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734-060-0000

## Outdoor Advertising Sign Application Process

(1) Application forms. An application for a sign permit under the Oregon Motorist Information Act (OMIA) is made by completing and submitting the appropriate form, attaching to the form all documents necessary to show the application meets the requirements of the law, and submitting the correct fee to the Outdoor Advertising Sign Program of the Oregon Department of Transportation. Application forms are available from the Outdoor Advertising Sign Program. There are three different Outdoor Advertising Sign application forms: “Standard Outdoor Advertising Sign Permit Application” for new permits for outdoor advertising signs that preexisted the law change on May 30, 2007, relocations and reconstructions of such permitted signs; “Digital Billboard Outdoor Advertising Sign Application” for digital permits newly issued under ORS 377.710, or relocation and reconstruction of such permitted signs and “Application for Transit Bench or Shelter Sign” for signs on bus/transit benches and bus/transit shelters. The Department may deny a permit application if the applicant does not use the correct form.

(2) Copies of sign laws. The Department will make available copies of all state sign statutes, administrative rules, federal statutes, federal regulations, and federal-state agreements in effect. The Department may charge for the copies at the rate established by law for public records requests, and may require prepayment. The Department may also provide these documents by e-mail, web site, or in other forms for the convenience of the public and the Department.

(3) Summary of regulations. To assist potential permit applicants and the general public, the Department will make available a summary of sign permit regulations. The summary does not bind the Department to the items listed or waive its right and duty to enforce all requirements under the law.

(4) Contents of applications for Standard Outdoor Advertising Signs and Digital Billboard Outdoor Advertising Signs. To be complete the application must include the following.

(a) Application form Part 1: Applicant Information, Sign Specifications. Information must be complete and accurate for applicant, sign builder, purpose of application, description, township/range/section/tax lot, highway route number or name and side of highway, how site is marked, name and address of property owner, and why the sign will be an “outdoor advertising sign.” The location boxes should be completed to the best of applicant’s ability to enable the Department to find the site.

(b) Application form Part 2: Certification of Applicant. The application form must be signed and dated by the applicant, certifying the information provided by applicant is accurate and has not been changed after the local government certification (see section (c) below). If the applicant is a corporate or other business entity the individual signing must include their title [*or role*] so as to indicate the authority to sign for the applicant.

(c) Application form Part 3: Certification of Local Jurisdiction. After completing Part 1, applicant must submit the complete application [*form*] to the local jurisdiction for zoning and local compliance information. The local official must complete [*all of*] Part 3 and, if relevant,

attach a letter of explanation of local code compliance. The local official must sign and date Part 3. **This section does not apply to transit signs.**

(d) Fee. The fee is based on square footage as described in [administrative rule] **OAR 734-059-0100**. To be complete applicant must submit the correct application fee. The Sign Program does not accept cash, debit or credit cards; checks must be made out to Oregon Department of Transportation.

(e) Written proof of landowner consent. [Upon adoption of this rule, an ] **All applications, except transit sign applications,** [for a reconstruction permit, relocation permit, or a new preexisting sign permit] must include written proof **that** the landowner consents to have applicant maintain the proposed sign. The document must be signed by the landowner and the application filed during the base term of the agreement, or during a renewal term that is automatic or at applicant's election. If during a renewal period applicant must certify that the renewal was exercised and continues in effect. Examples of acceptable documents are the land lease, land lease plus applicant's certification as described above, land lease plus owner's written confirmation that an extension is being exercised, or a current memo signed and dated by land owner stating that applicant has permission to put the sign at the specified location. Payment information need not be included unless it is the evidence that compensation is exchanged making it an outdoor advertising sign.

(f) Business License. The applicant and the sign builder must have a current outdoor advertising sign business license as required under ORS 377.730.

(g) Relocation permit application. For a relocation application, if the zoning was first commercial or industrial after 1/1/1973, or **if** the local jurisdiction cannot determine the date, the applicant must submit a sketch or other document showing the site is within 750 feet of a commercial or industrial area to comply with ORS 377.767(3).

(h) Pre-existing sign permit application. For an application for a new **pre-existing sign under ORS 377.712** [permit for an outdoor advertising sign under HB 2273 (2007),] the following additional items are required:

(A) Complete the application form "Supplement for Pre-existing Sign Permit" and sign it before a notary public;

(B) Submit documents demonstrating each of your claims, such as a lease showing the sign was posted for compensation; and

(C) Pursuant to ORS 377.712(1), include [information] **documentation** demonstrating [that] **how** applicant was ignorant of the [law's] permit requirement for [that sign] **outdoor advertising signs as of May 30, 2007.**

(5) Digital Billboard applications must also include the following information:

(a) When being reconstructed or relocated for the first time as a digital billboard the applicant must provide the eligible permit(s) or relocation credit(s) being retired pursuant 377.700 to 377.840 and OAR 734-060-0007.

(b) Whether the proposed sign is a "Poster," [or] "Bulletin," **or other** sign as described in [(3).] **OAR 734-060-0007(2).**

(c) Emergency malfunction contact information including name, phone number along with proposed response procedure to possible malfunction.

(d) Whether or not a renewable energy **resource** is available and being utilized. *[If yes, list the source including name and contact information of company to provide stated energy source.]* If none, then the applicant must complete the affidavit attesting that no renewable **resource** is available.

*[(e) Specification sheet for the electronic light emitting diodes to be used in proposed sign.]*

(6) Transit Bench or Shelter Application. *[For an application for an outdoor advertising sign on a transit shelter or bench under Oregon Administrative Rules Division 60 or 65, include official]* **A transit shelter or bus bench application must provide** documentation **demonstrating** that the site is at **an official** bus or transit stop on a city or urban transit system route.

(7) Complete Applications.

(a) The Outdoor Advertising Sign Program's mailing address is: Oregon Department of Transportation, Right of Way Section – Sign Program, 4040 Fairview Industrial Drive SE, MS #2, Salem OR 97302. The Sign Program receives hand deliveries at 4040 Fairview Industrial Drive SE, Salem Oregon. The Sign Program receives facsimiles at 503-986-3625. The Sign Program receives electronic mail at OutdoorAdvertising@odot.state.or.us.

(b) The Department requires original signatures and original initials to any changes on the application form. Therefore the Department will not accept the application form by electronic transmission (including facsimile). The Department may accept other documents by electronic transmission. The Department will not accept any changes made verbally; all changes must be in writing.

(c) The Department will indicate on each application document the date and time received. Application materials received by mail will be treated as received at the time a representative of the sign program physically receives the program's mail for that day. Application materials received in person, by fax, or by electronic transmission will be treated as received when a representative of the sign program physically receives those materials.

(d) The Department will only process applications that are complete. An application is complete when the Outdoor Advertising Sign program receives the signed application form including all necessary information, all documents necessary for issuance of a permit, and the correct application fee.

**(A)** Within 15 calendar days of receiving an application the Department will provide to the applicant written notice whether the application is complete. If the Department determines the application is complete, the notice will state the application's priority among all pending, complete applications.

**(B)** If the Department determines any information provided is incorrect, the application is not complete. The Department may rescind a notice of completeness and priority date if it later determines that information provided by applicant is not correct.

(e) If an application is not complete, within 15 calendar days of receiving the application the Department will return the entire application with written instructions on what is needed to complete it. The applicant must initial any subsequent changes and, if the changes are substantive to the local jurisdiction, must obtain a new certification from the local jurisdiction.

**(A)** *[If the form is complete, but the application is otherwise]* **If an application form is complete but the application is considered** incomplete due to insufficient supporting documents or **failure to submit the** fee, the Department may return the entire application with written instructions *[for completion,]* **on how to complete it** or **the Department** may hold the application and notify the applicant in writing of what is needed and when it must be provided.

**(B)** Within 15 days of receiving the corrected form or additional materials the Department will provide the applicant written notification whether *[it]* **the application** is complete and, if complete, the priority among all pending, complete applications.

**(C)** If the applicant makes any change to the application after it is **deemed** complete, the Department will change the priority date to the date of that change.

**(D)** If the Department has held an incomplete application for 60 days from **the** date of initial receipt, the application is deemed withdrawn by the applicant. The Department will return the *[entire]* **a copy of the** application and **may** refund any eligible deposited fee. **The Department will retain the original application for our records.**

(8) Processing of complete permit application.

(a) The Department will approve or deny a permit within 60 days of the complete application's priority date as determined under [7] **section (7)**(d) or (e) **of this rule** if the application clearly does not conflict with another complete application.

(b) An application for a permit that conflicts with the location of an expired or canceled permit will not be processed until the time for any hearing or appeal on the latter permit has passed, unless the permit is being canceled as a condition for issuance of the new permit.

(c) When a complete application might conflict with another complete application due to spacing or any other reason, the application with the *[earlier]* **earliest** priority date and time takes precedence over *[the]* later applications. Subject to all other requirements of the OMIA, the Department will issue the permit to the earlier applicant.

(d) If multiple complete applications have the same priority date and time, and are determined by the Department to compete for the same spot, the Department shall notify the applicants of the circumstances within seven days of the Department's determination. If an affected applicant requests a contested case hearing, the matter will be determined by a single contested case hearing under Oregon's Administrative Procedures Act. The Department shall refer the matter to the Office of Administrative Hearings within seven days of an applicant's written hearing request.

(e) If the Department does not approve or deny a permit application within the time allowed under **section (8)**(a) **of this rule**, *[this]* **such actions** do[es] not require the Department to issue a permit or require any remedy except as provided otherwise in law.

(9) Field checks; applicant requirements and Department method.

(a) When the Department determines an application is complete, the Department will perform a field check to determine the milepoint and all other information necessary to process the application.

(b) The applicant must place a marking at the site to show the proposed location for the sign permit. The applicant may use a stake, ribbon, paint, or any method or material that will allow

the Department to easily locate the site and attribute it to the applicant. If the marked site is other than that represented to the local authority in obtaining its signature on the application form, or is other than where the applicant actually builds the sign, the Department may consider that a violation of ORS 377.725(10).

(c) If the Department can not locate the site it will notify the applicant pursuant to (5)(e) above that the application is incomplete due to incorrect information and may request reasonable action by the applicant to identify the site.

(d) The Department will conduct a field check by traveling to the proposed site and calculating the milepoint to the one-hundredth of a mile or, when necessary, to the one-thousandth of a mile. The Department may also determine the engineering station. The Department may also make any other determination regarding the site that is relevant to the application, such as proximity to the right of way and to a commercial or industrial area. Once a field check has been conducted the application fee is non-refundable.

(e) The Department may use intersections, highway structures, or other highway feature and its corresponding milepoint or engineering station, to measure and calculate the milepoint of the proposed site. Milepost markers are for the convenience of motorists and are not precise indications of the milepoint, therefore the Department will not use milepost markers for these calculations without other indication of accuracy.

(10) Denied Permit Applications. If the Department denies an application, it will consider that site as conflicting with other applications:

(a) Until the time to request a hearing elapses without a hearing request from the applicant; or

(b) If a hearing is requested, until the time to request an appeal on the final order has elapsed or until the final appellate court enters a judgment on the matter, whichever is later.

(c) The Department will [return] **keep** the original application and any accompanying documents [when] **and return a copy after** an application is denied.

(11) Issued Permits.

(a) The permit will specify the 180th day by which the sign must be constructed.

(b) Within 190 days of permit issuance, the permittee must notify the Department in writing if the action described in the permit has been completed, and include at least one photograph demonstrating that completion. For a reconstruction permit or a relocation permit based on a relocation credit, the notice must state that the new sign has been constructed. For a direct relocation the notice must state that the new sign has been constructed and the former sign on which the permit was based has been removed. If the Department has not received the notification within 180 days the Department will alert **the** permittee [to the deficiency and the] **about the** upcoming 190-day deadline. If the permittee fails to submit the written notice and photograph within the time allowed, the Department will cancel the permit to relocate or reconstruct, and the permit will revert to its prior status. No fees will be refunded.

(c) “Constructed” means that the structure and all sign faces are permanently in place and the permit plate is attached. “Removed” means the taking down, removing, or eliminating all sign structure elements that are visible from the state right of way

[(12) This rule applies to permit applications filed after the effective date of this rule.]

734-060-0007

Digital Billboard Procedures

(1) *[As provided in ORS 377.710(6),]* This rule *[provides]* **describes the process for applying for a permit for a digital billboard.** *[for the method for implementation of new regulations for Digital Outdoor Advertising Signs.]*

**(2) Definitions for the purposes of this rule:**

**(a) “Sign” means the sign structure, the display surfaces of the sign, and all other component parts of the sign.**

**(b) “Retire” means to use a relocation credit such that it no longer exists or to remove an existing sign.**

**(c) “Bulletin” means an outdoor advertising sign with a display surface that is 14 feet by 48 feet.**

**(d) “Poster” means an outdoor advertising sign with a display surface that is 12 feet by 25 feet.**

**(e) “Digital Billboard” means an outdoor advertising sign that is static and changes messages by any electronic process or remote control, provided that the change from one message to another message is no more frequent than once every eight seconds and the actual change process is accomplished in two seconds or less.**

*[(2)]* **(3)** Qualifications for receiving a *[new]* digital **billboard** state sign permit:

(a) The proposed site and *[sign]* **digital billboard** must meet all requirements of the OMIA *[pursuant to ORS 377.710(6) and 377.720(3)(d)(A), (B) and (C), including the requirement that the message change no more frequently than once every 8 seconds and the entire message changes in 2 seconds or less.]* **including, but not limited to, the following:**

**(A) the digital billboard is not illuminated by a flashing or varying intensity light.**

**(B) the display surface of the digital billboard does not create the appearance of movement.**

**(C) the digital billboard must operate at an intensity level of not more than 0.3 foot-candles over ambient light as measured by the distance to the sign depending upon its size.**

**(D) The distance measurement for ambient light is: 150 feet if the display surface of the sign is 12 feet by 25 feet, 200 feet if the display surface is 10.5 by 36 feet, and 250 feet if the display surface is 14 by 48 feet.**

(b) Applicant must submit a completed application for a digital billboard **state sign permit** using the approved form that may be obtained by one of the following methods:

(A) Requesting from Sign Program Staff by phone at 503-986-3656;

(B) Email: OutdoorAdvertising@odot.state.or.us;

(C) Website [http://www.oregon.gov/ODOT/HWY/SIGNPROGRAM/contact\\_us.shtml](http://www.oregon.gov/ODOT/HWY/SIGNPROGRAM/contact_us.shtml)

(c) The Department [of Transportation personnel must] **shall** confirm that [the standing] **any existing** permitted Outdoor Advertising Sign or **relocation credit** being retired for the purpose of receiving a new **digital billboard** state sign permit [for a new Digital Billboard has been removed [(including structure) before the new permit will be issued]**within the 180 days allowed to construct the new permitted sign.** The Department will not charge a Banking Permit Fee for the cancellation of state sign permits retired for the purpose of receiving a new digital billboard permit.

(d) Department of Transportation personnel must confirm the sign including structure has been removed for any relocation credit being retired to obtain a new Digital Billboard before a permit will be issued.

[(3)] **(4)** [The following] **This section** sets forth the criteria for determining the required relocation credits [and/] or [standing] **existing** permitted signs that an applicant [is required to] **shall** retire to receive [1] **one** new digital **billboard** state sign permit:

(a) Applicants who own 10% or less of [the] **all** active relocation credits at the time the application is submitted shall either remove [1] **one** existing state permitted outdoor advertising sign with a display area of at least 250 square feet or provide one active relocation credit of at least 250 square feet and retire that permit. Applicants meeting this criteria are not limited to either “Bulletin” or “Poster” billboards.

(b) Applicants who own more than 10% of [the] **all** active relocations credits [may] **shall** apply for a new digital billboard **state sign** permit **as follows:** [for either a Bulletin (14’x48’) or Poster (10’x25’). To apply the applicant is required do the following:]

[(A) For a Bulletin, choose one of the three options listed:

(i) Remove 2 eligible existing state permitted bulletins, and provide 3 active relocation credits for retirement;

(ii) Remove 1 existing state permitted bulletin, and 2 existing state permitted Posters, and provide 3 active relocation credits; or

(iii) Remove 4 existing posters and provide 3 active relocation credits.

(B) For a Poster, choose either of the options listed:

(i) Remove 2 existing state permitted posters, and provide 3 active relocation credits; or

(ii) Remove 1 existing bulletin and provide 3 active relocation credits.]

**(A) For a digital billboard that is intended to be a bulletin, the applicant has three options:**

**(i) Remove two existing bulletins, retire the permits for those signs, and retire three relocation credits; or**

**(ii) Remove one existing bulletin and two existing posters, retire those permits and retire three active relocation credits; or**

**(iii) Remove four existing posters, retire the permits for those signs, and retire three relocation credits.**

**(B) For a digital billboard that is intended to be a poster, the applicant has two options:**

**(i) Remove two existing posters, retire the permits for those signs, and retire three relocation credits;**

**(ii) Remove one existing bulletin, retire the permit for that sign, and retire three relocation credits.**

(c) For an active relocation credit to be eligible it must be at least 250 square feet. All permits and relocation credits submitted under these procedures will be permanently cancelled and are not eligible for **renewal**. [*relocation credits.*]

(d) **Any** [*The*] state sign permits submitted for retirement must include the written statement notifying the Department that the “lease has been lost or cancelled.”

[(4)] **(5)** The Department will determine the percentage of relocation credits owned by an applicant [*for a new digital billboard permit*] by [*calculating*] **dividing** the total number of unused relocation credits [*and*] **by** the total number of unused relocation credits owned by the applicant on the day the application is received.

[(5)] **(6)** Two digital **billboard state** sign permits are required for any back to back or V-type digital sign. A separate application is required for each digital sign [*permit.*] **face.**

[(6)] **(7)** The first time a [*“New Digital Billboard”*] **digital billboard** is permitted it is not subject to the 100-mile rule **in ORS 377.767(4)**. The site of the newly permitted billboard will become the established location for future reference. [*See ORS 377.767(4)*]

[(7)] **(8)** Relocation [*or reconstruction*] of permitted digital billboards. [*or relocation credits.*] The Department will issue [*I*] **one** digital relocation credit for each permitted digital sign that is removed. The [*issued*] digital relocation credit **issued** will be for the same square footage as the permitted digital sign that was removed. A digital relocation credit can only be used to relocate [*or reconstruct*] a digital billboard. **A permitted digital sign can only be reconstructed as a digital billboard.**

[(8)] **(9)** Use of renewable energy **resource**. The applicant must provide a statement with the [*submitted*] application that clarifies what, if any, renewable energy **resources** [*is*] **are** available at the site and [*is*] **are** being utilized. If none, then a notarized statement to that effect must be included with the application.

[(9)] **(10)** All permitted digital billboards must have [*a feature that will*] **the capacity to** either freeze [*the sign*] in a static position or display a [*full*] black screen in the event of a malfunction.

(a) The applicant must provide emergency contact information that has the ability and authority to make modifications to the display and lighting levels in the event of emergencies or a malfunction.

(b) The Department [*through the Outdoor Advertising Sign Program*] will notify the [*S*] sign [*O*] owner [*'s contact*] of a malfunction that has been confirmed by ODOT [*personnel*] in the following instances:

(A) The light impairs the vision of a driver of any motor vehicle; or

(B) The message is in violation of ORS 377.710(6) or 377.720(3)(d) [(A, B & C)].

**[(10)] (11) All digital billboard signs must comply with the light intensity and sensor requirements of ORS 377.720(3)(d).** *[Measurement of light emitted from State permit digital billboards.]*

(a) The Department will take measurements of the permitted digital billboard when notified that the sign has been constructed and the permit plate has been installed.

(b) The Department will use an approved luminance meter designed for use in measuring the amount of light emitted from digital billboards using the industry standard for size and distance as follows:

(A) 150 feet for 12'x 25.'

(B) 200 feet for 10.5'x 36'.

(C) 250 feet for 14'x 48.'

Stat. Auth.: ORS 184.616, 184.619, 377.710, 377.729, 377.753

Stats. Implemented: ORS 377.710, 377.720, 377.750, 377.767

734-060-0010

Criteria for Issuance of New Permits for Benches Utilized as Outdoor Advertising Signs

(1) *[A new]* **New** permits may be issued for a bus or transit bench utilized for an outdoor advertising sign (bench signs) and such signs may only be erected after a permit has been obtained from the Department of Transportation. These rules do not authorize the placement of any **new** bench, only the addition of an outdoor advertising sign to **an already existing** bench structure.

(a) Bench signs are prohibited where the sign would be visible to:

(A) an interstate highway;

(B) a full control access highway;

(C) any state highway where the area adjacent to the highway is a designated scenic area under ORS 377.505 to 377.540; or

(D) any state highway designated as a scenic byway, unless the sign was legally in place before the byway designation.

(b) Size. The maximum allowable size for a bench sign is **16** [24] square feet and the sign shall not exceed two feet in height or eight feet in length excluding supports.

(c) Height. The maximum allowable height is four feet including supports.

(d) Special Requirements:

(A) Bench signs may only be located in a commercial or industrial zone or, if located *[on]* **in** unzoned city street right of way, only where **such right of way is** adjacent to a commercial or industrial zone;

(B) Bench signs may only be located inside incorporated city limits or within an urban growth boundary;

(C) Bench signs may only be located at a bus or transit stop on **an official** city or urban transit system route. The applicant must provide official documentation, such as a route map produced by the transit system, showing **that** the site meets this requirement;

(D) Bench signs shall not be located on state highway right of way.

(f) These rules do not apply to any bench sign for which a preexisting outdoor advertising sign permit has already been issued under ORS 377.725.

(2) All signs subject to these regulations are also subject to the provisions of ORS 377.700 to 377.840 and 377.992 and to all applicable federal laws, regulations and agreements entered into by the Transportation Commission and the Federal Highway Administration.

**(3) All [Signs] signs** erected under these regulations are also subject to any city or county ordinance or regulation.

[(3)] **(4)** All bench signs granted permits under these rules are subject to removal in accordance with ORS 377.775.

Stat. Auth.: ORS 184.616, 184.619, 377.753

Stats. Implemented: ORS 377.753

734-065-0015

#### Construction of Shelters

These rules do not grant authority to construct **new shelters** or maintain **existing** shelters but pertain solely to the placement of outdoor advertising signs on shelters visible from a state highway.

Stat. Auth.: ORS 184.616, 184.619, 377.729

Stat. Implemented: ORS 377.725

734-065-0020

#### Sign Location

(1) Shelter signs are prohibited on state highway right-of-way.

(2) Shelter signs are prohibited where visible from an interstate highway or a full-control access highway.

(3) Shelter signs are prohibited in a designated scenic area. No new shelter signs are allowed in a scenic byway.

(4) The shelter on which a sign is placed must be located within a commercial or industrial zone or, if [on] **in** unzoned city street right-of-way, [it must be] **only where such right of way is** adjacent to a commercial or industrial zone.

(5) Each shelter may have no more than one sign visible from each direction of travel of the highway.

(6) Shelter signs may only be located at a bus or transit stop on **an official** city or urban transit system route. The applicant must provide official documentation, such as a route map produced by the transit system, showing **that** the site meets this requirement.

Stat. Auth.: ORS 184.616, 184.619, 377.729  
Stat. Implemented: ORS 377.725

734-065-0025

### Size and Construction of Sign

- (1) The maximum allowable size of a shelter sign is [~~16~~] **24** square feet each side.
- (2) The maximum distance between advertising panels placed back-to-back is one foot.
- (3) The sign must not extend beyond the outer edges of the shelter.

Stat. Auth.: ORS 184.616, 184.619, 377.729  
Stat. Implemented: ORS 377.725