



March 4, 2023

SUMMARY OF BILL: Makes changes to the *Outdoor Advertising Control Act of 2020*. Changes the definition of “visible” to require comprehension of the sign, rather than needing simply to be seen, whether or not readable. Requires the Commissioner of the Department of Transportation (TDOT) to issue vegetation control permits to owners of outdoor advertising device permits to remove, block cut, or trim vegetation location on the right-of-way, whether or not such vegetation is adjacent to the advertising device, whenever such vegetation prevents clear visibility, for a distance not to exceed 500 yards, to occupants of vehicles using the main traveled ways.

FISCAL IMPACT:

Other Fiscal Impact – This legislation may result in a loss in highway funding from the Federal Highway Administration due to failure to comply with relevant federal laws and regulations. The exact amount of any possible decrease in such federal funding cannot be determined at this time.

Assumptions:

- Based on information provided by the TDOT, the department receives approximately 310 vegetation applications annually, comprising of 46 new or initial cuts and 264 maintenance cut applications.
- Billboard owners perform the work, but must pay the TDOT for supervision when such work must be performed on a state right-of-way.
- It is assumed that there will not be any additional cuts as a result of this act, but rather, an increase in the area cut.
- It is assumed that such owners would have already applied for such permits in the absence of this legislation, so there is no estimated increase in permits issued.
- Additionally, any cuts on a state right-of-way would currently need supervision, so this legislation is not expected to result in any significant impact to TDOT’s current supervision duties.
- Pursuant to Tenn. Code Ann. § 54-21-102(27), visible means capable of being seen, whether or not readable without visual aid by a person of normal visual acuity.
- This codified language is taken verbatim from 23 C.F.R. § 705.703(n) related to the national standards for regulation by states of outdoor advertising adjacent to the interstate system under the *1958 Bonus Program*.

- Based on information provided by the TDOT, the provisions of this legislation would place Tennessee in noncompliance with the federal law, which may result in the Federal Highway Administration (FHWA) withholding 10 percent of federal funds under 23 U.S. Code § 131(b) until Tennessee comes into compliance with federal law.
- Based on information provided by the FHWA, the possibility of a decrease in funding was confirmed and could result in a possibility of an increase in tort liability.
- The TDOT is set to receive approximately \$1,284,549,000 in FY23-24 and \$1,310,235,000 in FY24-25 in highway funding from the FHWA.
- The exact amount of any possible decrease in funding is indeterminable at this time.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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