



## SUMMARY

### of FHWA's 2024 Review of UDOT's Outdoor Advertising Control Program

**PURPOSE OF THE REVIEW:** The Federal Highway Administration (FHWA), an agency of the U.S. Department of Transportation, conducts periodic reviews of state transportation departments to ensure its federal-aid program is being delivered in compliance with applicable statutes and regulations under authorities granted by Congress in title 23, United States Code (USC).

**UDOT'S RESPONSIBILITY AND ROADS SUBJECT TO FEDERAL LAW:** Control the erection and maintenance of outdoor advertising signs in areas adjacent to the Interstate System and primary system (controlled federal-aid routes) to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty.

**FINANCIAL RISK TO UTAH:** Title 23 Section 131(b) USC authorizes the Secretary of Transportation to withhold 10% of a state's Federal-aid Highway Program apportionment under §104 of Title 23 for failure to ensure effective control, until such time that effective control is [re]established.

**FINDINGS:** The Utah Outdoor Advertising Act (72-7-5) is not in compliance with the Utah-Federal Agreement signed by Gov. Calvin Rampton in January 1968; the Highway Beautification Act (HBA) of 1965, as amended, codified at 23 USC §131, Pub. L 85-767; or FHWA's implementing regulations at 23 Code of Federal Regulations (CFR) 750.7012, establishing the Federal requirements for outdoor advertising.

#### **SPECIFIC UDOT FAILURES:**

1. Failing to prevent billboards from being placed closer than the minimum 500' distance from the beginning of an off-ramp or the ending of an on-ramp of a freeway interchange.
2. Failing to prevent non-conforming (grandfathered) billboards from being re-built, heightened, expanded or digitized in violation of the 1968 Federal-State Agreement and pertinent federal law.
3. Failing to assure that erected billboards comply, at a minimum, with size, lighting, and spacing criteria contained in the 1968 Federal-State Agreement and federal law.
4. Failing to establish enforcement procedures sufficient to discover illegally erected or maintained signs shortly after such occurrence and cause their prompt removal.
5. Failing to correctly identify billboards that are, in fact, non-conforming (grandfathered).

#### **ACTION PLAN TO BE COMPLETED BY JUNE 30, 2025:**

FHWA issued a conditional determination of "effective control" for Utah's Outdoor Advertising Control Program, contingent upon implementation of the following action plan by **June 30, 2025**:

“Effective control is codified in 23 CFR 750.705(a)-(j). The state must satisfactorily meet the following regulatory standards:

- a) Develop laws, regulations, and procedures to accomplish the requirements of this subpart;
- b) Prohibit erection of new signs other than those which fall under § 750.704(a)(1) thru (6).
- c) Assure that signs erected under § 750.704(a)(4) and (5) comply, at a minimum, with size, lighting, and spacing criteria contained in the agreement between the Secretary and the State;
- d) Assure that signs erected under § 750.704(a)(1) comply with the national standards contained in subpart B, part 750, chapter I, 23 CFR;
- e) Remove illegal signs expeditiously;
- f) Remove nonconforming signs with just compensation within the time period set by 23 U.S.C. 131 (subpart D, part 750, chapter I, 23 CFR, sets forth policies for the acquisition and compensation for such signs);
- g) Assure that signs erected under § 750.704(a)(6) comply with § 750.710, Landmark Signs, if landmark signs are allowed;
- h) Establish criteria for determining which signs have been erected with the purpose of their message being read from the main-traveled way of an Interstate or primary highway, except where State law makes such criteria unnecessary. Where a sign is erected with the purpose of its message being read from two or more highways, one or more of which is a controlled highway, the more stringent of applicable control requirements will apply;
- i) Establish enforcement procedures sufficient to discover illegally erected or maintained signs shortly after such occurrence and cause their prompt removal; and
- j) Submit regulations and enforcement procedures to FHWA for approval.”

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