



U.S. Department
of Transportation
Federal Highway
Administration

Office of the Administrator

1200 New Jersey Avenue, SE.
Washington, DC 20590

September 16, 2008

In Reply Refer To:
HEPR

The Honorable David Vitter
United States Senator
3221 Ryan Street
Lake Charles, LA 70601

Dear Senator Vitter:

Thank you for your July 21 letter to Mr. Charles W. Bolinger, our Louisiana Division Administrator, regarding spacing requirements for outdoor advertising. Because your inquiry involves the Highway Beautification Act (HBA) of 1965, as amended, and State laws in Missouri and Louisiana, I am replying for Mr. Bolinger.

The HBA is the governing Federal law on effective control of outdoor advertising along the Nation's highways. It specifies which roads are covered (the Interstate System and the primary system), what signs are allowed, and placement in relation to the roadway. Following enactment of the HBA in 1965, we entered into a State/Federal agreement with each State transportation department on effective control of outdoor advertising that specifies minimum requirements for spacing, among other features.

Although the State/Federal agreement specifies minimum spacing requirements, a State may impose more restrictive spacing requirements. For purposes of the HBA, signs that are consistent with the minimum spacing requirements in the State/Federal agreement retain their status under that agreement even though they do not conform with the State's newer more restrictive requirements. In the event of a Federal-aid project that requires the taking of the land on which one of these signs has been erected, the sign may be relocated and reconstructed as part of the Federal-aid project to sites that are legal under State law and consistent with the State/Federal agreement. If the sign cannot be re-erected legally, the sign owner could be eligible for reimbursement for the fair market value of the sign.

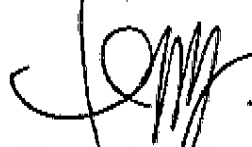
In the letter you enclosed, Missouri Division Administrator Allen Masuda pointed out that several outstanding issues remained to be clarified regarding the State legislative proposal, particularly the status of signs that must be moved because of a Federal-aid highway project. In the end, the Missouri legislation did not approve a change in State law.

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As the State legislature in Louisiana considers changes in outdoor advertising statutes, Mr. Bolinger is available to work with officials of the Louisiana Department of Transportation and Development if they have any questions about compliance with the HBA or the State/Federal agreement.

If I can provide further information or assistance, please feel free to call me.

Sincerely,



Thomas J. Madison, Jr.
Administrator

cc:
Washington Office