

## OREGON'S OUTDOOR ADVERTISING SIGN PROGRAM

The Oregon Motorist Information Act regulates the location of signs visible to our state highways. The goals of the Act are to promote the public safety; to preserve the recreational value of travel on the state's highways; and to preserve the natural beauty along highways and adjacent areas. The Department of Transportation's Sign Program administers these laws.



*This pamphlet is designed to be an overview of state sign regulation, and does not include all program requirements. Please visit the Outdoor Advertising Sign website for applications and information about the program, including the governing Statutory and Administrative Rule requirements.*

### The Basics

- The State of Oregon, through the Department of Transportation, regulates signs on private property that are visible to state highways.
- A sign includes any message, display, etc., designed to attract or inform the public. It does not have to be a commercial advertisement.
- No signs are allowed in the state highway right-of-way.
- The law requires permits on two types of signs: those posted for compensation, and those that are not at the location of some sort of business or activity open to the public, regardless of the copy on the sign.
- The law exempts certain temporary signs from needing a permit.
- There are areas along some highways where permits cannot be issued.
- Some types of signs are prohibited for motorist safety.
- A successful application for a state sign permits may not satisfy the requirements of local jurisdictions. Always consult local jurisdiction before building.
- Blue and white gas-food-lodging signs must be requested through the Oregon Travel Experience Council at [www.oregontic.com](http://www.oregontic.com) or by phone at 800-574-9397

### History

After early attempts at sign regulation, Congress enacted the Highway Beautification Act in 1965, championed by Lady Bird Johnson, the wife of President Lyndon Johnson. The Lady Bird Johnson Act did not prohibit signs, but rather regulated where they could be placed, their size and lighting, and other aesthetic and safety considerations. At that time the federal government and the states were investing billions of taxpayer dollars in creating and expanding interstate and state highway systems. Congress wanted to protect the citizens' asset by ensuring that roads did not become cluttered with signs, especially in rural and scenic areas. The Beautification Act required states to pass laws regulating signs, including limits on their location. Under the Act, if states fail to pass and enforce laws that "effectively control" signs, they risk loss of 10% of their federal highway dollars; for Oregon, that accounts for approximately \$45 million per year that could be lost if federal standards are not met. Oregon records show that signs have been regulated since at least 1955. In 2007, based on a Court decision, the Legislature modified the way Oregon signs are regulated from an on premise/off-premise model, to the current process, which considers whether a sign is at any business or activity open to the public, and if compensation is exchanged for ad copy or placement.

### Is this a State Highway?

Oregon's laws apply to all state highways (including Interstates), and a few former state highways. Some state highways run through towns and cities, and may have other names within city limits; however, they remain state highways where signs are regulated. Federal law requires that some stretches of former state highways, now under county or city jurisdiction must remain under state sign regulation. Questions regarding signs located on affected sections of highways may be directed to the Outdoor Advertising Sign Program.

### Which signs need a state permit?

State law requires permits for signs that are posted for compensation, and those that are not at a business or other activity open to the public; however, certain temporary signs (as defined by Rule) are exempt from needing a permit.

**Signs posted for Compensation** require a permit. A sign is "for compensation" if money or something of value is exchanged for the posting of the sign itself, or for the copy on the sign. A billboard is an example of such a sign, because advertisers pay the sign owner to have their messages displayed. Also, lease or rental payments for the right to place a sign on private property constitutes compensation. Compensation can be money, or the exchange of anything of value (e.g. forgiveness of debt, exchange of services, etc.).

application packet to be sure you know all the requirements.

The Outdoor Advertising Sign permit is commonly called a billboard permit, but it can be issued for any size sign up to 14x48 feet. To limit the number of signs along Oregon's highways, the law does not allow the issuance of "new" OAS permits. If a permitted sign is removed, the owner of the sign may be eligible to receive a "relocation credit". Relocation credit may be used to erect a "new" sign in another legal location. The Sign Program will provide a list of relocation credits upon request to parties interested in purchasing a relocation credit, so credit owners can be contacted. Once a relocation credit is obtained, a permit may be applied for. When considering buying a relocation credit, please contact the sign program to determine the type of sign needed and if a proposed location would be an allowed sign site

### Prohibited signs & areas

The law prohibits some types of signs. For example, a sign may not have flashing lights, look like a traffic control sign, or block the view of traffic. It also cannot be on a vehicle or trailer unless it is being regularly used in transportation. Contact our office for a list of prohibited types of signs. If a sign is prohibited we cannot issue a permit for it, and it can not meet the temporary exemption described on the previous pages.

**A sign that is not at the location of a business or other activity open to the public** also needs a state sign permit, even if it is not for compensation. Signs in fields used for crops or grazing, or a sign in a vacant lot are not places of business or activities open to the public as defined for the Outdoor Advertising Sign Program and would require a permit.

### **Temporary Signs**

Certain signs defined as "temporary" by Rule do not require a permit, even if they are not at a business or activity the is open to the public. By law, a sign is "temporary" if it is posted for no more than 60 days in a calendar year, is no more than 12 square feet in size, is not on a permanent base, and for which no compensation is being exchanged. (With an approved variance, signs may either be up to 32 sq ft, or posted for up to 90 days.)

Signs for political campaigns or fairs are examples of signs that utilize this exemption. Note that it is the size, time posted, and manner of posting, not the type of activity that is being advertised, that qualifies a sign as temporary.



### Permits

If your sign is visible to a state highway and is the type that needs a permit you should contact our office to request an



The law also prohibits signs in state right-of-way: the pavement plus some additional ground. Right-of-way width varies. It ranges from curb-to-curb within some cities, to 100 or more feet beyond the pavement in other areas. Contact your ODOT District office to determine the right-of-way width at your location.

The law also prohibits signs on some stretches of Interstate, in Scenic Areas and along Scenic Byways. We can provide you with lists of these locations.

### Enforcement

The Outdoor Advertising Sign Program is tasked with effectively control signs visible to state highways by permitting legal signs and removing signs that violate statute or rule. Actions for signs in violation range from a courtesy letter informing the owner of the violation, to formal violation notices and removal of signs, and/or assessment of civil penalties. The state works with sign owners to help them understand state laws and bring signs into compliance; however, signs in the right-of-way, may be declared a nuisance and removed immediately by ODOT.

## Contact Us

Phone: 503-986-3650

Fax: 503-986-3625

OutdoorAdvertising@odot.state.or.us  
<http://www.oregon.gov/ODOT/HWY/SIGNPROGRAM/pages/index.aspx>

Outdoor Advertising Sign Program  
Dept of Transportation  
4040 Fairview Industrial Dr SE MS #2  
Salem OR 97302

For blue and white logo signs for gas-food-lodging contact:  
Oregon Travel Experience (TIC)  
Phone: 800-574-9397  
[www.oregontic.com](http://www.oregontic.com)

If you are interested in a Cultural, Historical or Viticultural sign contact:  
TLC Traffic Division  
Phone: 503-986-3604  
[chsignprogram@odot.state.or.us](mailto:chsignprogram@odot.state.or.us)

*This information is only a summary, provided to give an overview of the state's sign regulations and practices. It does not include a complete description of all requirements, limits, exceptions, etc. Do not rely on this pamphlet alone to make decisions about a sign or sign placement.*