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Senate Bill 149 (as introduced 2-16-11)
Sponsor: Senator Roger Kahn, M.D.
Committee: Transportation

Date Completed: 2-22-11

CONTENT

The bill would amend the Highway Advertising Act to do the following:

- **Delete a requirement that a sign constructed under an interim permit be not closer than 900 feet to another sign structure on the same side of the highway along interstate highways, freeways, and primary highways.**
- **Delete provisions requiring the Michigan Department of Transportation (MDOT) to grant an interim permit for an existing digital billboard located in Saginaw County.**
- **Require an existing sign structure on an interstate highway in Saginaw County to be at least 900 feet, rather than the standard 1,000 feet, from another sign on the same side of the highway.**
- **Delete provisions requiring the owner of a sign structure that displays changing messages or images to apply for a digital billboard permit, in addition to an annual permit, and meet other requirements.**

Interim Permit

The Act generally prohibits MDOT from issuing annual permits for new highway signs, although permits issued before January 1, 2007, remain in force and valid.

The Department must issue an interim permit to a holder of a valid permit if the holder is otherwise in compliance with the Act and surrenders the permit to MDOT upon the removal of the permitted sign structure. Except as otherwise provided, an interim permit may be used only for the construction of a new sign structure and must remain in effect without expiration if the fees are renewed annually.

A sign constructed under an interim permit may not be closer than 900 feet to another sign structure on the same side of the highway along interstate highways, freeways, and primary highways. The bill would delete this provision.

Saginaw County Sign

The Act requires MDOT to grant an application for an interim permit for an existing sign structure if all of the following conditions are met:

- The application is submitted between December 1, 2010, and March 1, 2011.
- The existing structure is not closer than 900 feet to another sign structure along the same side of the highway.
- The application is submitted for a digital billboard.
- The county in which the existing sign structure is located has a population of less than 211,000 and not more than 175,000 as determined by the most recent Federal decennial census.

(Only Saginaw County meets those population criteria, with a population of about 210,000 in the 2000 census, according to data from the U.S. Census Bureau.)

The bill would delete these provisions.

Under the Act, along interstate highways and freeways, a sign structure located in a business area or unzoned commercial or industrial area may not be erected closer than 1,000 feet to another sign structure on the same side of the highway. The bill would create an exception to this provision. Along an interstate highway in Saginaw County designated by one letter and three numbers (i.e., I-675), an existing sign structure erected before the bill's effective date could not be closer than 900 feet to another sign structure on the same side of the highway.

Digital Billboard Permit

The Act generally prohibits signs or sign structures that involve motion or rotation of any part of the structure, running animation or displays, or flashing or moving lights, although Section 18(f) permits a sign or sign structure with static messages or images that change if the rate of change between static images is less than one change per six seconds, each change is complete in one second or less, and the maximum luminance does not exceed a specified level.

A sign owner must apply for a digital billboard permit, in addition to the annual permit required under the Act, for each sign that is allowed under Section 18(f). (The Act requires a sign owner to apply to MDOT for an annual permit for each sign where the facing is visible from an interstate highway, freeway, or primary highway.)

The application for a digital billboard permit must be on a form prescribed by MDOT, and the form must require information specified in the Act. The Department may require documentation to verify the zoning, the consent of the land owner, and any other matter considered essential to evaluate compliance with the Act.

The applicant must surrender an interim permit or an annual permit for a digital billboard permit, unless the application is for a digital billboard permit in Saginaw County (as described above). For signs stacked one on top of another, the applicant must remove and surrender all permits for sign faces greater than the maximum size limits under the Act.

In addition, the Act requires the applicant to agree to enroll the digital billboard face in an MDOT traffic and weather monitoring program or an MDOT emergency alert program, including the National Amber Alert Program, or both.

If a sign was erected before December 22, 2010, and displays changing images or messages as allowed under the Act, then by March 22, 2011, the owner of the sign must apply for, and MDOT must issue, a digital billboard permit.

The bill would delete all of the provisions pertaining to the digital billboard permit.

MCL 252.307a & 252.317

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.