

Dennis

From: Sepulveda, Jose
Sent: Tuesday, August 07, 2007 5:47 PM
To: Cheatham, James; ##ALLHDA
Cc: Merida, Dennis; Otto, Sandra; Jackson-Grove, Amy; Barnes, Phillip; Michael, Olivia; Luhrs, Dennis
Subject: Digital Billboards
Importance: High

Jim

Attached below is KY's response from this DA perspective.

The use of LED-screen billboards is growing and some industry members are blatantly disregarding state and local controls, regulations, and even statutes designed to orderly control billboard installations. See the following link to get an idea of the challenges agencies are having enforcing state laws; <http://www.kentucky.com/181/story/138224.html>. In this case the City of Lexington appears to have prevailed. However, this is deceiving as the billboard will likely pop-up elsewhere within days of its removal.

At the state level little has been done by our Transportation Cabinet to remove LED billboards installed elsewhere where the locals are not interested or suited to enforce the law. In Kentucky LAMAR has installed several of these boards even though they are explicitly prohibited by commonwealth statute and by regulations. LAMAR appears to also have influenced the introduction of proposed bills in the KY Assembly to amend the law and allow the use of LED billboards. Last year a bill received serious consideration in both the House and the Senate, and would have been approved if not for other controversial language attached.

Our Division has received ambiguous assistance from Hqtrs. The program office appears to prefer a "soft" position in remedying the deviations from applicable regs and statutes. My concern is that industry is playing serious hardball to roll back billboard controls and FHWA seems unable to understand the strength of this effort. I know IA, NY, NJ, AR and we are facing some issues with our states in this area.

It would be desirable to have a clear nationwide FHWA position that strongly advocates for the integrity of the letter and intent of the law. This would help Divisions proceed in a reasonably consistent manner when dealing with this spreading issue.

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From: Cheatham, James [mailto:James.Cheatham@fhwa.dot.gov]

Sent: Wednesday, August 01, 2007 11:43 AM

To: ##ALLHDA

Cc: Otto, Sandra; Decker, Dennis; Brown, Janice

Subject: Digital bill boards

DAs,

It has come to DAC's attention that the uses of Digital Bill Boards or CEVMS are becoming prevalent in some states and there are traffic safety concerns. In addition, there may be a similar issue with large murals in downtown areas. We would like to get a handle on the magnitude of the issue and would appreciate any feedback you might have.

1. Are C EVMS being used in your state? YES.
2. Are they allowed through a permit process by the state? NO. THE DEVICES ARE ILLEGAL UNDER STATE LAW, REGS, AND STATE/FHWA AGREEMENT. If so, was there an approval action by the Division? THE DIVISION IS "WORKING" WITH KYTC TO PERSUADE THE CABINET TO ROBUSTLY ENFORCE THE LAW AND STATE/FHWA AGREEMENT. NO PROGRESS SO FAR. MAY HAVE TO IMPOSE A STRONGER FHWA ROLE.
3. Is there an issue with the use of large murals in downtown areas in your state? NO. STREET ART IS WELL MANAGED IN KENTUCKY FOR THE MOST PART. MURALS IN LOUISVILLE, FOR EXAMPLE, EXALT SIGNIFICANT FIGURES IN THE COMMUNITY SUCH AS MUHAMMAD ALI. THERE ARE MANY RIVER TOWNS IN KENTUCKY WITH FLOODWALLS. THE FLOODWALLS ARE COMMONLY USED AS CANVAS FOR ART. THE VAST MAJORITY OF THIS ART IS CONSISTENT WITH THE CONTEXT OF THE AREA.

Thanks for your assistance,
Jim Cheatham

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10/21/2007