SB339 CCR A

OKLAHOMA STATE SENATE
CONFERENCE
COMMITTEE REPORT

May 10, 2011

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB 339

By: Branan of the Senate and Shannon of the House

Title: Outdoor advertising; vegetation management activities. Effective date.

together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from all House amendments.
2. By restoring the title as follows:

"An Act relating to outdoor advertising; amending 69 O.S. 2001, Section 1275, as last amended by Section 2, Chapter 405, O.S.L. 2010 (69 O.S. Supp. 2010, Section 1275), which relates to outdoor sign standards; authorizing the Department of Transportation to establish process allowing outdoor advertising permit holders to perform certain vegetation management activities; authorizing Department to promulgate rules; and providing an effective date."

Respectfully submitted,

SENATE CONFEREES:

Branan

Stanislawski

Marlatt

Fields

Garrison

Burrage

HOUSE CONFEREES:

Conference Committee on Insurance and Economic Development

ADOPTED & PASSED MAY 18 2011
Senate Action_____Date_____House Action _____ Date_____

epc

HOUSE CONFEREES

Dank _____

Key _____

Kirby _____

McDaniel (Randy) _____

McNiel _____

Morrissette _____

Mulready _____

Ortega _____

Ownbey _____

Pittman _____

Shelton _____

ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 339 By: Branan of the Senate

and

Shannon of the House

[outdoor advertising - outdoor sign standards - vegetation management activities - effective date]

AMENDMENT NO. 1. Page 1, line 10, strike the enacting clause

Passed the House of Representatives the 30th day of March, 2011.

_____
Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2011.

_____
Presiding Officer of the Senate

ENGROSSED SENATE
BILL NO. 339 By: Branan of the Senate

and

Shannon of the House

[outdoor advertising - outdoor sign standards - vegetation management activities - effective date]

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 69 O.S. 2001, Section 1275, as last amended by Section 2, Chapter 405, O.S.L. 2010 (69 O.S. Supp. 2010, Section 1275), is amended to read as follows:

Section 1275. After April 15, 1968, signs which are to be erected in a business area shall comply with the following standards:

(a) General. Signs shall not be erected or maintained which:

(1) Imitate or resemble any official traffic sign, signal or device.

(2) Are erected or maintained upon trees or painted or drawn upon rocks or other natural features.

(b) Size.

(1) Signs shall not be erected which exceed one thousand two hundred (1,200) square feet in area, per facing, including border

and trim, nor shall signs be erected which exceed twenty-five (25) feet in height nor sixty (60) feet in length, excluding apron, supports and other structural members.

(2) The maximum size limitations shall apply to each sign facing. Two signs not exceeding six hundred (600) square feet each may be erected in a facing, side by side or "doubledecked". Back-to-back and/or V-type signs will be permitted, and shall be treated as one structure with one thousand two hundred (1,200) square feet permitted for each, if the sign structures or facings are physically contiguous, or connected by the same structure or cross bracing, or located not more than fifteen (15) feet apart at their nearest point nor more than thirty (30) feet apart at their widest point in the case of back-to-back or V-type signs. However, nothing in this section shall be construed to allow tri-faced signs.

(c) Spacing.

(1) Signs shall conform to all applicable building codes and ordinances of the municipality, county or state, whichever has jurisdiction as set forth in Section 1272 of this title.

(2) Signs shall not be erected or maintained in such a manner as to obscure or otherwise physically interfere with an official traffic sign, signal or device or to obstruct or physically interfere with the driver's view of approaching, merging or intersecting traffic.

(3) Signs visible from a nonfreeway primary highway shall not be erected within the limits of an incorporated municipality less than one hundred (100) feet on the opposite side of the highway and three hundred (300) feet on the same side of the highway, and outside the limits of an incorporated municipality less than three hundred (300) feet, from another such sign, other than signs described in subsections (a), (b) and (c) of Section 1274 of this title, unless separated by a building or other obstruction in such a manner that only one display located within the minimum spacing distances set forth herein is visible from the highway at any one time; provided, however, that this shall not prevent the erection of double-faced, back-to-back, or V-type signs with a maximum of two signs per facing, as permitted by subsection (b) of this section. Signs visible and intended to be read from interstate and freeway primary facilities shall not be erected less than one thousand (1,000) feet from another such sign on the same side of such facilities, other than signs described in subsections (a), (b) and (c) of Section 1274 of this title. Outside incorporated municipalities, signs visible and intended to be read from interstate and freeway primary facilities shall not be erected adjacent to or within five hundred (500) feet of an interchange, intersection at grade, or rest area, on the same side of such facilities such distance to be measured along the interstate highway or freeway from the sign to the nearest point of the beginning or

ending of pavement widening at the exit from or entrance to the main-traveled way. Signs may not be located within five hundred (500) feet of any of the following which are adjacent to any interstate or federal-aid primary highway: public parks; public forests; playgrounds; or cemeteries. Provided, however, the Transportation Commission shall promulgate rules pursuant to the Administrative Procedures Act governing the measurement methodology to be prospectively utilized by the Department when determining spacing between outdoor advertising signs, displays and devices and public parks, public forests, playgrounds and cemeteries. Provided further, any measurement methodology heretofore utilized by the Department, including but not limited to the straight-line method, shall be accepted by the Department without prejudice. Provided further, the Department shall be prohibited from altering a permit classification or revoking any outdoor advertising license, which was properly obtained at the time of issuance, based upon a change of internal agency policy, agency interpretation of law or promulgation of rules. Provided further, a sign location that was permitted in compliance with the spacing requirements of this section in effect prior to the effective date of this act, but which does not comply with the spacing requirements of this section as amended after the effective date of this act, shall maintain its current legal status; provided it complies with all other permitting requirements as set forth by the Transportation Commission.

(4) For the purpose of providing a method and opportunity to minimize the cost of acquiring legally erected outdoor advertising signs to be taken when the state purchases land under eminent domain, the Director of the Department of Transportation shall have the option to approve the issuance of permits for outdoor advertising signs visible from a roadway subject to the regulatory control of the Department of Transportation which are to be erected less than one thousand (1,000) feet from another such sign. Permits issued pursuant to this option shall be only for the purpose of providing a relocation site for a sign being taken by the state. Provided, when the Department issues a permit pursuant to this subsection to accommodate the relocation of a structure:

a. if the structure to be removed is visible from a roadway subject to the regulatory control of the Department inside an incorporated area, the relocation site shall be inside the same incorporated area and shall be visible from a roadway subject to the regulatory control of the Department, and

b. if there are not suitable relocation sites meeting the provisions of subparagraph a of this paragraph and the structure to be removed is visible from a roadway subject to the regulatory control of the Department, notwithstanding the provisions of subparagraph a of this paragraph, the Department may issue a permit for

a relocation site outside of the incorporated area, provided the relocation site is either in a contiguous county thereto or the same Transportation Commission District, which shall be visible from a roadway subject to the regulatory control of the Department. Provided further, the square footage of display face on the relocated sign shall not exceed the square footage of display face of the taken sign. The relocated sign shall maintain the same legal status as existed prior to such location. The Transportation Commission shall have the authority to promulgate rules necessary to implement the use of the permit option provided for in this subsection and to request the cooperation of municipalities where local permits are required.

(5) Notwithstanding any other provision of law, the Department of Transportation shall, after determining the need to acquire property upon which outdoor advertising structures are located, have the authority to negotiate directly with the owner of the outdoor advertising structure the terms for maintaining such structures in their current position or for the relocation of such structures. Such negotiations may begin prior to the Department's initiation of formal condemnation proceedings and shall be completed prior to a jury award in a condemnation proceeding. The Department of Transportation retains its right to require the removal of the sign structure improvement effective as of the payment by the Department

in the amount awarded by the court-appointed commissioners pursuant to applicable law. Nothing in this section shall be construed to prevent the owner of the land from pursuing a claim of interest in any lease existing between the landowner and the outdoor advertising structure owner, or to prevent the outdoor advertising structure owner from pursuing a claim for fair market value of the owner's interest if negotiations with the Department for a lease or structure relocation arrangement are not successful.

(d) Lighting.

(1) Signs shall not be erected which contain, include, or are illuminated by any flashing, intermittent, revolving or moving light, except on-premise signs and those giving public service information such as, but not limited to, time, date, temperature, weather or news. Steadily burning lights in configuration of letters or pictures are not prohibited.

(2) Signs shall not be erected or maintained which are not effectively shielded to prevent beams or rays of light from being directed at any portion of the traveled way of any interstate or primary highway and are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle.

(3) Signs shall not be erected or maintained which shall be so illuminated that they obscure any official traffic sign, device, or signal, or imitate or may be confused with any such official traffic sign, device or signal.

(4) Provided, however, nothing in this section shall be construed to prohibit the erection or maintenance of signs which include the steady illumination of sign faces, panels or slats that rotate to different messages in a fixed position, commonly known as tri-vision faces or multiple message signs; provided, the rotation of one sign face to another is no more frequent than every eight (8) seconds and the actual rotation process is accomplished in four (4) seconds or less.

(e) Vegetation Management

(1) For the purpose of minimizing costs to the Department for the removal, cutting, or trimming of trees or vegetation on a public right-of-way to make visible or ensure future visibility of the facing of a permitted outdoor advertising sign, the Department is authorized to establish a process for an outdoor advertising permit holder to conduct vegetation management activities within a specific area surrounding the permit holders' outdoor advertising device.

(2) The Department shall promulgate rules prescribing the scope of such vegetation management activities and any requirements it deems necessary to monitor such activities.

SECTION 2. This act shall become effective November 1, 2011.

Passed the Senate the 8th day of March, 2011.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2011.

_____
Presiding Officer of the House
of Representatives