Landscaped Freeways
and Outdoor Advertising Displays

Prepared by Caltrans Landscape Architecture Program

Summer, 2008

A classified "Landscaped Freeway" is a section of freeway with planting that meets the criteria of the State Outdoor Advertising Regulations, Sections 2500-2513, and assists in the control of Outdoor Advertising Displays.

Which Photo is a Classified Landscaped Freeway?

Answer on next slide

Answer: The bottom picture is classified as Landscaped Freeway. Landscaped freeways are classified accordance with criteria in the Outdoor Advertising Regulations.

The top picture is not. It consists of native vegetation and revegetation which are considered “functional”. Functional planting is not classified. What looks landscaped does not necessarily equal “classified landscaped freeway”, and vice versa.

What Percentage of Freeway Mileage, Statewide, is “Landscaped Freeway”?

Answer on next slide.

What Percentage of Freeway Mileage, Statewide, is “Landscaped Freeway”?

33%

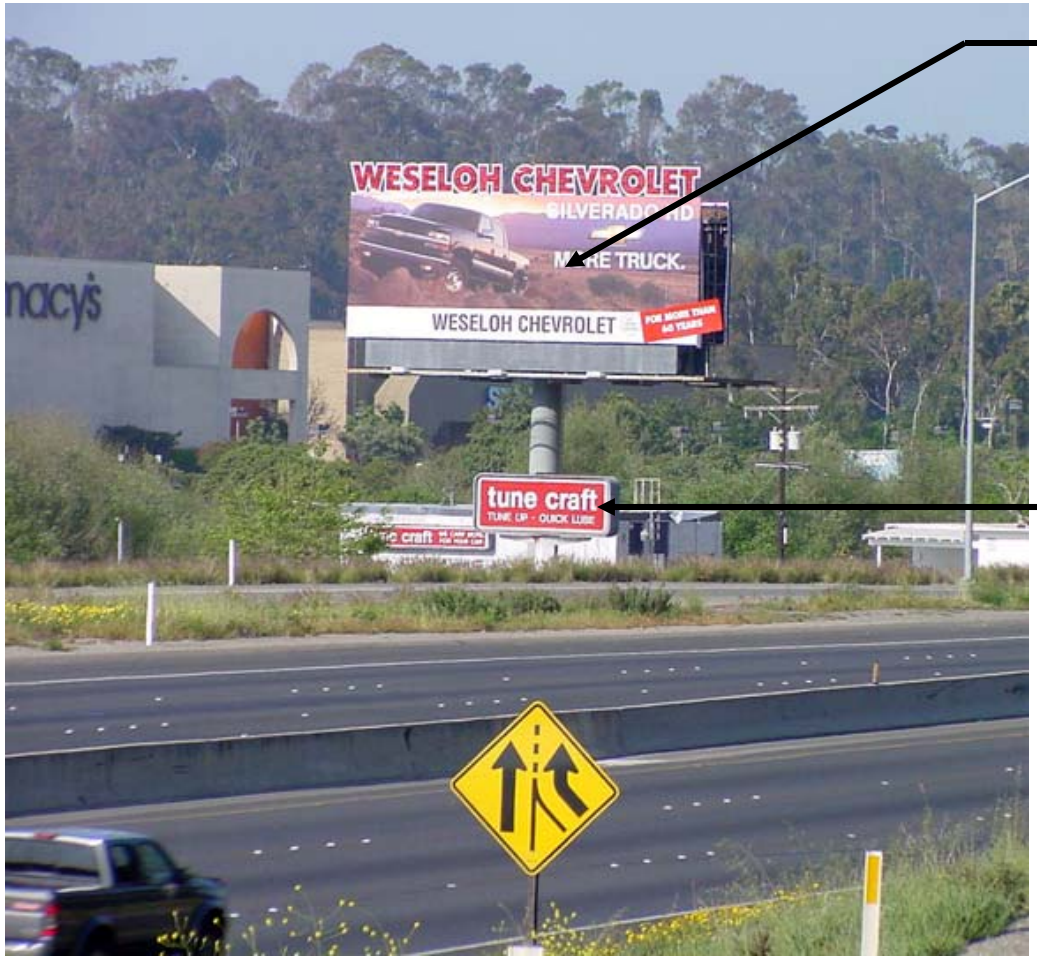
There are 4,300 centerline miles of freeway, statewide. 1,400 of those miles are landscaped. Note: conventional highways and expressways are not eligible for landscaped freeway classification.

Landscaped Freeway miles per district:

October, 2008

Dist.	Location	Mileage
D1:	North Coast	3 miles
D2:	Redding & Vicinity	15 Miles
D3	Sac & Marysville	76 miles
D4:	SF & Bay Area	315 miles
D5:	Central Coast	72 miles
D6:	Fresno/Bakersfield	84 miles
D7:	Los Angeles Area	386 miles
D8:	SBd/Riv/Desert	140 miles
D9:	Bishop	0 miles
D10:	Stockton/Modesto	37 miles
D11:	San Diego	176 miles
D12:	Orange County	124 miles

Off-Premise vs. On-Premise Displays



Off-Premise Display

Caltrans is involved in the control of off-premise displays. Off-premise displays advertise off-site products and businesses.

On-Premise Display

Caltrans does not control on-premise displays, which advertise the on-site business.

Note that both are located outside Caltrans right-of-way.

Off-Premise vs. On-Premise Displays

off-premise panel

All the panels on this display, except the blank panel, are on-premise displays because they advertise businesses within the shopping center. The blank panel was intended for off-premise advertising. Since this sign is adjacent to a section of landscaped freeway, off-premise displays are not allowed per the Outdoor Advertising Regulations and Caltrans would not approve a permit for the off-premise panel.

Political Influence & Outdoor Advertising Displays

Outdoor Advertising Displays along freeways can rent for tens of thousands of dollars per month, depending on how many vehicles travel the route. This rent is paid to outdoor advertising companies by the advertiser. No rent is paid to Caltrans. Due to their tax revenue and private income potential, outdoor advertising displays can result in a significant amount of political influence being placed on the Department to allow displays that do not meet the criteria of the Outdoor Advertising Regulations.

Why Caltrans Controls Billboards

- To comply with the Law

In the early years, billboards were installed without regulation. The resulting concern over safety/driver distraction and visual blight caused the public to demand controls!
The first State Outdoor Advertising Act was enacted in 1933. The first landscape regulation was added in 1953.

Lady Bird Johnson & Highway Beautification Act

Lady Bird Johnson was the driving force behind the Highway Beautification Act (HBA). In fact, the HBA was nicknamed “Lady Bird’s Bill”.

Throughout her time in the White House, she fought to make American cities more beautiful by planting flowers or adding park benches and by removing billboards and junkyards from the nation's highways. She worked to protect wildflowers and promote their planting along highways. She believed that beauty can improve the mental health of a society. It was her determination and legacy to make the United States a more beautiful place.

The HBA declares that “outdoor advertising displays in areas adjacent to the freeway should be controlled in order to protect the public investment, to promote the safety and recreational value of public travel, and to preserve natural beauty.” It also states, “Federal Aid Funds for any State which has not made provision for effective control of outdoor advertising shall be reduced by 10% …”

Why Caltrans Controls Billboards

The California Outdoor Advertising Act and Regulations can be accessed on the Internet at http://www.dot.ca.gov/hq/oda/index.htm.

- 1965: Federal Highway Beautification Act
  - Required states to control billboards or risk losing 10% Federal Funds
- 1967: CA Outdoor Advertising Act
  - Included landscape restriction not required by the Highway Beautification Act. California is the only state with landscaped freeway restriction.
- 1978: CA Outdoor Advertising Regulations
  - Sections 2500-2513 apply to landscaped freeways.

Classification Process

- Preliminary Determination
  - A preliminary determination (PD) of classified landscaped freeway is made before award of a construction project that includes planting. The Principal Landscape Architect documents the PD by signing a classification memo. Billboard control starts once the PD is completed and before the planting is installed.
- Final Classification
  - The planting is inspected in the field after acceptance of the project to confirm it is installed as per plans and the Principal Landscape Architect documents the preliminary determination by a final classification memo. This method is specified in the Outdoor Advertising Regulations to classify a section of landscaped freeway.
- Requests for Declassification
  - Any person can request declassification (or classification of an unclassified section). HQ Landscape Architecture Program will inspect the location within 2 months and make a determination.

Landscaped Freeway Criteria

To qualify for classification, planting must be:

- Within State R/W
- Continuous (no gaps ≥ 200’)
- Ornamental (not functional)
- At least 1000’ long
- On at least one side of the freeway
- Require reasonable maintenance

Ornamental vs. Functional

- "Ornamental Vegetation" means lawns, trees, shrubs, flowers, or other plantings designed primarily to improve the aesthetic appearance of the highway. Inert material specifically placed to highlight the ornamental vegetation is considered part of the ornamental vegetation. Reference: Section 2242(r), Outdoor Advertising Regulations

- "Functional Planting" means vegetation primarily for soil erosion control, traffic safety, reduction of fire hazards, and traffic noise abatement or other non-ornamental purposes. A single row of plantings in the median shall be considered a functional planting. Reference: Section 2508(c) Outdoor Advertising Regulations.

Should vines on sound walls be classified as landscaped freeway?

Answer on next slide.

Yes. Vines on sound walls are classified as landscaped freeway because they are installed primarily to improve the aesthetic appearance of the highway. Multiple vine varieties are better than monoculture.

Should this planting be classified?

Answer on next slide.

No. This planting is not continuous for 1,000 feet and there are gaps.

Should this planting on the back side of a sound wall, but within Caltrans right-of-way, be classified?

Answer on next slide.

Yes. Planting on the community side of a sound wall is classified if it is within Caltrans right-of-way.

Should these pretty yellow flowers be classified?

Answer on next slide.

No. While aesthetically pleasing, those pretty yellow flowers are weeds and were not intended to improve the aesthetic appearance of the highway.

Should scattered eucalyptus trees with a row of oleanders in the median be classified? Answer on next slide.

No. Scattered trees aren't classified. And a single row of shrubs in the median is considered functional planting.

Reasonable Maintenance Required

"Reasonable Maintenance" means that a plant when planted requires maintenance on a regular basis to maintain it in a healthy and attractive condition. The fact that as a plant matures, it may require less maintenance than when first planted is not interpreted to mean it does not require reasonable maintenance. As used herein, maintenance means **any** of the following: watering, fertilizing, spraying, cultivating, pruning, cutting, mowing, replacing, weed control, washing, pest control, disease control, litter removal, or other similar plant care procedures. Reference: Section 2508(b) Outdoor Advertising Regulations.

Outdoor Advertising Permit Requirements

Outdoor advertising displays require a permit from Caltrans if they are within 660 feet from the edge of the right-of-way and viewed primarily by persons traveling on the main-traveled way of the freeway.

Permit Requirements are available on the Internet at http://www.dot.ca.gov/hq/oda/permit_requirements.htm. Some of the requirements include: the location must be zoned commercial or industrial; the applicant must have property owner consent; the applicant must have building permit from local agency; there must be a business activity within 1,000 feet of proposed display; and the display may not be located adjacent to a landscaped freeway or scenic highway. In addition the display must be 500 feet from any other permitted display and not exceed 1,200 square feet in size.

Design Considerations

- Caltrans policy is to replace planting that is damaged or removed by State transportation construction activity.

Caltrans is not in the business of planting to control billboards. However, they are in the business of managing their existing planting. In most cases, when planting is removed by a paving or widening project, a separate replacement planting project will be installed after the paving project.

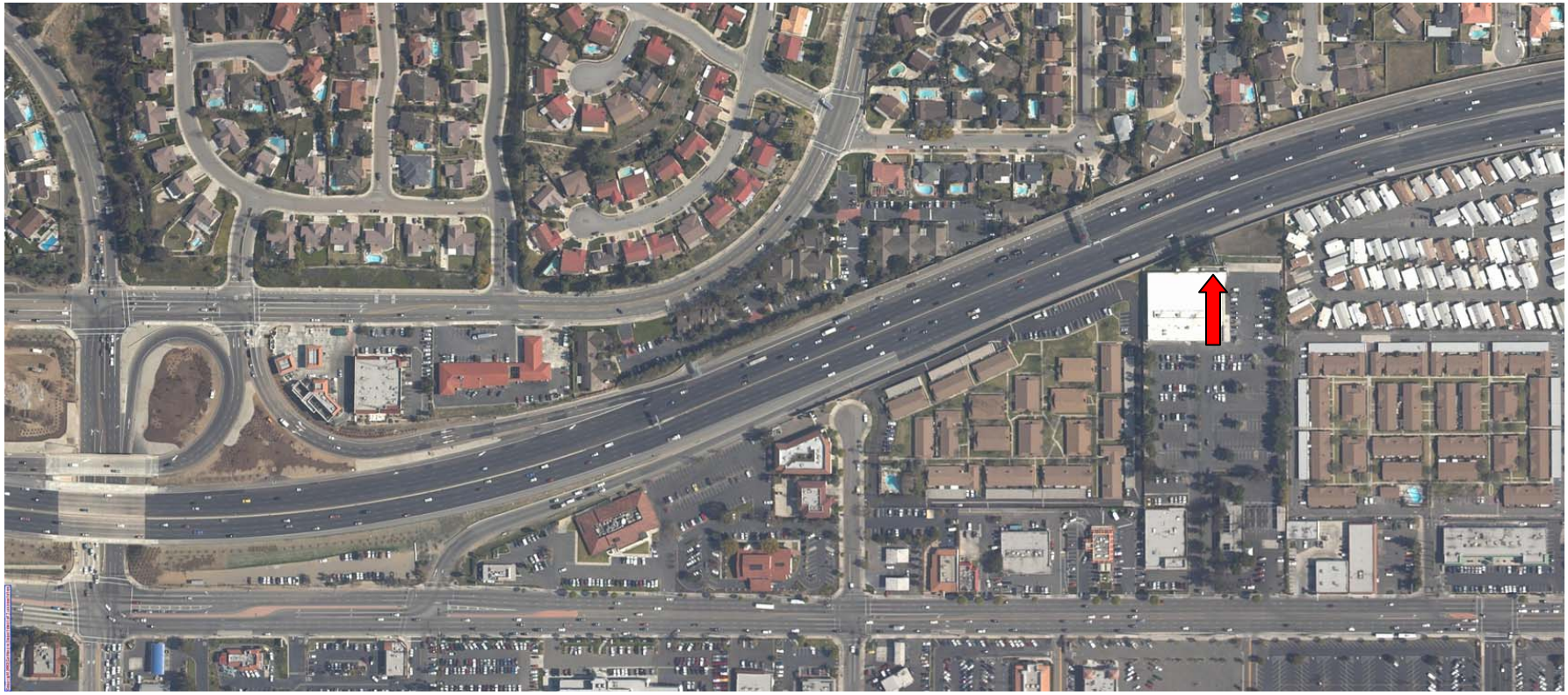
Ground level photo of display

Non-Conforming Display

The next 3 slides describe the effect plant removal can have on billboard control. The existing display, at the red arrow, adjacent to the landscaped freeway was installed prior to the landscaping and is a legal display. Legal displays adjacent to landscaped freeway sections are called non-conforming displays. Only customary maintenance can be performed on non-conforming displays. Customary maintenance does not include raising the height, adding a facing, or converting to tri-vision or digital.

Conforming Display

A few years ago, the freeway was widened and all planting was removed. As a result, the Landscaped Freeway designation was removed and the display became “conforming”. This means it can now be raised in height, a facing added, or be converted to tri-vision or digital if local policy allows.

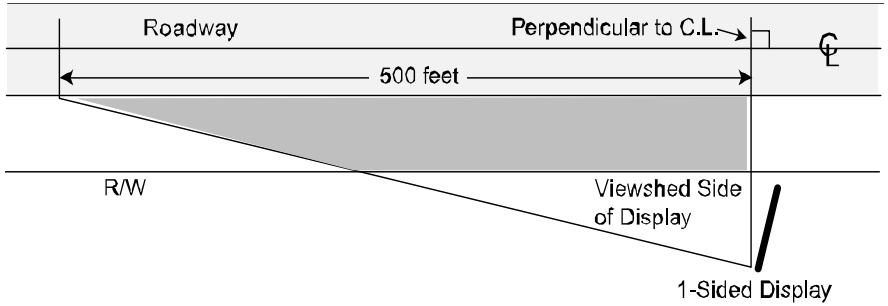


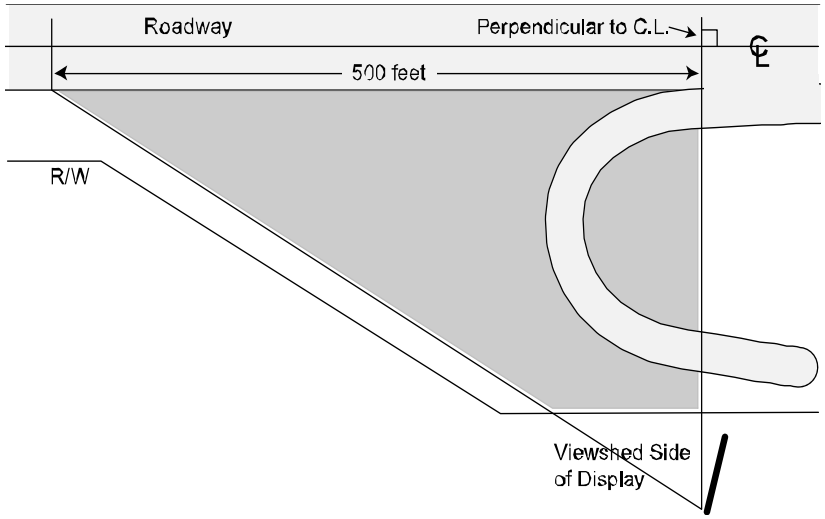
Designers and planners are encouraged to retain some right of way for replacement planting to protect the aesthetic appearance of the freeway as simulated here along the north side of the freeway. This condition would retain the “non-conforming” status of the existing display.

500’ Visibility Improvement Zone

Shaded areas show maximum work areas to be considered for visibility improvement.

Vegetation should not be planted that will obscure visibility to existing off-premise displays within the 500 foot visibility improvement zone shown, in the direction the display faces. Where existing vegetation obscures visibility, a request for visibility improvement pruning may be made through the encroachment permit process. Pruning must be done in environmentally appropriate manner and per Visibility Improvement Guidelines at http://www.dot.ca.gov/hq/LandArch/lsfwy/visibility-improvement.htm.



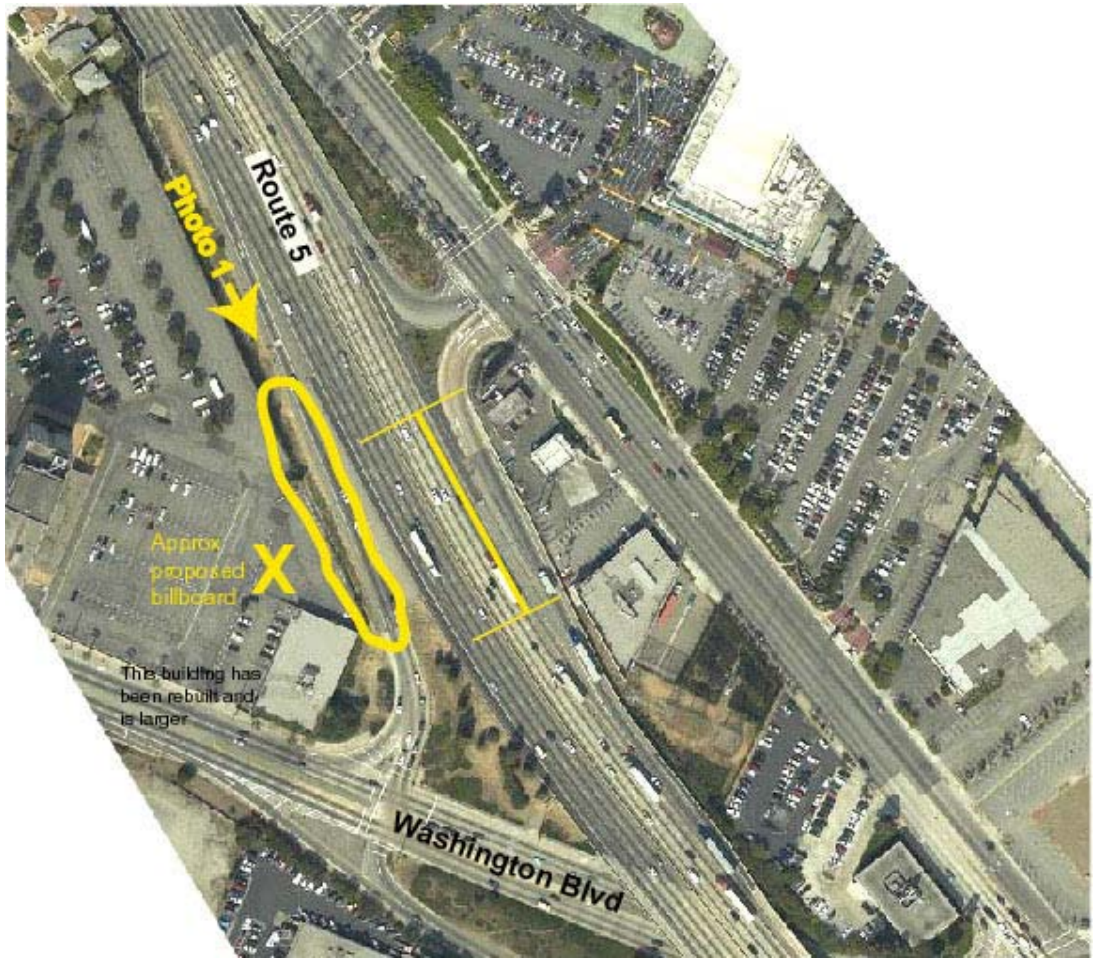


Location Abandoned by Maintenance

Maintenance removed plants and mowed down risers along the off-ramp to prevent a homeless encampment. The yellow circle at right is the abandoned area.

Photo 1

(The dark vegetation is not within State right-of-way.)



As a result, this section was declassified and a new billboard was installed. In addition, the planting near the top of the photo is on the other side of the “gap” and no longer 1,000 feet long and also had to be declassified.

Declassification due to lack of Maintenance.

2

4

Prior to declassifying a section like this, the district maintenance unit will be asked if they plan to replant the area. Then, Caltrans databases will be checked to see if any planting projects are scheduled. If both responses are “no”, the section is declassified. New planting projects are not undertaken specifically to control billboards.

Billboard Removal
with Transportation Enhancement (TE) Funds

- Removal of illegal or non-conforming billboards is an eligible activity for transportation enhancement funds. Non-conforming billboards are expensive to remove.
- Hiring a consultant to find illegal billboards or legal staff to pursue their removal is also an eligible activity.
- See the TE website at www.enhancements.org.

Planting by Local Agency

Planting installed by local agencies is classified as landscaped freeway if it meets all the criteria in the Outdoor Advertising Regulations. However, Caltrans Landscape Architecture Program (LAP) needs to know about the planting. Many projects are administered by local agencies and LAP has no avenue to review the plans. We ask that planting plans for all projects be sent to this address for Landscaped Freeway determination.

Send Planting Plans to:
Caltrans Landscape Architecture Program
1120 N Street
Sacramento, CA 95814
Attn. Landscape Classifications

Exceptions to Outdoor Advertising Act

There are currently the following exceptions to the landscaped freeway restriction in the California Outdoor Advertising Act.

- Redevelopment Agency Exception
  - Section 5273
- Six Spot Exceptions to Landscaped Freeway Restriction
  - Sections 5442.7 to 5442.13

These displays are within a classified landscaped freeway section and were allowed due to legislative exception. The legislative exemption also allowed for increased size and height of the displays.

Continued attempts for Legislative Exceptions

- Recently Approved Legislation
  - AB 2339 (2008), is a landscaped freeway exception for public-owned pro sports venues.
- Expired Bills (2006-2008)
  - AB 830, would have allowed displays along landscaped freeways to be upgraded to digital displays.
  - AB 762, would have been a landscaped freeway spot exception for non-profit educational academy.
  - Caltrans Leg Proposal (2007), would have allowed an exception for Business Improvement Districts.

Stakeholders

- Local Agencies
  - Local agencies are encouraged to develop their own outdoor advertising control policy.
- Outdoor Advertising Assoc. of America
  - This is the pro-billboard association. Their web site is www.oaaa.com
- Scenic America
  - This is the anti-billboard organization. Their web site is www.scenic.org

Final Exam

Answers on next slide.

1. Off-premise display refers to any billboard placed outside the right-of-way.

   a. True b. False c. I don't know

2. Which of the following controls billboards in California?

   a. Highway Design Manual b. Vehicle Code c. Outdoor Advertising Act
   d. Project Development Procedures Manual e. I don't know

3. Which type of planting is classified as Landscaped Freeway?

   a. Ornamental b. Functional c. Revegetation d. All of the above e. I don't know

4. A non-conforming billboard adjacent to a landscaped freeway cannot:

   a. Be raised in height b. Have a facing added c. Be converted to a digital display
   d. All of the above e. I don't know

5. Landscaped Freeway classification cannot change once it has been determined.

   a. True b. False c. I don't know

6. Caltrans can only classify areas planted by the Department.

   a. True b. False c. I don't know

Final Exam Answers

1. False. All displays are outside the right of way. Off-premise displays advertise products and businesses that are off-site.
2. The Outdoor Advertising Act controls billboards in California.
3. Ornamental planting is classified as Landscaped Freeway.
4. All of the above. A non-conforming billboard cannot be raised in height, have a facing added, be converted to a digital display.
5. False. A Landscaped Freeway classification can be changed if there is a change in the landscaping.
6. False. Planting installed by the Department and others may be classified as Landscaped Freeway.

Thank You

For more information, please check out the following websites:

www.dot.ca.gov/hq/oda/index.htm

www.dot.ca.gov/LandArch/lsfwy/index.htm

www.dot.ca.gov/hq/LandArch/lsfwy/visibility-improvement.htm

www.enhancements.org

Or contact Dale_Williams@dot.ca.gov