

# **PennDOT's Outdoor Advertising Control**

## **Questions and Answers**

### **What laws govern the placement of outdoor signage?**

Pennsylvania controls signage within the State highway right-of-way according to Section 425 of the State Highway Law. Additionally, the federal Highway Beautification Act, 23 U.S.C. § 131, requires states to control outdoor advertising outside of the highway right-of-way along defined routes. Pennsylvania regulates these devices according to the state Outdoor Advertising Control Act of 1971, 36 P.S. § 2710.101 *et seq.*, and its corresponding regulations, 67 Pa. Code, Chapter 445.

### **What is the right-of-way and how do I know how wide it is?**

Highway right-of-way is real property rights obtained for the construction, operation, maintenance, or mitigation of a transportation or related facility funded under Title 23, United States Code. This area includes the land purchased by PennDOT on which a highway is built, as well as the shoulders or berms, plus any additional area needed for highway purposes. While it is often a minimum of 33 feet wide in total (from one side of the road to the other), it may be much wider (120 feet or more in some cases) since it extends beyond the paved road and shoulders. Contact the PennDOT District Office for your county (contacts are listed at the end of this document) to find out the right-of-way width for a specific location.

### **Can a private sign be placed within the highway right-of-way without PennDOT's permission?**

No. The highway right-of-way is exclusively used for transportation purposes, and generally, only official traffic signs are permitted. The State Highway Law prohibits signs, banners, and advertising of any kind on or across a State highway without PennDOT permission. This includes signs placed on structures (such as utility poles) and portable signs (such as yard sale signs and campaign signs). PennDOT is responsible for the safety of the motoring public and must ensure that the highway right-of-way area, including the shoulders and berms, is free and clear of any objects that might distract motorists and cause crashes.

*[The questions and answers continue on the following page]*

## **Why aren't signs allowed to be placed in the right-of-way without PennDOT's permission?**

For two reasons: public safety and legal liability. These objects may interfere with a driver's view of other traffic, official traffic signs, and traffic signals, and crashes may result. If a motorist collides with an illegally placed object, the owner of the object, the property owner who allowed it to be placed, and PennDOT may all be sued for the resulting injuries or damages. Federal regulation (23 CFR § 1.23) requires that the area within the highway right-of-way be devoted exclusively to public highway purposes.



## **What signs, other than official traffic signs, are permitted within the right-of-way?**

Municipalities may request PennDOT's permission to install temporary signs or banners above or within the highway right-of-way. These signs and banners must be approved by a resolution from the municipality and comply with PennDOT requirements. Additionally, historical markers and custom municipal name signs may also be allowed if they meet the criteria set forth in PennDOT's Publication 46. Lastly, governmental bodies and educational institutions may post their names on pedestrian bridges they own that cross State roads.

## **Why does PennDOT control outdoor advertising signs?**

PennDOT is required by law to control outdoor advertising signs that are located within 660 feet of the highway right-of-way of certain interstates and highways ("controlled routes") in order for the State to receive its full share of federal highway funds, which are necessary to build and maintain Pennsylvania's roadways. Ensuring the orderly and effective display of outdoor advertising under the state Outdoor Advertising Control Act is consistent with national policy for protecting the public's investment in our highways and also serves to showcase Pennsylvania's natural beauty. Some municipalities may have local ordinances that are more restrictive than the State law.

## **What is PennDOT's responsibility regarding right-of-way encroachments?**

When a highway right-of-way encroachment (any object—signs, walls, lights, etc.—placed within the right-of-way without PennDOT permission) is discovered, PennDOT typically sends the owner a written request to remove it. If the encroachment is not removed after a notice was sent, PennDOT is authorized to remove it and to collect removal costs from the owner. In addition, the State Highway Law also provides a penalty for encroachment violations, upon

summary conviction. If an encroachment is a safety hazard, the Department may remove it immediately without first sending a notice to the owner.

### Where can I place my sign?

Along controlled routes, signs outside the right-of-way that are visible from the highway may generally only be erected in commercial or industrial areas, subject to limitations concerning size, spacing between signs, and lighting. Locations are more restrictive next to interstate highways. Please contact your local PennDOT Engineering District Office for details. Controlled routes may be viewed on the interactive map at [gis.penndot.gov/HBMS](https://gis.penndot.gov/HBMS).

### How can I have a sign for my business installed within the right-of-way?

PennDOT's Tourist-Oriented Directional Signs (TODS) and Logo Sign programs provide an opportunity for a business to have signs within the right-of-way. TODS and Logo Signs are considered official traffic signs because they guide motorists to a location. These programs are administered by the Pennsylvania Tourism Signing Trust for PennDOT. Complete guidelines for the TODS and Logo Sign programs, including eligibility requirements and fees, may be viewed on the Trust's website at [www.palogo.org](http://www.palogo.org).



Images from the PA Tourism Signing Trust

### What is an on-premise sign?

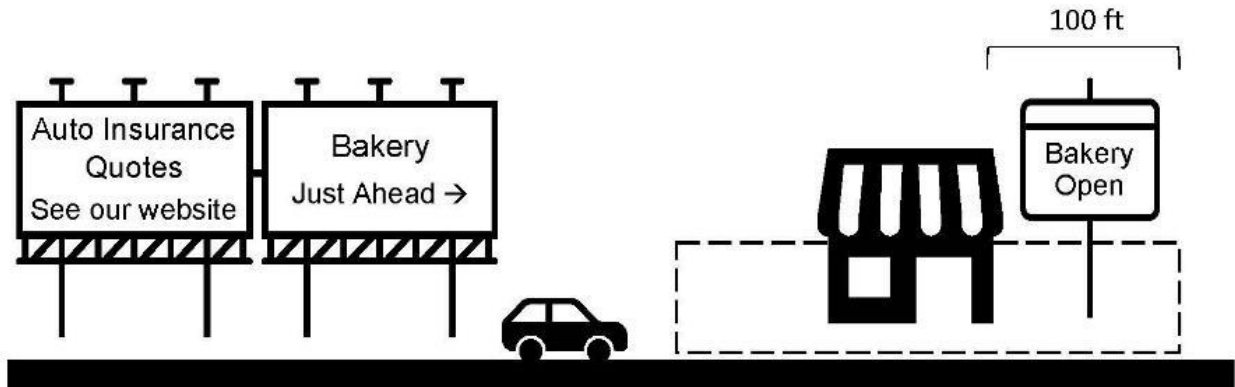
On-premise signs are on the premises of the advertised activity, on the same side of the highway as the advertised activity, and within 100 feet of the advertised activity.

### What is an off-premise sign?

Unless all three characteristics of an on-premise sign are met, the sign is considered to be off-premise. In other words, if the device is not on the same premises as the advertised activity, or it is not on the same side of the highway, or it is more than 100 feet from the advertised activity, it is considered off-premise.

### What is an example of an on-premise sign?

A restaurant's sign displaying its name and operating hours, located in front of the restaurant on the same property, is an on-premise sign.



The structure on the left is off-premise, as the “Bakery Just Ahead” advertisement is more than 100 feet from the bakery, and the “Auto Insurance” advertisement also refers to an activity outside of the area. The “Bakery Open” sign on the right is on-premise, because it is on the premises of the activity it advertises (indicated by the dashed line extending 100 feet from the bakery building in each direction).

### **Do I need a permit to erect a sign? What restrictions are there for signs advertising a business?**

Whether you need an outdoor advertising device (OAD) permit for your sign depends on whether the sign is located along a controlled route (see [gis.penndot.gov/HBMS](https://gis.penndot.gov/HBMS) for controlled routes) and whether it is an on-premise or off-premise sign. On-premise signs, which advertise products or services available on the property where the sign is located, have few restrictions. Unless located along an interstate, they typically do not require an application or permit. However, if such a sign will be located further than 50 feet from the building or parking lot, other factors may need to be considered. Please check with PennDOT before proceeding.

Off-premise signs advertise something not sold on the property where the sign is located. These signs do require permits and must meet size, lighting, and spacing requirements. An application must be submitted to a PennDOT Engineering District Office before an off-premise OAD is erected. PennDOT will review the application and issue an outdoor advertising device permit if the proposed sign meets the legal requirements. An annual permit fee is also required.

### **Do I need a permit for campaign signs, “For Sale/Lease” signs, yard sale signs, etc.?**

Small temporary signs, such as those noted above, which are placed on private property (off the highway right-of-way) with the property owner’s permission are generally regarded as on-premise signs and therefore do not require an outdoor advertising device permit. They should be removed immediately after the temporary need for them has expired. Please remember that signs cannot be placed within the right-of-way.



### **What are the permit fees for the Service Club/Religious Notice type of sign?**

For this type of sign, the Department waives the annual fee if the sign face dimensions are eight square feet or less and the sign owner's permit application is approved.

### **Are electronic message signs allowed?**

Yes. Signs with an electronic message display may advertise activities, products, and public service messages, but the message or lights may not be animated, flash, or appear to move, and the brightness of the display cannot distract drivers. Signs that display video are strictly prohibited.

### **Can I erect a sign with flashing lights or arrows?**

No. Flashing lights and arrows are prohibited because they could distract motorists and pose a safety hazard.

### **If my sign complies with State law, must it also comply with local laws?**

Yes. Before PennDOT will issue a sign permit, the proposed sign must meet all applicable county and municipal requirements.

### **Who is responsible for an illegal sign?**

Both the person who erects or maintains an illegal sign and the property owner who allows the illegal sign to exist on the property are responsible for the sign.

### **What is PennDOT's responsibility regarding an illegal sign?**

PennDOT is obligated by law to remove illegal signs outside the right-of-way along controlled routes. A written request to remove an illegal sign is generally sent to the responsible person(s). If the illegal sign is not removed, PennDOT is authorized by law to enter private property to remove it and to collect the costs of removal from the responsible person(s). The law also provides for a fine of \$500 per day for the person(s) responsible for the illegal sign, upon summary conviction.



### Who can I contact for more information?

For more information about outdoor advertising control (OAC), please contact the OAC Manager for your PennDOT Engineering District Office below. Additional reference resources are also available online at <https://www.penndot.pa.gov/outdooradvertising>.

<b>PennDOT District</b>	<b>Counties</b>	<b>OAC Manager</b>	<b>District Office</b>
1-0	Crawford, Erie, Forest, Mercer, Venango, Warren	814-678-7067	255 Elm Street, Oil City, PA 16301
2-0	Cameron, Centre, Clearfield, Clinton, Elk, Juniata, McKean, Mifflin, Potter	814-765-0565	70 PennDOT Dr Clearfield County, PA 16830
3-0	Bradford, Columbia, Lycoming, Montour, Northumberland, Snyder, Sullivan, Tioga, Union	570-368-4338	715 Jordan Avenue, Montoursville, PA 17754
4-0	Lackawanna, Luzerne, Pike, Susquehanna, Wayne, Wyoming	570-963-3192	55 Keystone Industrial Park Dunmore, PA 18512
5-0	Berks, Carbon, Lehigh, Monroe, Northampton, Schuylkill	610-871-4176	1002 Hamilton Street Allentown, PA 18101
6-0	Bucks, Chester, Delaware, Montgomery, Philadelphia	610-205-6521	7000 Geerdes Boulevard King of Prussia, PA 19406
8-0	Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry, York	717-775-8639	2140 Herr Street Harrisburg, PA 17103
9-0	Bedford, Blair, Cambria, Fulton, Huntingdon, Somerset	814-317-1674	1620 North Juniata Street Hollidaysburg, PA 16648
10-0	Armstrong, Butler, Clarion, Indiana, Jefferson	724-427-3543	2550 Oakland Avenue, Indiana, PA 15701
11-0	Allegheny, Beaver, Lawrence	412-429-4838	45 Thoms Run Road Bridgeville, PA 15017
12-0	Fayette, Greene, Washington, Westmoreland	724-439-7354	825 North Gallatin Avenue Ext. Uniontown, PA 15401