



1           WHEREAS, in 1966, the Louisiana Legislature, in response to the Highway  
2 Beautification Act of 1965, P.L. 89-285, enacted provisions for control of outdoor  
3 advertising within 660 feet of the right-of-way to ensure the state would not lose ten percent  
4 of federal-aid highway funding; and

5           WHEREAS, by enactment of R.S. 48:461 et seq., the Louisiana Legislature  
6 authorized the Department of Transportation and Development to promulgate rules and  
7 regulations governing the issuance of permits for outdoor advertising consistent with the  
8 Highway Beautification Act and consistent with protection of the safety and welfare of the  
9 traveling public; and

10           WHEREAS, distracted driving is defined as any activity that could divert a person's  
11 attention away from the primary task of driving, specifying that the three types of  
12 distractions are visual, manual, and cognitive; and

13           WHEREAS, the Louisiana Highway Safety Commission data for 2018 demonstrates  
14 that most wrecks caused by distracted driving are because of "distractions outside of the  
15 vehicle" equating to 7,000 wrecks in 2018; and

16           WHEREAS, data from the Louisiana Highway Safety Commission and the  
17 Department of Transportation and Development show a strong, positive correlation between  
18 the volume of "wrecks caused by distractions outside the vehicle" and parishes with high  
19 volume of permitted off-premise outdoor advertising signs; and

20           WHEREAS, the Louisiana State Police, Louisiana Highway Safety Commission, and  
21 Louisiana Department of Transportation and Development are partners in a statewide  
22 campaign entitled "Destination Zero Deaths" to pursue policies that "eliminate traffic related  
23 deaths and serious injuries" on state highways.

24           WHEREAS, existing Department of Transportation and Development regulations  
25 restricting outdoor advertising should be modified to better promote safety and preserve the  
26 natural beauty of Louisiana; and

27           WHEREAS, R.S. 49:969 provides that "the legislature, by Concurrent Resolution,  
28 may suspend, amend, or repeal any rule or regulation or body of rules or regulations adopted  
29 by a state department, agency, board, or commission".



1 or obstruct or physically interfere with the driver's view of approaching, merging or  
2 intersecting traffic.

3 BC. Interstate Highways and Freeways on the Federal-Aid Primary System  
4 and National Highway System (Control of Access Routes)

5 1. No two structures shall be spaced less than ~~1000~~ 2000 feet apart.

6 2. Outside of incorporated villages, towns and cities, no structure may be  
7 located adjacent to or within 500 feet of an interchange, intersection at grade, or  
8 safety rest area.

9 CD. Freeways on the Federal-Aid Primary System or National Highway  
10 System (Control of Access Routes)

11 1. Outside of incorporated villages, towns and cities, no two structures shall  
12 be spaced less than 500 feet apart.

13 2. Outside of incorporated villages, towns and cities, no structure may be  
14 located adjacent to or within 500 feet of an interchange, intersection, intersection at  
15 grade or safety rest area.

16 DE. Non-Freeway Federal-Aid Primary highways or National Highway  
17 System

18 1. Outside of incorporated villages, towns and cities, no two structures shall  
19 be spaced less than 300 feet apart.

20 2. Within incorporated villages, towns and cities, no two structures shall be  
21 less than 100 feet apart.

22 EF. The above provisions applying to the spacing between structures do not  
23 apply to structures separated by buildings or other obstructions in such a manner that  
24 only one sign facing located within the above spacing distance is visible from the  
25 highway at any one time. This exception does not apply to vegetation nor does it  
26 apply to Subsection A of this Section.

27 FG. Official and "on-premise" signs, as defined in §139, and structures that  
28 are not lawfully maintained shall not be counted nor shall measurements be made  
29 from them for purposes of determining compliance with spacing requirements.

1 \* \* \*

2 §137. Nonconforming Signs

3 A.

4 \* \* \*

5 9. Beginning July 1, 2020, an off-premise outdoor advertising display shall  
6 be considered nonconforming if advertisements appear on more than one single side  
7 of the structure and the single side of the structure containing the advertisement is  
8 not facing the main-traveled way.

9 \* \* \*

10 §149. Permit Fee

11 A. The following permit fee schedule is applicable to new and replacement  
12 outdoor advertising signs beginning on the effective date of this rule change:

13 a. one to 100 square feet—~~\$75~~150 annual permit fee (per sign face) for a 12  
14 month period until installation. Annual renewal fee after erection is \$7.50 (per sign  
15 face);

16 b. 101 to 300 square feet—~~\$125~~250 annual permit fee (per sign face) for a  
17 12 month period until installation. Annual renewal fee after erection is 12.50 (per  
18 sign face);

19 c. 301 square feet and up—~~\$250~~500 annual permit fee (per sign face) for a  
20 12 month period until installation. Annual renewal fee after erection is \$25 (per sign  
21 face).

22 B. Annual ~~Renewal~~ Permit Fees Due Dates and Extensions

23 1. Annual ~~renewal~~ permit fees are due by July 1 of each year. ~~The~~  
24 ~~department shall provide notice of the amount due for each permit no later than April~~  
25 ~~30 of each year.~~

26 2. A permit shall expire and the sign structure will become illegal if the  
27 annual ~~renewal~~ permit fees are not paid by July 31 of each year. This applies to all  
28 permits, including but not limited to legal, nonconforming and grandfathered signs.



Proposed LAC 70:III.134 increases the space permitted between two structures on the interstate highways and freeways on the federal-aid primary system and national highway system from 1000 feet to 2000 feet and otherwise retains present LAC.

Present LAC 70:III.134 specifies that the provisions applying to the spacing between structures do not apply to structures separated by buildings or other obstructions in such a manner that only one sign facing located within the permitted spacing distance is visible from the highway at any one time and specifies that the exception does not apply to vegetation.

Proposed LAC 70:III.134 retains present LAC and adds that the exception does not apply to proposed LAC, which requires interstate, federal-aid primary highways, and national highway system signs be located to meet the requirements of commercial advertising.

Present LAC 70:III.137 provides the conditions and requirements that apply to continue and maintain a nonconforming sign.

Proposed LAC 70:III.137 retains present LAC and adds that an off-premise outdoor advertising display will be considered nonconforming if advertisements appear on more than one single side of the structure and the single side of the structure with the advertisement is not facing the main-traveled way.

Present LAC 70:III.149 provides that the following fee schedule is applicable to outdoor advertising signs, beginning on the effective date of the rule change:

- (1) 1 to 100 square feet - \$75 per sign face for a 12 month period until installation. Annual renewal fee after erection is \$7.50 per sign face.
- (2) 101-300 square feet - \$125 per sign face for a 12 month period until installation. Annual renewal fee after erection is \$12.50 per sign face.
- (3) 301 square feet and up - \$250 per sign face for a 12 month period until installation. Annual renewal fee after erection is \$25 per sign face.

Proposed LAC 70:III.149 removes the 12 month period prior to installation and the annual renewal fee after erection and provides for an annual permit fee applicable to outdoor advertising signs, beginning on the effective date of the rule change, as follows:

- (1) 1 to 100 square feet - from \$75 to \$150.
- (2) 101-300 square feet - from \$125 to \$250.
- (3) 301 square feet and up - from \$250 to \$500.

Present LAC 70:III.149 provides for annual renewal due dates and extensions and requires that the department provide notice of the amount due for each permit no later than Apr. 30th of each year.

Proposed LAC 70:III.149 changes annual renewal due dates and extensions to annual permit fees due dates and extensions and deletes the provision requiring the department to provide notice of the amount due for each permit no later than Apr. 30th of each year.

Present LAC 70:III.149 specifies that a permit will expire and the sign structure will become illegal if the annual renewal fees are not paid by Jul. 31st of each year. Provides that extensions may be granted for 30 days provided that a request is made prior to Jul. 1st.

Proposed LAC 70:III.149 provides that a permit will expire and the sign structure will become illegal if the annual permit fees are not paid by Jul. 1st of each year. Specifies that no extensions will be granted.

Requires that a copy of this Resolution be transmitted to the office of the state register and the secretary of the Dept. of Transportation and Development.

Directs the office of the state register to print and incorporate the amendments to LAC 70:III.127, 132(C), 134, and 149 and the enactment of LAC 70:III.126, 132(D), and 137(A)(9) into the La. Administrative Code.

(Amends LAC 70:III.127, 132(C), 134, and 149; Adds LAC 70:III.126, 132(D), and 137(A)(9))