

Placement of Artwork on State Highway Right of Way  
Highway Division Directive HWY 01  
Q and A

**1. Q.** What if a group other than the city or county, such as a neighborhood association, wants to place artwork along the state highway?

**A.** Any person or organization could work with the Local Government with jurisdiction in the area of the proposed artwork. When a state highway is on recognized tribal land, the Tribal Government with jurisdiction in the area will be considered the “Local Government” for the purpose of this Directive. However, the Local Government would be the responsible party for the artwork and for submitting the application to ODOT.

**2. Q.** Are decorative lights or design elements incorporated into overpass screening or sound walls considered “artwork”?

**A.** Items such as decorative lighting or overpass screening (e.g. the salmon on the I-84 overpass near The Dalles) would not be considered “artwork” for the purposes of this Directive when the item is designed into the highway feature and is owned and maintained by ODOT.

**3. Q.** Is FHWA approval of the artwork or artwork location necessary?

**A.** FHWA has indicated their review/approval of each request is necessary to comply with Federal regulations.

**4. Q.** What is ODOT role if the artwork is on private property but visible from the state highway?

**A.** An agreement with ODOT for the placement of artwork on the private property is not necessary. However the artwork may be subject to Outdoor Advertising Sign regulations.

**5. Q.**

- Would ODOT work with the local artist to help develop the artwork or the artwork proposal?
- Should ODOT have a “pre approval” process for the artwork concept before the formal review in order to obtain the Local Government’s concurrence?

**A.** The responsibility for developing an artwork proposal and determining the type of artwork desired would up to the Local Government. ODOT would not and should not be involved determining the content of the artwork or developing the request for the artwork.

**6. Q.** Would a permit for the artwork be issued in addition to the IGA?

**A.** No a miscellaneous permit should not be issued. All the requirements of the Local Government should be covered in the IGA.

**7. Q.** What if the Local Government wants to include their name on the artwork?

**A.** No text is allowed as part of the artwork under this Directive. “Gateway” markers that welcome a motorist to a city or county are allowed under the City/County Entrance Program described in OAR 734 division 57.

For other questions on this Directive, contact the ODOT Sign Engineer in Traffic/Roadway Section at 503-986-3603 or the Maintenance Services Coordinator in the Maintenance and Operations Branch at 503-986-3006.