
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1718 Session of
1971

INTRODUCED BY MESSRS. RITTER, BONETTO, WESTERBERG, ZORD,
HUTCHINSON, FRANK AND KELLY, NOVEMBER 23, 1971

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, DECEMBER 8, 1971

AN ACT

1 Providing for the control and regulation of outdoor advertising
2 adjacent to the interstate and primary highway systems within
3 this Commonwealth; providing for administration by the
4 Department of Transportation to comply with Federal
5 requirements as a condition to the receipt of highway funds;
6 fixing penalties and making appropriations.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Short Title.--This act may be cited as the
10 "Outdoor Advertising Control Act of 1971."

11 Section 2. Purposes of Act.--The people of this Commonwealth
12 would suffer economically if the Commonwealth failed to
13 participate fully in the allocation and apportionment of
14 Federal-aid highway funds since a reduction in such funds would
15 necessitate increased taxation to support and maintain the
16 Commonwealth's road program and system. Therefore, for the
17 purpose of assuring the reasonable, orderly and effective
18 display of outdoor advertising while remaining consistent with
19 the national policy to protect the public investment in the

1 interstate and primary systems; to promote the welfare,
2 convenience and recreational value of public travel; and to
3 preserve natural beauty, it is hereby declared to be in the
4 public interest to control the erection and maintenance of
5 outdoor advertising devices in areas adjacent to the interstate
6 and primary systems within this Commonwealth.

7 Section 3. Definitions.--As used in this act:

8 (1) "Department" shall mean the Department of Transportation
9 of the Commonwealth of Pennsylvania and "secretary" shall mean
10 the Secretary of Transportation of the Commonwealth of
11 Pennsylvania.

12 (2) "Erect" means to construct, build, assemble, place,
13 affix, attach, create, paint, draw, or in any other way bring
14 into being or establish, but it shall not include any of the
15 foregoing activities when performed as an incident to the change
16 of advertising message or customary maintenance and repair of a
17 sign or sign structure.

18 (3) "Information center" shall mean an area or site
19 established for the purpose of informing the public of places of
20 interest within the Commonwealth and providing such other
21 information as the secretary may consider desirable.

22 (4) "Interstate system" shall mean that portion of the
23 national system of interstate and defense highways located
24 within this Commonwealth, as officially designated, or as may
25 hereafter be so designated, by the secretary and approved by the
26 United States Secretary of Transportation, pursuant to the
27 provisions of Title 23, United States Code, "Highways."

28 (5) "Outdoor advertising device" shall mean any outdoor
29 sign, display, ~~device~~ LIGHT, figure, painting, drawing, message, ←
30 plaque, poster, billboard or other thing which is designed,

1 intended or used to advertise or inform.

2 (6) "Primary system" shall mean that portion of connected
3 main highways located within this Commonwealth which now or
4 hereafter may be designated officially by the secretary and
5 approved by the Secretary of Transportation of the United States
6 pursuant to Title 23, United States Code, "Highways."

7 (7) "Safety rest area" shall mean an area or site
8 established and maintained within or adjacent to the highway
9 right-of-way by or under public supervision or control, for the
10 convenience of the traveling public.

11 (8) "Traveled way" shall mean the portion of a roadway for
12 the movement of vehicles, exclusive of shoulders. The term
13 "main-traveled way" means the traveled way of a highway on which
14 through traffic is carried. In the case of a divided highway,
15 the traveled way of each of the separated roadways for traffic
16 in opposite directions is a main-traveled way. The term does not
17 include such facilities as frontage roads, turning roadways, or
18 parking areas.

19 (9) "Unzoned commercial or industrial area" shall mean an
20 area which is not zoned by State or local law, regulation or
21 ordinance, and on which there is located one or more commercial
22 or industrial activities and the area along the highway
23 extending outward eight hundred feet from and beyond the edge of
24 such activity. Unzoned commercial and industrial areas shall not
25 include land on the opposite side of the highway from said
26 activities except that on TWO OR THREE-LANE noncontrolled access ←
27 highways the unzoned commercial or industrial area may be
28 located on the opposite side of the highway from the commercial
29 or industrial activity, if in the opinion of the secretary, the
30 topographical conditions on the same side of the highway as the

1 activity are such that it is not reasonably usable, and provided
2 that the land on the opposite side of the highway has not been
3 designated scenic by the department. IN NO EVENT SHALL SUCH ←
4 UNZONED COMMERCIAL OR INDUSTRIAL AREA BE LOCATED ON BOTH SIDES
5 OF THE HIGHWAY. All measurements shall be from the outer edges
6 of the regularly used buildings, parking lots, storage or
7 processing areas of the commercial or industrial activities, not
8 from the property lines of the activities, and shall be along or
9 parallel to the edge of the pavement of the highway.

10 (10) "Visible" shall mean capable of being seen (whether or
11 not legible) without visual aid by a person of normal visual
12 acuity.

13 (11) "Zoned commercial or industrial area" shall mean an
14 area which is reserved for business, industry, commerce, trade
15 or other business of any type or category pursuant to a State,
16 or local zoning law, ordinance or regulation.

17 (12) "Commercial or industrial activities" shall mean those
18 activities generally recognized as commercial or industrial by
19 zoning law in the Commonwealth, except that none of the
20 following activities shall be considered commercial or
21 industrial:

22 (i) Outdoor advertising signs.

23 (ii) Agricultural, forestry, grazing, farming, and related
24 activities, including, but not limited to, wayside fresh produce
25 stands.

26 (iii) Activities not visible from the main-traveled way.

27 (iv) Activities conducted in a building principally used as
28 a residence.

29 (v) Railroad tracks and minor sidings.

30 Section 4. Control of Outdoor Advertising.--To effectively

1 control outdoor advertising, while recognizing it to be a
2 legitimate commercial use of property and an integral part of
3 the business and marketing function, no outdoor advertising
4 device shall be erected or maintained within six hundred sixty
5 feet of the nearest edge of the right-of-way if any part of the
6 advertising or informative contents is visible from the main-
7 traveled way of an interstate or primary highway, except:

8 (1) Directional and other official signs and notices which
9 are required or authorized by law and which shall conform to the
10 national standards promulgated by the Secretary of
11 Transportation of the United States pursuant to section 131 of
12 Title 23, United States Code.

13 (2) Outdoor advertising devices advertising the sale or
14 lease of the real property upon which they are located. ~~or~~ ←
15 ~~advertising residential development on primary systems only~~
16 ~~including directions thereto, for a period not to exceed one~~
17 ~~year.~~

18 (3) Outdoor advertising devices advertising activities
19 conducted on the property on which they are located.

20 (4) Outdoor advertising devices in zoned or unzoned
21 commercial or industrial areas along those portions of the
22 interstate system constructed on right-of-way, any part of the
23 width of which was acquired on or before July 1, 1956.

24 (5) Outdoor advertising devices in areas zoned commercial or
25 industrial along the interstate system and lying within the
26 boundaries of any incorporated municipality as such boundaries
27 existed on September 21, 1959, and devices located in any other
28 area which, as of September 21, 1959, was clearly established by
29 law as industrial or commercial.

30 (6) Outdoor advertising devices in zoned or unzoned

1 commercial or industrial areas along the primary system.

2 (7) Outdoor advertising devices in the specific interest of
3 the traveling public which are authorized to be erected or
4 maintained by the secretary and which are ~~designated~~ DESIGNED to ←
5 give information in the interest of the traveling public.

6 (8) Any other outdoor advertising devices permitted or
7 authorized along the interstate system by the official agreement
8 executed June 23, 1961, between the Commonwealth and the Federal
9 Government; provided such outdoor advertising devices do not
10 violate the provisions of Title 23, U.S. Code, "Highways."

11 Section 5. Control Criteria for Size, Spacing and
12 Lighting.--(a) In order to promote the reasonable, orderly and
13 effective display of outdoor advertising while remaining
14 consistent with the purposes of this act and with customary use
15 in this Commonwealth, the secretary shall strictly adhere to the
16 criteria prescribed by this section in promulgating regulations
17 to effectively control those signs, displays and devices
18 provided for under clauses (4) through (6) of section 4 of this
19 act and erected subsequent to the effective date of this act:

20 PROVIDED, HOWEVER, THAT SUCH REGULATIONS SHALL NOT APPLY TO ←
21 OUTDOOR ADVERTISING DEVICES ERECTED WITHIN SIX MONTHS AFTER THE
22 EFFECTIVE DATE OF THIS ACT UNDER A LEASE DATED PRIOR TO THE
23 EFFECTIVE DATE OF THIS ACT AND FILED WITH THE DEPARTMENT AND
24 RECORDED IN THE RECORDER'S OFFICE OF THE COUNTY IN WHICH THE
25 DEVICE WOULD BE LOCATED WITHIN THIRTY DAYS FOLLOWING THE
26 EFFECTIVE DATE OF THIS ACT: AND, PROVIDED FURTHER, THAT SHOULD
27 ANY OUTDOOR ADVERTISING DEVICE EXCLUDED FROM SUCH REGULATIONS
28 FALL INTO SUCH STATE OF DISREPAIR THAT IT BECOMES NECESSARY TO
29 REBUILD OR REPAIR A MAJOR PORTION OF THE PHYSICAL STRUCTURE OF
30 SUCH OUTDOOR ADVERTISING DEVICE, THEN, IN SUCH EVENT, SUCH

1 OUTDOOR ADVERTISING DEVICE, IF REBUILT OR REPAIRED, SHALL
2 THEREAFTER CONFORM TO SUCH REGULATIONS AT NO COST TO THE
3 COMMONWEALTH.

4 (b) In zoned commercial or industrial areas, the secretary
5 may certify to the Secretary of Transportation of the United
6 States as notice of effective control, that there has been
7 established within such areas regulations which are enforced
8 with respect to the size, lighting and spacing of outdoor
9 advertising devices. In such areas, the size, lighting and
10 spacing requirements set forth below shall not apply. For the
11 purposes of this subsection, requirements as to the number or
12 total size of signs, displays or devices permitted on a single
13 plot or parcel of land will be considered to be a spacing
14 requirement.

15 (c) In all other zoned and unzoned commercial or industrial
16 areas, the criteria set forth below shall apply:

17 (1) Size of signs:

18 (i) The maximum area for any one sign shall be twelve
19 hundred square feet with a maximum height of thirty feet and
20 maximum length of sixty feet, inclusive of any border and trim
21 but excluding the base or apron, supports and other structural
22 members.

23 (ii) The area shall be measured by the smallest square,
24 rectangle, triangle, circle or combination thereof which will
25 encompass the entire sign.

26 (iii) A sign structure may contain one or two signs per
27 facing and may be placed double-faced, back to back or V-type.

28 (iv) Signs which exceed six hundred square feet in area may
29 not be double-faced (abutting and facing the same direction).

30 (2) Spacing of signs:

1 (i) Along the interstate system and limited access highways
2 on the primary system, no two sign structures shall be spaced
3 less than five hundred feet apart; and outside the boundaries of
4 cities of all classes and boroughs, no structure may be erected
5 adjacent to or within five hundred feet of an interchange or
6 safety rest area, measured along the interstate or limited
7 access primary from the beginning or ending of pavement widening
8 at the exit from or entrance to the main-traveled way.

9 (ii) Along nonlimited access highways on the primary system,
10 no two structures shall be spaced less than three hundred feet
11 apart if outside cities of all classes and boroughs, nor less
12 than one hundred feet apart if within such cities and boroughs.

13 (iii) These spacing provisions shall not apply to sign
14 structures separated by a building or other obstruction in such
15 a manner that only one sign facing located within these spacing
16 distances is visible from the highway at any one time.

17 (iv) Official and "on premise" signs, as defined in section
18 131 (c) of Title 23, United States Code, shall not be counted
19 nor shall measurements be made from them for purposes of
20 determining spacing requirements.

21 (v) The distance between sign structures shall be measured
22 along the nearest edge of the pavement between points directly
23 opposite the signs along the same side of the traveled way.

24 (3) Lighting of Signs:

25 (i) No sign will be permitted which is not effectively
26 shielded so as to prevent beams or rays of light from being
27 directed at any portion of the traveled ways of the interstate
28 or primary systems or which is of such intensity or brilliance
29 as to cause glare or to impair the vision of the driver of any
30 vehicle, or which interferes with any driver's operation of a

1 motor vehicle.

2 (ii) No sign shall be so illuminated that it interferes with
3 the effectiveness of or obscures an official traffic sign,
4 device or signal.

5 (iii) Lighting of all signs shall be subject to all other
6 provisions relating to lighting of signs along highways under
7 the jurisdiction of the department.

8 (iv) Signs which contain, include, or are illuminated by any
9 flashing, intermittent, or moving light or lights are
10 prohibited, except those giving public service information such
11 as time, date, temperature, weather, or similar information.

12 (d) The Commonwealth and local political subdivisions shall
13 have full authority under their own zoning laws to zone areas
14 for commercial or industrial purposes and the action of the
15 Commonwealth and local political subdivisions in this regard
16 will be accepted for the purposes of this act. At any time, that
17 a political subdivision adopts regulations which include the
18 size, spacing and lighting of outdoor advertising devices the
19 secretary may so certify to the Secretary of Transportation of
20 the United States and control of outdoor advertising in
21 commercial or industrial areas will transfer to subsection (b)
22 under this section 5.

23 Section 6. Rules and Regulations.--The secretary is
24 authorized to promulgate rules and regulations governing outdoor
25 advertising devices and such rules and regulations shall contain
26 the criteria set forth under section 5 of this act and shall
27 contain the permit provisions set forth under section 7 of this
28 act. Regulations relating to outdoor advertising devices
29 permitted under clauses (1) through (3) of section 4 shall be no
30 more restrictive than the national standards pertaining to such

1 outdoor advertising devices.

2 Section 7. Permits.--An annual permit shall be required for
3 each outdoor advertising device regulated by this act and
4 located outside the limits of those incorporated municipalities
5 that have legally established and operating procedures for
6 issuing permits for such outdoor advertising devices which have
7 been certified by the secretary as conforming to the provisions
8 of subsection (d) of section 5 of this act. The fee for each
9 such permit shall be five dollars (\$5) if the sign area does not
10 exceed three hundred square feet; ten dollars (\$10) if the sign
11 area exceeds three hundred square feet but does not exceed six
12 hundred square feet; and fifteen dollars (\$15) if the sign area
13 exceeds six hundred square feet. A tag indicating that a permit
14 has been duly issued shall be affixed to the device or structure
15 by the department. ~~Permits shall be issued for those devices~~ ←
16 ~~erected within six months after the effective date of this act~~
17 ~~under a lease dated prior to the effective date of this act and~~
18 ~~filed with the department and recorded in the recorder's office~~
19 ~~of the county in which the device would be located within thirty~~
20 ~~days following the effective date of this act if the outdoor~~
21 ~~advertising device is otherwise in compliance with this act.~~

22 Section 8. Agreement with Federal Government or Agencies.--
23 The secretary shall enter into an agreement with the Secretary
24 of Transportation of the United States, consistent with the
25 provisions of this act and to the degree necessary to preserve
26 the Commonwealth's entitlement to its full share of Federal road
27 funds, and may take action in the name of the Commonwealth to
28 comply with the terms of such agreement. In the event said
29 Secretary of Transportation of the United States or his agent
30 fails to agree, the disagreement shall be resolved with the

1 Attorney General of this Commonwealth participating, and taking
2 such appeals provided for in subsection (1) of section 131 of
3 Title 23, United States Code, as amended, as he deems advisable.
4 The agreement entered into on October 7, 1968, by the then
5 Secretary of Highways with the Federal Highway Administrator,
6 has not been authorized by the General Assembly and is hereby
7 abrogated.

8 Section 9. Compensation for Removal of Outdoor Advertising
9 Devices.--(a) Just compensation shall be paid upon the removal
10 of any outdoor advertising device (1) lawfully in existence on
11 the effective date of this act; (2) lawfully on any highway made
12 a part of the interstate or primary system on or after the
13 effective date of this act; or (3) otherwise lawfully erected on
14 or after the effective date of this act.

15 (b) Just compensation shall consist of payment for (1) the
16 taking from the owner of an outdoor advertising device of all
17 right, title, leasehold and interest in such outdoor advertising
18 device, and (2) the taking from the owner of the real property
19 on which an outdoor advertising device is located of the right
20 to erect and maintain such outdoor advertising device.

21 (c) The department shall require removal of all
22 nonconforming outdoor advertising devices lawfully on any
23 highway made a part of the interstate or primary system on or
24 after the effective date of this act no later than the end of
25 the sixth year after the said highway is made a part of the
26 interstate or primary system.

27 (d) Notwithstanding the provisions of subsections (b) and
28 (c) of this section, the periods specified therein within which
29 the department shall require removal of all nonconforming
30 outdoor advertising devices may be extended, if necessary, until

1 such time as Federal funds are available to reimburse the
2 Commonwealth for the Federal share of the costs of removal of
3 those signs for which Federal contribution is provided in
4 section 131 of Title 23 of the United States Code.

5 Section 10. Removal of Prohibited Advertising Devices.--In
6 addition to the penalties prescribed in this act, the secretary
7 may institute any appropriate action or proceeding after thirty
8 days' written notice of a violation to the person or persons
9 maintaining or allowing to be maintained such device, to
10 prevent, restrain, correct or abate a violation or to cause the
11 removal of any advertising device erected or maintained in
12 violation of the provisions of this act, or the secretary may
13 have any such device corrected or removed by his employes. In
14 the event of such removal, the person or persons responsible for
15 the erection or maintenance of such device and the person or
16 persons allowing such device to be maintained shall be liable to
17 the department for the cost of removal or correction of such
18 device. Neither the secretary nor any other employe acting at
19 his ~~discretion~~ DIRECTION shall be liable in any criminal or ←
20 civil action for damages for any action authorized by this act.

21 Section 11. Penalties for Violation.--Any person who shall
22 erect or cause or allow to be erected or maintained any
23 advertising device in violation of this act, shall, upon summary
24 conviction thereof, be sentenced to pay a fine of five hundred
25 dollars (\$500) to be paid into the Highway Beautification Fund,
26 and in default of the payment thereof, shall undergo
27 imprisonment for thirty days. Each day a device is maintained in
28 violation of this act after conviction shall constitute a
29 separate offense.

30 Section 12. Highway Beautification Fund.--(a) All receipts

1 received pursuant to this act, together with all Federal funds
2 received by the Commonwealth to accomplish the control of
3 outdoor advertising pursuant to section 131, United States Code,
4 "Highways," shall be paid into and credited to the Highway
5 Beautification Fund. All costs incurred by the secretary
6 pursuant to this act shall be paid from the Highway
7 Beautification Fund, and as much moneys as the secretary shall
8 deem necessary are specifically appropriated from such fund to
9 the Department of Transportation.

10 (b) In addition to the moneys to be received under
11 subsection (a) of this section, such moneys as may be necessary
12 shall be appropriated from time to time by the General Assembly
13 from the General Fund to the Highway Beautification Fund for the
14 purpose of carrying out the provisions of this act.

15 Section 13. Interpretation.--Nothing in this act shall be
16 construed to abrogate or affect the provisions of any lawful
17 ordinance, regulation, or resolution which are more restrictive
18 than the provisions of this act.

19 Section 14. Severability.--The provisions of this act shall
20 be severable. If any provision of this act is found by a court
21 of record to be unconstitutional and void, the remaining
22 provisions of the act shall, nevertheless, remain valid, unless
23 the court finds the valid provisions of the act are so
24 essentially and inseparably connected with, and so depend upon,
25 the void provision that it cannot be presumed the General
26 Assembly would have enacted the remaining valid provisions
27 without the void one, or unless the court finds that the
28 remaining valid provisions, standing alone, are incomplete and
29 are incapable of being executed in accordance with the
30 legislative intent.

1 Section 15. Repeals.--(a) The act of April 28, 1961
2 (P.L.101), entitled "An act prohibiting the erection and
3 maintenance of certain advertising devices along highways on the
4 National System of Interstate and Defense Highways; providing
5 for the acquisition of such devices and property use in
6 connection with such devices by the Secretary of Highways; and
7 providing penalties for violations," is hereby repealed.

8 (b) All other acts and parts of acts are repealed in so far
9 as they are inconsistent herewith.

10 Section 16. Effective Date.--This act shall take effect
11 immediately.