more compatible use. The rationale was that these areas already have business signs, they are removed from most people's homes, and are often less attractive to begin with. In theory, these areas were believed to have fewer conflicts with large signs.

**Industrially zoned districts**

**Examples of industrially zoned area restrictions**

**Pittsburgh - Outdoor Advertising Overlay Districts**

**Philadelphia - setback requirements, corridor restrictions and historic district restrictions.**

Even in industrial areas, however, problems can arise with outdoor advertising. In older municipalities, industrially zoned properties border or intermix with residential properties, parks, or school grounds. In addition, many modern industry complexes have made significant investments in their landscaping and physical appearance and use those esthetic investments to attract tenants. Those businesses may object to billboard placements, even though they are in an industrial use area. Some communities are making older industrial zones into tourist destinations, drawing on people's interest in America's industrial heritage. Billboard structures in these areas may now be an incompatible use. For these reasons, some cities restrict outdoor advertising to specific areas, or overlay districts, within the larger industrial zones.

Recognizing that not all industrial areas are alike, Pittsburgh's recent sign control law created an outdoor advertising overlay within the city. The hope is that this technique will help control billboards and outdoor advertising in industrial areas of esthetic concern and in old industrial areas now under redevelopment, such as along Pittsburgh's historic riverways and gateways. The overlay districts are planned to assure that the placement of signs will be compatible with city planning and development, even within industrially zoned areas.

Philadelphia took a different approach in its industrial areas. In Philadelphia, billboards and off-premise outdoor advertising are allowed in the "least restricted" industrial zones but the law specifies certain distance setbacks away from residences, parks or schools. In gateway areas, billboards are banned along sections of some parkways and interstates, and along Penn's Landing Waterfront. In addition, billboard prohibitions apply on industrial properties that are within recognized historic districts.

### **Commercially zoned districts**

**Some municipalities restrict general outdoor advertising to those commercial districts that have fewer esthetic or safety concerns. Examples of Highway Commercial zoning for signs include Ephrata Township in Lancaster County, and Bensalem in Bucks County, among others.**

Traditionally, many sign control ordinances allowed off-premise commercial advertising in commercial districts. But not every municipality feels they are appropriate there. Towns that have historic or visually appealing commercial districts or those attempting to develop a visually attractive shopping area may want to prohibit or severely restrict off-premise signs to prevent visual clutter. For many businesses, providing a visually attractive environment for customers is extremely important, and they need the community to provide a streetscape that supports or enhances their efforts to provide an attractive shopping environment. Studies show that people's preference for a commercial street scene increases as the areas sign's "obtrusiveness" level decreases.<sup>17</sup>

In addition to esthetics, communities need to look at traffic safety and congestion issues. Most commercial districts have a large number of on-premise business signs, along with traffic, pedestrian and directional signs that create more sign messages than a driver can easily read or assess. Add traffic congestion, intersections, pedestrian traffic, cross traffic and cars pulling in and out of parking spaces, and the potential of driver distraction and confusion is significant. For these reasons, some municipalities do not permit off-premise advertising signs in their town centers or commercial districts. Others limit off-premise commercial advertising to areas zoned highway-commercial, where there is less cross traffic and congestion.

### **Sign regulation and control by spacing restrictions**

Another common restriction is spacing standards for outdoor advertising signs. Spacing billboards apart can help reduce clutter and congestion and prevent a roadway from becoming a "billboard alley". In Monroe County, PA, the model ordinance suggests placing billboards no closer than one every half-mile, to prevent negative impacts along the scenic roadways that tourists have come to see. This also provides an advantage to advertisers, who can be assured that their advertisement is not buried in a cluttered swarm of advertising.

In contrast, in places like Philadelphia, many areas of the major roadways have large billboards every 500 feet or less. In addition to obscuring views of the city skyline and historic and scenic areas of the city and creating visual congestion, this creation of a billboard alley guarantees that not every advertisement can be seen or

<sup>17</sup> Jack L. Nasar & Xiaodong Hong (1999) Visual Preferences in Urban Signscapes. *Environment and Behavior*, 31, 671-691

understood by travelers. Buried in the clutter, the individual advertiser has no assurance that his ad will stand out or even be noticed by drivers and passengers on the road amid the vast amount of other distractions, ads and visual stimuli.

### **Sign regulation and control by size restrictions**

**Philadelphia:**  
Maximum 1500 square feet per sign structure

**Monroe County model ordinance:**  
100 sq. feet

**Upper Chichester Township, Delaware County:**  
100 sq. feet by right,  
200 sq. feet by special exception

**Borough of Upper Darby, Delaware County:**  
300 sq. feet

**American Planning Association:**  
Recommends setting a maximum total sign area for all signs on the property, both on-premise and off-premise together, based on zoning class, percentage of lot area, or percentage of roadway frontage.

Most communities set sign size restrictions or standards. This is especially true in those communities that do not do land use zoning. Since large billboards earn a sign company more revenue, there is often a push by the companies to obtain permits for bigger and bigger signs. They often advance the argument that the larger size is the "industry standard", and no other size is feasible. But new graphics and printing techniques have made it possible for advertisers to economically produce signs in a wide range of sizes.

Sign companies even note on their own websites that the small size advertisements of 22 to 72 square feet are available for advertisers in markets "where larger media are unavailable or not permitted".<sup>18</sup> The sign companies recognize that regulation of size is common and therefore work to provide a wide range of size options for their customers.

A model ordinance developed by the Pocono Chamber of Commerce, where promotion of tourism is a critical concern for local businesses, recommends a limit of 100 square feet for both on and off-premise outdoor advertising. Since the natural environment is a primary selling feature for the Pocono area, larger advertisements conflict with the region's economic needs and goals.

Many communities feel smaller advertisements are more compatible to their streetscape, especially if the community imposes strict size limitations on on-premise business signs. Allowing large off-premise signs while requiring smaller on-premise business signs puts the local business at a disadvantage when prospective customers can read only a limited number of signs while traveling. Pennsylvania's Commonwealth Court has ruled in favor of restricting off-premise advertising to the same size as on-premise signs when there was a clear rationale for that size standard.<sup>19</sup>

The American Planning Association recommends looking at all signage on the site, both on-premise and off-premise signs, and setting a total maximum sign area for all signs on the property. In this method, the business or property owner has more latitude to determine what type of sign will be on the property, while the municipality ensures that excessive sign proliferation and blight do not occur along its roadways.<sup>20</sup>

<sup>18</sup> From the Lamar website [www.lamaroutdoor.com](http://www.lamaroutdoor.com) in the "products gallery" page as of 04/2004

<sup>19</sup> J.B. Steven, Inc. v. Wilkins Township, 654 A.2d 135 PA. Commonwealth Court (1994)

<sup>20</sup> Eric Damian Kelly & Gary J. Raso, (1988) Sign Regulation for Small and Midsize Communities (Am. Planning Ass'n. Service Report No. 419.)

## Sign regulation and control by height restrictions

Example:  
Upper Chichester  
Township, Delaware  
County

- maximum freestanding sign height: 35 feet
- no signs projecting on or above the roofline of buildings

## Sign regulation and control of lighting

*Something about the night sky causes us all, young and old, to ponder over the very basic questions. We are inspired and motivated."*

*-- Kalpana Chawla  
Mission Specialist and  
member of the crew of  
the ill-fated Columbia  
Space Shuttle STS-107 -  
February 1, 2003*

## Sign regulation and control by new construction bans:

In addition to size and zoning restrictions, most municipalities have height restrictions. The most common height restriction is the prohibition of rooftop signs, or tall signs that project above rooftop height. Many municipalities prefer the bus shelter signs that are at street level, allowing off-premise outdoor advertising without creating a cluttered skyline.

Other municipalities allow taller off-premise advertising on single structures, but require those taller structures to follow specific building codes or to provide for safety inspections. Since some of the larger billboard structures can tower over 100 feet into the air and weigh over 17 tons, construction review or construction inspection requirements are sometimes prudent. Although failure of billboard structures is very rare, the collapse of a billboard under construction in Snellville, Georgia killed three people in 2001.

While it is true that every municipalities sign ordinance addresses the issue of distracting, flashing, and glaring lights, very few address the issue of light pollution. When applying for a billboard or sign permit, most sign companies state that the billboard will have lights, and these lights remain illuminated at night. A community needs to consider whether this is necessary. While other businesses may need lights at night for security reasons, lights on a billboard have no security purpose. They are lit at night to increase the billboard's value by providing more selling time to the advertiser.

Lights for billboards are designed specifically to point up to the sign. As such, they are particularly upsetting to local astronomers and citizens who value the night sky and want to prevent or reduce light pollution in their community. A community needs to determine if nighttime lighting for off-premise advertising is a necessary part of the sign, or if it creates light pollution and a nuisance to residents and community members. Having billboards illuminated late into the night may be incompatible with the community's esthetics or its rural nature. A sign that is not objectionable during the day may be overly conspicuous and glaring if it is the only large lighted object on the roadscape at night. This can be especially true in rural areas.

Some municipalities prohibit new billboard construction. In general, these ordinances are written to allow current non-conforming off-premise outdoor advertising in the community to continue, but prevents new construction and proliferation of additional signs. Nationwide, a number of municipalities allow off-premise outdoor advertising, but ban new sign construction. Rhode Island state law has prohibited any new billboard construction since 1990.

New construction bans have been challenged by sign companies as being exclusionary in nature. In order to be seen as valid in Pennsylvania, care must be taken that this type of ordinance show that the new construction restriction either does not prohibit outdoor advertising in the municipality, or that it has a strong and well reasoned substantial relationship to a stated public good.

### **Sign regulation and control by billboard permit caps**

**Example:  
Philadelphia's 1991  
Outdoor Advertising  
Control Law**

Another type of off-premise outdoor advertising ordinance is a "cap and replacement" ordinance which limits the number of off-premise outdoor advertisement permits that can be issued. In general, the ordinance stipulates that if a new outdoor advertising sign is erected, an older existing sign or signs of equal sign face area must be removed. This type of ordinance is typically written for cities that have large numbers of older non-conforming signs in inappropriate locations. This "cap" to the total number of billboards provides incentive to the sign companies to remove the older non-conforming signs in exchange for newer signs in more appropriate locations. Oregon capped the number of billboards permitted on its state and federal roads in 1975.

### **Sign regulation and control by billboard bans:**

*"[T]o hold that a city cannot prohibit off-site commercial billboards for the purpose of protecting and preserving the beauty of the environment is to succumb to a bleak materialism."*

--Judge Tobriner in Metromedia, Inc. v. San Diego, 154 Cal.Rptr. 212, 232, 592 P.2d 728, 748 (1979)

Over 1,000 communities nationwide have bans that prohibit off-premise outdoor commercial advertising in their communities.<sup>21</sup> Typically these ordinances are in place in communities that are either wealthier or more residential in nature. They are frequently in place in communities where visual esthetics are considered to be critical to economic growth, such as resort communities or travel destinations. Hawaii banned all billboards statewide in the 1950's, and New Hampshire, Maine, Vermont and Alaska followed suit in the 1970's. Bermuda promoted itself in the tourism industry for some time as "An island so beautiful, we don't allow billboards".

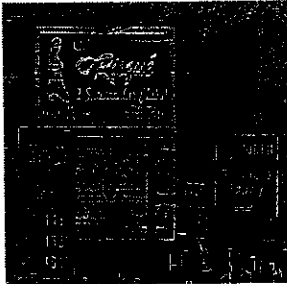
In Pennsylvania, a billboard ban ordinance must be carefully crafted, because it excludes a property use from the community and is therefore considered exclusionary zoning. Strong justification for this exclusion must be made for it to withstand legal challenge. This is discussed in more detail in Section 6 – Enforcing and Defending Local Sign Control Ordinances.

In addition, the language of the ordinance must not inadvertently prohibit noncommercial signs and messages. Courts have consistently ruled that any outdoor advertising ban that has the effect of banning non-commercial signs used for political speech or opinion will be found unconstitutional.<sup>22</sup> The size and placement of those signs may be regulated, but they may not be banned.

<sup>21</sup> Scenic America's website lists cities nationwide with billboard bans. You can view it at [www.scenic.org/billboardsign/communities.htm](http://www.scenic.org/billboardsign/communities.htm)

<sup>22</sup> Metromedia, Inc. v. City of San Diego, 453 U.S. 490, 101 S.Ct. 2882 (1981)

## **Sign regulation and control by content restrictions**



**Welcome to Philadelphia?**

**Municipalities cannot control content on signs. A better approach is to remove, reduce or downsize sign clutter in gateway areas to a community.**

Controlling content on billboards has been contemplated by some municipalities. When tobacco advertisements were common on billboards, some cities considered trying to ban specific ads, such as alcohol and tobacco advertisements near schools and playgrounds. Missouri is currently wrestling with the problem of trying to write content control into their state sign regulations, due to concern over the proliferation of billboards advertising adult entertainment services to tourists traveling through western Missouri.

Content regulations are very difficult, if not impossible to write without running afoul of First Amendment considerations. Attempts to regulate content of billboards and outdoor advertising have rarely been successful, and are almost always subject to court challenges. More commonly, content control is done as a voluntary agreement between the property owner and the sign company. Some municipalities that lease space for outdoor advertising on buses and bus stops specify that certain advertisements are prohibited. However, this type of control must be applied carefully, and spelled out in advance. Rejection of advertisements on a case by case basis can be found to be excessive content control by courts.<sup>23</sup>

Some individual property owners also develop lease agreements that prohibit certain types of advertisements on their property. But not every sign company will agree to these types of voluntary restrictions.

In the case of tobacco advertising, a voluntary ban on outdoor advertising was made as part of the nationwide tobacco settlement. On other content concerns, municipalities may ultimately find it more effective to ban billboards and pay for removal of older billboard structures, than to engage in a long drawn-out legal battle over content regulation in outdoor advertising.

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<sup>23</sup> Christ's Bride Ministries Inc. v. Southeastern Pennsylvania Transportation Authority. 148 F.3d 242 (3d Cir. 1998)