

State Spacing Laws

Message Points

- Spacing should be adequate to allow for reasonable visibility of an advertiser's message based on "customary use" of the industry
- Spacing criteria should reflect the customary use provisions of the industry and local community mores and customs
- States with more restrictive state spacing criteria have more States flexibility with relocations and modifications

Background

The Highway Beautification Act of 1965 permits outdoor advertising signs to be erected in controlled areas if the signs are located in zoned or unzoned commercial and industrial areas (C & I). Outside of urban areas, such signs must be erected in C & I areas within 660 feet of the right of way.

Outdoor advertising signs are governed by restrictions set forth in Federal/State agreements and/or codified in state statutes or administrative regulations adopted by each state. Spacing requirements are included among these restrictions and can vary according to road classification, either by Federal-aid Primary, Interstate, National Highway System, or other highways located inside or outside a municipality.

Industry Position

The outdoor advertising industry supports approval of the spacing requirements taken pursuant to a state's Federal/State agreement, enabling statute and/or administrative regulation.

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An overwhelming majority of signs are prohibited within 500 feet of an adjacent sign or interchange outside municipalities. "Customary Use" as defined in Section 131 (d) of the Highway Beautification Act states, "signs, displays, and devices whose size, lighting and spacing, consistent with customary use is to be determined by agreement between the several states and the Secretary." Section 131 (d), in its entirety, is included below:

(d) In order to promote the reasonable, orderly and effective display of outdoor advertising while remaining consistent with the purposes of this section, signs, displays, and devices whose size, lighting and spacing, consistent with customary use is to be determined by agreement between the several States and the Secretary, may be erected and maintained within six hundred and sixty feet of the nearest edge of the right-of-way within areas adjacent to the Interstate and primary systems which are zoned industrial or commercial under authority of State law, or in unzoned commercial or industrial areas as may be determined by agreement between the several States and the Secretary. The States shall have full authority under their own zoning laws to zone areas for commercial or industrial purposes, and the actions of the States in this regard will be accepted for the purposes of this Act. Whenever a bona fide State, county, or local zoning authority has made a determination of customary use, such determination will be accepted in lieu of controls by agreement in the zoned commercial and industrial areas within the geographical jurisdiction of such authority.

Spacing criteria should reflect the customary use provisions of the industry and local community mores and customs

As a responsible industry, the placement of outdoor advertising signs should reflect the customary use provisions of the outdoor industry and the local mores of the community. Signs located too close together lose their impact and value for advertisers.

States with more restrictive state spacing criteria have more States flexibility with relocations and modifications

States with more restrictive spacing criteria than what is set forth in their Federal/State Agreements may adjust their State laws to minimize the cost of acquiring state nonconforming billboards and allow new technology to be installed on these billboards. (See FHWA Letter to Senator David Vitter)

To illustrate this first point, consider that a billboard may be in conformance with the spacing requirements in the Federal/State Agreement, but the billboard is nonconforming under more restrictive state spacing laws. Florida, Louisiana, Oklahoma, and Missouri all have statutes permitting the relocation of billboards in this situation.