



U.S. Department
of Transportation

**Federal Highway
Administration**

Memorandum

Subject: **INFORMATION**: Guidance on
Off-Premise Changeable Message Signs

Date: September 25, 2007

From: Original signed by:
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Associate Administrator for
Planning, Environment, and Realty

In Reply Refer To:
HEPR -20

To: Division Administrators
Attn: Division Realty Professionals

Purpose

The purpose of this memorandum is to provide guidance to Division offices concerning off-premises changeable message signs adjacent to routes subject to requirements for effective control under the Highway Beautification Act (HBA) codified at 23 U.S.C. 131. It clarifies the application of the Federal Highway Administration (FHWA) July 17, 1996 memorandum on this subject. This office may provide further guidance in the future as a result of additional information received through safety research, stakeholder input, and other sources.

Pursuant to 23 CFR 750.705, a State DOT is required to obtain FHWA Division approval of any changes to its laws, regulations, and procedures to implement the requirements of its outdoor advertising control program. A State DOT should request and Division offices should provide a determination as to whether the State should allow off-premises changeable electronic variable message signs (CEVMS) adjacent to controlled routes, as required by our delegation of responsibilities under 23 CFR 750.705(j). Those Divisions that already have formally approved CEVMS use on HBA controlled routes, as well as those that have not yet issued a decision, should re-evaluate their position in light of the following considerations. The decision of the Division should be based upon a review and approval of a State's affirmation and policy that: (1) is consistent with the existing Federal/State Agreement (FSA) for the particular State, and (2) includes but is not limited to consideration of requirements associated with the duration of message, transition time, brightness, spacing, and location, submitted for FHWA approval, that evidence reasonable and safe standards to regulate such signs are in place for the protection of the motoring public. **Proposed laws, regulations, and procedures that would allow permitting CEVMS subject to acceptable criteria (as described below) do not violate a prohibition against "intermittent" or "flashing" or "moving" lights as those terms are used in the various FSAs that have been entered into during the 1960s and 1970s.**

This Guidance is applicable to conforming signs, as applying updated technology to nonconforming signs would be considered a substantial change and inconsistent with the requirements of 23 CFR 750.707(d)(5). As noted below, all of the requirements in the HBA and its implementing regulations, and the specific provisions of the FSAs, continue to apply.

Background

The HBA requires States to maintain effective control of outdoor advertising adjacent to certain controlled routes. The reasonable, orderly and effective display of outdoor advertising is permitted in zoned or unzoned commercial or industrial areas. Signs displays and devices whose size, lighting and spacing are consistent with customary use determined by agreement between the several States and the Secretary, may be erected and maintained in these areas (23 U.S.C. § 131(d)). Most of these agreements between the States and the Secretary that determined the size, lighting and spacing of conforming signs were signed in the late 1960's and the early 1970's.

On July 17, 1996, this Office issued a Memorandum to Regional Administrators to provide guidance on off-premise changeable message signs and confirmed that FHWA has "always applied the Federal law 23 U.S.C. 131 as it is interpreted and implemented under the Federal regulations and individual Federal/State agreements." It was expressly noted that "in the twenty-odd years since the agreements have been signed, there have been many technological changes in signs, including changes that were unforeseen at the time the agreements were executed. While most of the agreements have not changed, the changes in technology require the State and FHWA to interpret the agreements with those changes in mind". The 1996 Memorandum primarily addressed tri-vision signs, which were the leading technology at the time, but it specifically noted that changeable message signs "regardless of the type of technology used" are permitted if the interpretation of the FSA allowed them. Further advances in technology and affordability of LED and other complex electronic message signs, unanticipated at the time the FSAs were entered into, require the FHWA to confirm and expand on the principles set forth in the 1996 Memorandum.

The policy espoused in the 1996 Memorandum was premised upon the concept that changeable messages that were fixed for a reasonable time period do not constitute a moving sign. If the State set a reasonable time period, the agreed-upon prohibition against moving signs is not violated. Electronic signs that have stationary messages for a reasonably fixed time merit the same considerations.

Discussion

Changeable message signs, including Digital/LED Display CEVMS, are acceptable for conforming off-premise signs, if found to be consistent with the FSA and with acceptable and approved State regulations, policies and procedures.

This Guidance does not prohibit States from adopting more restrictive requirements for permitting CEVMS to the extent those requirements are not inconsistent with the HBA, Federal regulations, and existing FSAs. Similarly, Divisions are not required to concur with State proposed regulations, policies, and procedures if the Division review determines, based upon all relevant information, that the proposed regulations, policies and procedures are not consistent with the FSA or do not include adequate standards to address the safety of the motoring public. If the Division Office has any question that the FSA is being fully complied with, this should be discussed with the State and a process to change the FSA may be considered and completed before such CEVMS may be allowed on HBA controlled routes. The Office of Real Estate Services is available to discuss this process with the Division, if requested.

If the Division accepts the State's assertions that their FSA permits CEVMS, in reviewing State-proposed regulations, policy and procedures for acceptability, Divisions should consider all relevant information, including but not limited to duration of message, transition time, brightness, spacing, and location, to ensure that they are consistent with their FSA and that there are adequate standards to address safety for the motoring public. Divisions should also confirm that the State provided for appropriate public input, consistent with applicable State law and requirements, in its interpretation of the terms of their FSA as allowing CEVMS in accordance with their proposed regulations, policies, and procedures.

Based upon contacts with all Divisions, we have identified certain ranges of acceptability that have been adopted in those States that do allow CEVMS that will be useful in reviewing State proposals on this topic. Available information indicates that State regulations, policy and procedures that have been approved by Divisions to date, contain some or all of the following standards:

- Duration of Message
 - Duration of each display is generally between 4 and 10 seconds – 8 seconds is recommended.
- Transition Time
 - Transition between messages is generally between 1 and 4 seconds – 1-2 seconds is recommended.
- Brightness
 - Adjust brightness in response to changes in light levels so that the signs are not unreasonably bright for the safety of the motoring public.
- Spacing
 - Spacing between such signs not less than minimum spacing requirements for signs under the FSA, or greater if determined appropriate to ensure the safety of the motoring public.
- Locations
 - Locations where allowed for signs under the FSA except such locations where determined inappropriate to ensure safety of the motoring public.

Other standards that States have found helpful to ensure driver safety include a default designed to freeze a display in one still position if a malfunction occurs; a process for modifying displays and lighting levels where directed by the State DOT to assure safety of the motoring public; and requirements that a display contain static messages without movement such as animation, flashing, scrolling, intermittent or full-motion video.

Conclusion

This Memorandum is intended to provide information to assist the Divisions in evaluating proposals and to achieve national consistency given the variations in FSAs, State law, and State regulations, policies and procedures. It is not intended to amend applicable legal requirements. Divisions are strongly encouraged to work with their State in its review of their existing FSAs and, if appropriate, assist in pursuing amendments to address proposed changes relating to CEVMS or other matters. In this regard, our Office is currently reviewing the process for amending FSAs, as established in 1980, to determine appropriate revisions to streamline requirements while continuing to ensure there is adequate opportunity for public involvement.

For further information, please contact your Office of Real Estate Point of Contact or Catherine O'Hara (Catherine.O'Hara@dot.gov).

# of Digitals	Company #	Lamar Plant	Dwell Time(s)
15	002	Mobile, AL	6 seconds, 10 seconds
2	003	Houma, LA	8 seconds
7	004	Daytona, FL	8 seconds
3	007	Colorado Springs, CO	6 seconds
8	008	Panama City, FL	6 seconds, 8 seconds, 10 seconds
6	009	Dayton, OH	8 seconds
19	010	Baton Rouge, LA	8 seconds
4	020	Lakeland, FL	8 seconds
1	022	Corpus Christi, TX	10 seconds
7	030	Nashville, TN	10 seconds
10	032	Gulfport, MS	6 seconds, 8 seconds
2	033	Clarksville, TN	8 seconds
3	034	Augusta, GA	10 seconds
5	037	Knoxville, TN	8 seconds
15	038	Richmond, VA	6 seconds, 10 seconds
7	039	Roanoke, VA	10 seconds
4	040	Tallahassee, FL	6 seconds
4	042	Wheeling, OH	8 seconds
13	047	Jackson, MS	6 seconds
2	048	Beaumont, TX	10 seconds
3	062	Alexandria, LA	10 seconds
1	063	Monroe, LA	8 seconds
4	064	Fort Myers, FL	6 seconds
8	070	Pensacola, FL	6 seconds
7	071	Fort Walton, FL	6 seconds, 10 seconds
10	072	Shreveport, LA	8 seconds
5	073	Albany, GA	10 seconds
3	074	Valdosta, GA	10 seconds
17	075	Montgomery, AL	8 seconds
2	078	Laredo, TX	10 seconds
7	080	Lake Charles, LA	8 seconds
5	090	Lafayette, LA	8 seconds
6	136	Asheville, NC	8 seconds
10	138	Birmingham, AL	8 seconds
3	139	Columbus, MS	8 seconds
3	140	Corinth, MS	8 seconds
2	141	Decatur, IL	10 seconds
2	142	Duluth, MN	8 seconds
1	143	Central Wisconsin	6 seconds
4	145	Gadsden, AL	8 seconds
4	146	Huntsville, AL	10 seconds
2	147	Jackson, TN	8 seconds, 10 seconds
3	152	Paducah, KY	8 seconds
4	154	Rome, GA	10 seconds

11	155	Saginaw, MI	6 seconds
3	156	Decatur, AL	8 seconds
6	157	St. Cloud, MN	8 seconds
3	158	Traverse City, MI	8 seconds
3	159	Tuscaloosa, AL	7 seconds
2	202	Allentown, PA	6 seconds
2	203	Youngstown, OH	6 seconds, 8 seconds
11	204	Columbia, SC	6 seconds
3	205	Elizabethtown, NC	8 seconds
2	206	Bluefield, WV	8 seconds
5	207	York/Lancaster, PA	6 seconds
6	208	Erie, PA	8 seconds
5	209	Altoona, PA	6 seconds
12	210	Reading, PA	8 seconds, 10 seconds
10	211	Williamsport, PA	6 seconds
3	212	Syracuse, NY	8 seconds, 24 hrs
4	215	Hammond, LA	8 seconds
2	216	Hattiesburg, MS	8 seconds
6	217	Bridgeport, WV	8 seconds
5	218	Huntington, WV	8 seconds
2	219	Missouri, MO	8 seconds
5	220	Detroit, MI	8 seconds
12	221	Kansas City, MO	8 seconds
8	224	Atlanta, GA	10 seconds
1	227	New Orleans, LA	8 seconds
1	230	Springfield, MO	8 seconds
2	231	East Missouri, MO	8 seconds
4	232	Cedar Rapids, IA	8 seconds
7	234	Madison, WI - Rockford, IL	6 seconds, 10 seconds
7	235	Rapid City, SD	6 seconds
11	236	Boise, ID	8 seconds
1	237	Billings, MT	10 seconds
6	239	Spokane, WA	6 seconds, 8 seconds
1	240	Brunswick, GA	10 seconds
1	242	Greenville, MS	6 seconds
5	243	Lincoln, NE	10 seconds
3	244	Omaha, NE	10 seconds
5	245	Cookeville, TN	8 seconds, 10 seconds
5	246	Dubuque, IA	8 seconds
2	248	Evansville, IN	10 seconds
7	249	Northwest Indiana-Chicago	10 seconds
1	253	Terre Haute, IN	10 seconds
10	254	Bakersfield, CA	6 seconds
1	256	Lancaster, CA	5 seconds
19	257	Las Vegas, NV	7 seconds
4	258	Milwaukee, WI	8 seconds, 30 seconds

4	259	San Bernardino, CA	4 seconds, 5 seconds, 6 seconds
1	264	Lubbock, TX	10 seconds
1	265	Midland/Odessa, TX	10 seconds
6	266	Oklahoma City, OK	8 seconds
3	268	Tyler, TX	10 seconds
3	269	Ocala, FL	6 seconds
2	270	Albany, NY	24 hrs
8	271	Harrisburg, PA	6 seconds, 30 seconds, 60 seconds
4	272	Hartford, CT	8 seconds, 9 seconds
20	273	Pittsburgh, PA	6 seconds
4	274	Providence, RI	10 seconds
12	275	Scranton, PA	6 seconds, 8 seconds
6	276	Columbus, OH	7 seconds, 10 seconds
9	277	Cincinnati, OH	8 seconds
8	278	Rocky Mount, NC	8 seconds
3	280	Topeka, KS	8 seconds
3	281	Hannibal, MO	8 seconds, 10 seconds
6	282	Macon, GA	8 seconds
4	283	Bridgeport, CT	8 seconds
3	285	Joplin, MO	8 seconds
5	286	Little Rock, AR	8 seconds
2	290	Victoria, TX	10 seconds
2	291	Sherman, TX	8 seconds
11	293	Toledo, OH	9 seconds
3	294	Central Ohio, OH	8 seconds
2	296	Albuquerque, NM	10 seconds
11	299	Lenoir, NC	8 seconds, 10 seconds
2	403	Jonesboro, AR	10 seconds
1	404	Lamar Canada	8 seconds
2	405	Indianapolis, IN	10 seconds
639		TOTAL	



STANDARD DIGITAL
PRODUCTION SPECIFICATIONS

FILE TYPE
UNCOMPRESSED
JPG

COLOR MODE
RGB

STANDARD PIXEL DIMENSIONS
DIGITAL BULLETINS
412 X 1440

DIGITAL POSTERS
422 X 864

last updated 01.15.08

Bolded entries indicate
recently updated information.

Space is subject to availability.

Digital Outdoor Network Inventory by Market

Market	# of Boards	Network Type	Digital Unit Type	Pixel Dimensions	# of Seconds per Spot
Akron	6	Network	Digital Bulletin	412 x 1440	8
Albuquerque	10	Network 1	Digital Poster	422 x 864	8
Albuquerque	7	Network 2	(6) Digital Poster (1) Digital Bulletin	422 x 864 412 x 1440	8
Chicago	7	Network	Digital Bulletin	412 x 1440	10
Cleveland	7	Network	Digital Bulletin	412 x 1440	8
Cleveland	1	Single Unit	Digital Bulletin	412 x 1440	8
Columbus	5 3	Network	Digital Poster Digital Bulletin	422 x 864 412 x 1440	8
Des Moines	1	Single Unit	Digital Bulletin	412 x 1440	8
El Paso	8	Network	Digital Poster	422 x 864	8
Las Vegas	6	Tourist Network	Digital Bulletin	412 x 1440	7
Las Vegas	5	General Network	Digital Bulletin	412 x 1440	7
Las Vegas	1	Single Unit	Digital Bulletin	412 x 1440	7
Los Angeles	10	Network 1	Digital Bulletin	412 x 1440	8
Los Angeles	10	Network 2	Digital Bulletin	412 x 1440	8
Memphis	5	Network	Digital Bulletin	412 x 1440	8
Milwaukee	7	Network	Digital Bulletin	412 x 1440	6 @ 30 sec 1 @ 8 sec
Minneapolis	8	Network	Digital Bulletin	412 x 1440	8
Minneapolis	1	Single Unit	Digital Bulletin	412 x 1440	8
Minneapolis	1	Single Unit	Digital Bulletin	412 x 1440	8
Minneapolis	1	Single Unit	Digital Bulletin	412 x 1440	8
New Jersey	5	Network	Digital Bulletin	412 x 1440	8
Orlando	5	Network	Digital Bulletin	412 x 1440	8
Orlando	1	Single Unit	Digital Bulletin	412 x 1440	6
Philadelphia	8	Network	Digital Bulletin	412 x 1440	8
Reno	1	Single Unit	Digital Bulletin	412 x 1440	8
Tampa Bay	6	Network	Digital Bulletin	412 x 1440	8
Wichita	6	Network	Digital Poster	422 x 864	8 @ 7 sec 1 @ 4 sec
Wichita	1	Single Unit	Digital Bulletin	412 x 1440	10