

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 893 Session of 2017

INTRODUCED BY DINNIMAN AND YUDICHAK, SEPTEMBER 26, 2017

REFERRED TO TRANSPORTATION, SEPTEMBER 26, 2017

AN ACT

1 Amending the act of December 15, 1971 (P.L.596, No.160),
 2 entitled "An act providing for the control and regulation of
 3 outdoor advertising adjacent to the interstate and primary
 4 highway systems within this Commonwealth; providing for
 5 administration by the Department of Transportation to comply
 6 with Federal requirements as a condition to the receipt of
 7 highway funds; fixing penalties and making appropriations,"
 8 further providing for control criteria for size, spacing and
 9 lighting.

10 The General Assembly of the Commonwealth of Pennsylvania
 11 hereby enacts as follows:

12 Section 1. Section 5(d) of the act of December 15, 1971
 13 (P.L.596, No.160), known as the Outdoor Advertising Control Act
 14 of 1971, is amended to read:

15 Section 5. Control Criteria for Size, Spacing and
 16 Lighting.--* * *

17 (d) The Commonwealth and local political subdivisions shall
 18 have full authority under their own zoning laws to zone areas
 19 for commercial or industrial purposes and the action of the
 20 Commonwealth and local political subdivisions in this regard
 21 will be accepted for the purposes of this act. At any time, that
 22 a political subdivision adopts regulations which include the

1 size, spacing and lighting of outdoor advertising devices the
2 secretary may so certify to the Secretary of Transportation of
3 the United States and control of outdoor advertising in
4 commercial or industrial areas will transfer to subsection (b)
5 under this section 5. The following apply:

6 (1) The applicant for a proposed outdoor advertising device
7 shall meet with representatives from the department and the
8 local political subdivision at the site designated for the
9 proposed outdoor advertising device prior to the local political
10 subdivision authorizing or prohibiting the erection of the
11 outdoor advertising device.

12 (2) For a proposed conversion of an existing outdoor
13 advertising device to an electronic digital sign, the applicant
14 for the proposed conversion shall meet with representatives from
15 the department and the local political subdivision at the site
16 of the existing outdoor advertising device prior to the local
17 political subdivision authorizing or prohibiting the conversion.

18 (3) Prior to the local political subdivision authorizing or
19 prohibiting the erection or conversion of an outdoor advertising
20 device, the local political subdivision shall conduct a public
21 hearing to address the impact of the following:

22 (i) Current residents and future proposed developments,
23 including the nuisance of the size, spacing and lighting of the
24 outdoor advertising device.

25 (ii) The potential of the proposed outdoor advertising
26 device to distract drivers and the resulting impact on vehicle
27 accident rates on roadways.

28 (iii) Safety of pedestrians.

29 (iv) Open space, including aesthetic beauty and historic
30 character.

1 (v) Funds spent for open space and historic preservation,
2 including funds from government and nonprofit land trusts that
3 were used to protect the land through purchase of the land or
4 historic structures and by the purchase of development rights,
5 conservation and agricultural easements and other types of
6 easements.

7 (4) The transcription of the public hearing under clause (3)
8 shall be sent to the department and the information used in the
9 authorizing or prohibiting of any needed permits and approvals
10 by both the department and local political subdivision.

11 (5) The cost to conduct the public hearing under clause (3)
12 shall be paid by the applicant.

13 Section 2. This act shall take effect in 60 days.