DEPARTMENT OF TRANSPORTATION
DIVISION OF TRAFFIC OPERATIONS
OUTDOOR ADVERTISING BRANCH

REGULATIONS PUBLIC HEARING
December 1, 2003

ATTENDEES:

Bill Byrd	Digitron Media
Jim Cassie	California State Outdoor Advertising Association (CSOAA)
Lars SkugstaD	Foster Media, Inc.
Dale Williams	Department of Transportation
Keith Robinson	Department of Transportation
Jeff Aran	California Sign Association
Mark Gastineau	Young Electric Sign Company
Bob Garcia	Signtronix

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF DECEMBER 1, 2003:

COMMENT NO 1
2241

- We note there's no formal recognition of COARB. If COARB is to be successful, then there should be established language.
- A fixed time or date needs to be set by which Caltrans will respond to appeals, or the appeal is deemed denied by "operation of law."
- In subsection (b)(2), suggest changing "stemming" to " arising."
- During the appeal period, no penalty shall accrue and enforcement shall be stayed pending the decision.

RESPONSE NO 1
2241
The Caltrans Outdoor Advertising Review Board (COARB) process will be eliminated. The COARB process will be replaced by administrative hearing process contained in the Administrative Procedures Act.

Caltrans will comply with the legal requirements for administrative hearings.

The suggested change in subsection (b)(2), from "stemming" to "arising" is not being considered since the words seem identical.

Caltrans will follow the legal requirements for administrative hearings contained in state law.

COMMENT NO 2
2243

- We don't understand why "5273, 5274" are being deleted from the definition of on-premise display. These two B&P code sections define and refine an on-premise display and are part of the current regulation. They should be reinstated.

RESPONSE NO 2
2243
5273 of the Act has its own Section 2244 in Regulations, therefore the reference will be deleted from Section 2243. 5274 will also be deleted from Section 2243 since this pertains to "On-Premise Business Center Displays" which has separate criteria.

COMMENT NO 3
2244

- What happens if a redevelopment agency does not have or cannot produce a "list of all qualifying businesses"? Instead of stating, once a display meets the criteria, that "no permit will issue," this should state that no permit shall be required. Suggest also that verification may be secured verbally by the Department.

RESPONSE NO 3
2244
It is the responsibility of the Redevelopment Agency to provide the Department an annual list of qualifying businesses and activities within the redevelopment boundaries that will be authorized to advertise on the redevelopment display. The Department will need written verification.

COMMENT NO 4
2272

- A display should not be deemed abandoned when it "ceases to exhibit current advertising copy," which is too broad a statement and inconsistent with section 2270 and 2271. There are a variety of reasons why a display might be temporarily unusable or disabled, but by the proposed standard would deem the sign abandoned. There should be a prescribed reasonable period of time before a determination of abandonment is made.

RESPONSE NO 4
2272
The formal appeals process can be invoked by any owner who feels the structure was wrongly deemed abandoned. While not legally required, the Department commonly makes an effort to determine the sign owner and discuss the sign's status.

COMMENT NO 5
2422

- Suggest adding language to subsection (a)(4): "Except where such sign is otherwise authorized by statue or ordinance." Securing local approvals before a Caltrans permit issued is often problematic. In many circumstances, local jurisdictions request Caltrans approval first, or at least a letter if intent (preliminary determination) from Caltrans. Language should also be included allowing the Department to verbally verify with the local jurisdiction whether or not approval is required.

- At the end of subsection (a)(4) add the words:
  "No sign authorized by Civil Code Section 713 shall require local jurisdiction approval prior to issue a Caltrans permit" or "Signs authorized by Civil Code Section 713 shall not require prior consent or approval from the local jurisdiction" or "….except where such sign is otherwise authorized by statute" and at minimum, language needs to be added that authorizes Caltrans staff to verbally/orally verify whether a permit is not required by a local jurisdiction for a temporary subdivision sign. (Example: "The Department may verbally confirm with the local jurisdiction whether consent is required for the issuance of a sign, and such verbal confirmation shall be sufficient to establish whether a city or county requires no specific consent to construct an advertising a display."

RESPONSE NO 5
2422
The Legislation specifically amended the Outdoor Advertising Act to require local approval prior to Caltrans issuing a permit (see Business and Professions Code 5354 (a)). The Department has no discretion on this issue.

Signs authorized by Civil Code Section 713 on the owner's property are on-premise signs that the Department does not regulate. The permitting process for "off premise for sale realty signs" is no different than regular displays. No additional language is needed because section 5354(a) is accurate in reference to a "Permit". The description of whether or not an advertising display is temporary is not mentioned.

COMMENT NO 6
2427

- We want to assure that relocation of electronic message center sign to a another location on the same on-premise site shall not require issuance of a new Caltrans permit.

RESPONSE NO 6
2427
The Department does not issue permits for on-premise displays: this would include on-site “relocations”.

COMMENT NO 7
2444

- We ask that the Department seriously consider in the rulemaking process a new provision clarifying and codifying that on-premise message centers within 660’ of the highway do not require a Caltrans permit. While this has been the practice, it is not set forth in the regulations and has been the subject of confusion for many years.

RESPONSE NO 7
2444
The Department does not regulate on-premise message centers.