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**SUBSTITUTE SENATE BILL 5298**

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**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** Senate Transportation (originally sponsored by Senators White, Ericksen, Carrell, Shin, Ranker, Hill, and Conway)

READ FIRST TIME 02/10/11.

1       AN ACT Relating to authorizing the use of digital outdoor  
2 advertising signs to expand the state's emergency messaging  
3 capabilities; amending RCW 47.42.062; adding new sections to chapter  
4 47.42 RCW; and creating new sections.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6       NEW SECTION.   **Sec. 1.** The legislature finds that digital outdoor  
7 advertising signs can play an important role in expanding the state's  
8 emergency messaging capabilities and the state's missing person  
9 computerized network. However, the legislature also finds that it is  
10 not in the state's interest to allow free-flowing moving displays along  
11 state roads. Therefore, it is the intent of the legislature to allow  
12 static digital outdoor advertising signs that are capable of delivering  
13 real-time information to the traveling public that would enhance the  
14 state's emergency messaging capabilities and expand the state's missing  
15 person computerized network without any cost to the state. The  
16 legislature also intends that digital outdoor advertising signs display  
17 messages only in incorporated cities and towns consistent with RCW  
18 47.42.040 (4) and (5).

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 47.42 RCW  
2 to read as follows:

3        Owners of digital outdoor advertising signs visible to state  
4 highways and located within incorporated cities and towns are required  
5 to coordinate with law enforcement and emergency management authorities  
6 to display, when appropriate, regional emergency information important  
7 to the traveling public including, but not limited to, amber alerts,  
8 Washington state missing person alerts, and emergency management  
9 information. State agencies may contract with owners and vendors of  
10 digital outdoor advertising signs to expand the state's missing person  
11 computerized network and emergency messaging system. The contracts  
12 must be on a voluntary basis and may not include compensation. This  
13 section does not imply that any state agency is required to pay, or in  
14 any way compensate, vendors of digital outdoor advertising signs for  
15 missing person notices, emergency messaging, or broadcasts.

16        **Sec. 3.**    RCW 47.42.062 and 1975 1st ex.s. c 271 s 3 are each  
17 amended to read as follows:

18        Signs within six hundred and sixty feet of the nearest edge of the  
19 right-of-way which are visible from the main traveled way of the  
20 primary system within commercial and industrial areas and whose size,  
21 lighting, and spacing are consistent with the customary use of property  
22 for the effective display of outdoor advertising as set forth in this  
23 section may be erected and maintained:    PROVIDED, That this section  
24 shall not serve to restrict type 3 signs located along any portion of  
25 the primary system within an incorporated city or town or within any  
26 commercial or industrial area.

27        (1) General:    Signs shall not be erected or maintained which (a)  
28 imitate or resemble any official traffic sign, signal, or device; (b)  
29 are erected or maintained upon trees or painted or drawn upon rocks or  
30 other natural features and which are structurally unsafe or in  
31 disrepair; or (c) have any visible moving parts.

32        (2) Size of signs:

33        (a) The maximum area for any one sign shall be six hundred seventy-  
34 two square feet with a maximum height of twenty-five feet and maximum  
35 length of fifty feet inclusive of any border and trim but excluding the  
36 base or apron, supports and other structural members:    PROVIDED, That

1 cut-outs and extensions may add up to twenty percent of additional sign  
2 area.

3 (b) For the purposes of this subsection, double-faced, back-to-  
4 back, or V-type signs shall be considered as two signs.

5 (c) Signs which exceed three hundred twenty-five square feet in  
6 area may not be double-faced (abutting and facing the same direction).

7 (3) Spacing of signs:

8 (a) Signs may not be located in such a manner as to obscure, or  
9 otherwise physically interfere with the effectiveness of an official  
10 traffic sign, signal, or device, obstruct or physically interfere with  
11 the driver's view of approaching, merging, or intersecting traffic.

12 (b) On limited access highways established pursuant to chapter  
13 47.52 RCW no two signs shall be spaced less than one thousand feet  
14 apart, and no sign may be located within three thousand feet of the  
15 center of an interchange, a safety rest area, or information center, or  
16 within one thousand feet of an intersection at grade. Double-faced  
17 signs shall be prohibited. Not more than a total of five sign  
18 structures shall be permitted on both sides of the highway per mile.

19 (c) On noncontrolled access highways inside the boundaries of  
20 incorporated cities and towns not more than a total of four sign  
21 structures on both sides of the highway within a space of six hundred  
22 sixty feet shall be permitted with a minimum of one hundred feet  
23 between sign structures. In no event, however, shall more than four  
24 sign structures be permitted between platted intersecting streets or  
25 highways. On noncontrolled access highways outside the boundaries of  
26 incorporated cities and towns minimum spacing between sign structures  
27 on each side of the highway shall be five hundred feet.

28 (d) For the purposes of this subsection, a back-to-back sign and a  
29 V-type sign shall be considered one sign structure.

30 (e) Official signs, and signs advertising activities conducted on  
31 the property on which they are located shall not be considered in  
32 determining compliance with the above spacing requirements. The  
33 minimum space between structures shall be measured along the nearest  
34 edge of the pavement between points directly opposite the signs along  
35 each side of the highway and shall apply to signs located on the same  
36 side of the highway.

37 (4) Lighting: Signs may be illuminated, subject to the following  
38 restrictions:

1 (a) Signs which contain, include, or are illuminated by any  
2 flashing, intermittent, or moving light or lights are prohibited,  
3 except those giving public service information such as time, date,  
4 temperature, weather, or similar information.

5 (b) Signs which are not effectively shielded as to prevent beams or  
6 rays of light from being directed at any portion of the traveled ways  
7 of the highway and which are of such intensity or brilliance as to  
8 cause glare or to impair the vision of the driver of any motor vehicle,  
9 or which otherwise interfere with any driver's operation of a motor  
10 vehicle are prohibited.

11 (c) No sign shall be so illuminated that it interferes with the  
12 effectiveness of, or obscures an official traffic sign, device, or  
13 signal.

14 (d) All such lighting shall be subject to any other provisions  
15 relating to lighting of signs presently applicable to all highways  
16 under the jurisdiction of the state.

17 (e) Type 4 and 5 digital outdoor advertising signs visible to state  
18 highways and located within incorporated cities and towns are not  
19 considered as utilizing flashing, intermittent, or moving light as long  
20 as they only contain static messages. Each static message may not  
21 include flashing, scintillating lighting, variation of light intensity,  
22 or the appearance of movement.

23 NEW SECTION. Sec. 4. A new section is added to chapter 47.42 RCW  
24 to read as follows:

25 By December 31, 2011, the department must adopt rules establishing  
26 standards for the allowable brightness, size, and change of copy for  
27 digital outdoor advertising signs. A type 4 or 5 digital outdoor  
28 advertising sign visible to a state highway may not be installed until  
29 the department adopts such rules. The adopted rules relating to change  
30 of copy and size must be consistent with standards adopted in WAC 468-  
31 66-030(2)(b) and 468-66-050(5).

32 NEW SECTION. Sec. 5. Nothing in this act shall be construed to  
33 preempt any local ordinances or restrictions relating to type 4 and 5  
34 outdoor advertising signs.

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