

Noise Barriers

Message Points

- If noise barriers obscure billboard visibility, then billboards should be raised to preserve line of sight.
- The Federal Highway Administration (FHWA) has authorized billboard height adjustments.
- In Florida and Louisiana, nonconforming billboards along an Interstate were raised above noise barriers by a state court order.
- California, Nevada, and Utah have longstanding statutory authority to allow nonconforming billboards to be raised when visibility is affected by noise barrier installations.
- If zoning laws prohibit height adjustment or relocation, then just compensation (cash) is required for the owner, for the taking of the property interest.

Background

Noise barriers are a common feature of roadway design in urban and suburban areas. At times, noise barriers can block motorists' line of sight to existing legally permitted billboards, particularly nonconforming signs, reducing or eliminating their effectiveness.

Message Points

- If noise barriers obscure billboard visibility, then billboards should be raised to preserve line of sight.
- The Federal Highway Administration (FHWA) has authorized billboard height adjustments. For example, when roadways in the Salt Lake City area were retrofitted for the 2002 Winter Olympic Games (adding noise barriers), federal regulators approved height adjustments based on state law.
- There is no federal regulation concerning the height of a billboard.

- In Florida and Louisiana, nonconforming billboards along an Interstate were raised above noise barriers by a state court order.
- California, Nevada, and Utah have longstanding statutory authority to allow nonconforming billboards to be raised when visibility is affected by noise barrier installations.
- If zoning laws prohibit height adjustment or relocation, then just compensation (cash) is required for the owner, for the taking of the property interest.

State statutory language addressing increasing the height of nonconforming billboards above noise barriers.

California

SECTION 5443

5443. Nothing in this article prohibits either of the following:

(a) Any county from designating the districts or zones in which **advertising** displays may be placed or prohibited as part of a county land use or zoning ordinance.

(b) Any governmental entity from entering into a relocation agreement pursuant to Section 5412 or the department from allowing any legally permitted display to be increased in height at its permitted location if a **noise** attenuation barrier has been erected in front of the display and that relocated display or that action of the department would not cause a reduction in federal aid highway funds as provided in Section 131 of Title 23 of the United States **Code** or an increase in the number of displays within the jurisdiction of a governmental entity which does not conform to this article. Any increase in height permitted under this subdivision shall not be more than that necessary to restore the visibility of the display to the main-traveled way.

Florida

SECTION 479.25

Application of chapter.—This chapter does not prevent a governmental entity from entering into an agreement allowing the height above ground level of a lawfully erected sign to be increased at its permitted location if a noise-attenuation barrier, visibility screen, or other highway improvement is erected in such a way as to screen or block visibility of the sign. However, if a nonconforming sign is located on the federal-aid primary highway system, as such system existed on June 1, 1991, or on any highway that was not a part of such system as of that date but that is or becomes after June 1, 1991, a part of the National Highway System, the agreement must be approved by the Federal Highway Administration. Any increase in height permitted under this section may only be the increase in height which is required to achieve the

same degree of visibility from the right-of-way which the sign had prior to the construction of the noise-attenuation barrier, visibility screen, or other highway improvement.

Louisiana

R.S. 48:461.4 (4)

(4) The highest point of any sign, except a roof sign, and as otherwise provided in this paragraph, shall not extend more than sixty feet measured from either the ground level at its supports or the nearest edge of the main traveled way of the controlled highway, whichever is higher in elevation. However, the highest point of a sign may extend to a height of no more than one hundred feet only if the sign is placed and erected within three hundred feet of a sound barrier wall.

South Carolina

2015-2016 General Budget Bill

Section 117.116. (GP: Charleston & Dorchester County Sound Barriers)

From the funds authorized to the Department of Transportation, the department shall take the appropriate measures to allow the counties of Charleston and Dorchester to construct sound barriers in the department's easements along Interstate 26 within the borders of Charleston County and along Dorchester Road within Dorchester County, provided, no funds appropriated or authorized in Part IA to the Department of Transportation, any other section of this act, any Federal Funds, unless otherwise agreed to by the local Metropolitan Planning Organization or Council or Governments for use of a portion of their annual federal allocation, or any Other Funds, shall be used in the construction of the sound barriers, and only local dollars shall be used in the construction of sound barriers. **The sound barriers must meet the state and federal noise abatement guidelines and must be constructed to meet any and all state and federal regulations. Consistent with the requirements of Section [57-25-190](#) (E) of the 1976 Code, or regulations adopted pursuant thereto, including construction by a local government in a state right of way, the owner of a legally erected and maintained billboard shall have the option to relocate such billboard sign to another location as close as practicable to the sign being relocated or adjust the height or angle of the billboard sign to a height or angle that restores the visibility of the billboard sign to the same or comparable visibility as before construction of a sound barrier. Costs for relocation or alteration of a billboard due to sound barrier installation by a local government in a state right of way shall be paid by the local government. The provisions of Section 39-14-10 et seq of the 1976 Code will apply regarding any compensation to be paid by local governments for billboard signs which cannot be relocated or altered.**

Utah

SECTION 72-7-510.5

Height adjustments for outdoor advertising signs:

(1) If the view and readability of an outdoor advertising sign including a nonconforming sign as defined in Section 72-7-510 is obstructed due to a noise abatement or safety measure, grade change, construction, aesthetic improvement made by an agency of this state, directional sign, or widening along an interstate, federal aid primary highway existing as of June 1, 1991, or national highway systems highway, the owner of the sign may:

(a) adjust the height of the sign; or

(b) relocate the sign to a point within 500 feet of its prior location, if the sign complies with the spacing requirements under Section 72-7-505 and is in a commercial or industrial zone.

(2) A height adjusted sign under this section does not constitute a substantial change to the sign.

(3) The county or municipality in which the outdoor advertising sign is located shall, if necessary, provide for the height adjustment or relocation by ordinance for a special exception to its zoning ordinance.

(4) (a) The height adjusted sign may be erected to a height and angle to make it clearly visible to traffic on the main-traveled way of the highway and shall be the same size as the previous sign.

(b) The provisions of Subsection (4) (a) are an exception to the height requirements under Section 72-7-505.