




U.S. Department
of Transportation

**Federal Highway
Administration**

Memorandum

Subject: **INFORMATION**: Destroyed Sign
Guidance

Date: September 9, 2009

From: Gerald Solomon, Esq. 
Director, Office of Real Estate Services

In Reply Refer To: HEPR-20

To: Division Administrators
Director of Technical Services
Directors of Field Services
ATTN: Division and Federal Lands Realty
Professionals

In 2008 the FHWA entered into an interagency agreement with the U.S. Institute for Environmental Conflict Resolution (Institute) in an effort to implement recommendations contained in the January 2007 Conflict Assessment: Federal Outdoor Advertising Control Program (Assessment). The Assessment was prepared by the Osprey Group of Boulder, Colorado and the Executive Summary included issues that were both important to stakeholders and having reasonable potential for agreement.

The Office of Real Estate Services worked with the Institute to determine how to implement recommendations in the Assessment and to identify what issues to examine first. After careful review of the Assessment report with the Institute we focused on the Acts of God/definition of "destroyed signs" issue as the first step for collaboration with stakeholders.

A representative group of stakeholders comprised of State outdoor advertising regulators, representatives of the Outdoor Advertising Industry and Scenic America was assembled by the Institute for a collaborative workshop in December 2008 that focused on developing a definition of "destroyed signs." With the help of a facilitator, the State and FHWA representatives developed a draft definition. The Scenic America representatives expressed support for the definition. While the Outdoor Advertising Industry did not support the definition they did commit to continued involvement in the collaboration.

It was agreed by FHWA that the draft definition would be discussed with the National Alliance of Highway Beautification Agencies and the Outdoor Advertising Technical Council of the AASHTO Right of Way & Utilities Subcommittee to allow for a further exchange of ideas from interested parties prior to issuing any further guidance. The need for

guidance was identified in the original Assessment because of the difficulty in addressing the destroyed sign provision of the Outdoor Advertising Regulations in 23 CFR 750.707(d)(6)(i). Additionally it appears some States may not have addressed this issue appropriately in their rules and regulations.

After extensive consideration and consultation as noted above we are providing the following guidance for your use in determining if the state has developed adequate criteria to define a destroyed sign.

Destroyed" means that (a specified percentage*) or more of the upright supports of a sign structure are physically damaged such that normal repair practices would call for: in the case of wooden sign structures, replacement of the broken supports or, in the case of metal sign structures, replacement of at least (a specified percentage**) of the length above ground of each broken, bent, or twisted support.

*A range of 40 to 60% would be considered effective control.

**A range of 20 to 30% would be considered effective control.

Please review your State's outdoor advertising rules and regulations to see if they contain criteria to implement 23 CFR 750.707(d)(6)(i). If the State has criteria different from the above guidance, please ensure that it provides for effective control of destroyed signs

If you have any questions or comments on this guidance, please contact Ed Kosola by telephone (202) 493-0350 or e-mail Edward.Kosola@dot.gov.