

CHAPTER 9

Outdoor Advertising

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9.01 Introduction

9.01.01 Chapter Content and Resources

This chapter contains information relevant to outdoor advertising displays visible from the State Highway System (SHS) and that fall under the purview of the Department of Transportation (Caltrans).

The Outdoor Advertising (ODA) program enforces the Outdoor Advertising Act (OAA), within the Business and Professions Code¹, which regulates commercial advertising displays visible from the National Highway System (NHS) and within 660 feet outside of the highway right-of-way, and issues permits for placing off-premises commercial advertising displays.

The Outdoor Advertising program is located at Headquarters Division of Traffic Operations in Sacramento and provides the following services:

1. Administer Outdoor Advertising licensing and permitting that fall within the jurisdiction of Caltrans;
2. Issue violations and pursue remedial actions to address illegal displays;
3. Administer temporary political signs; and
4. Support with addressing Outdoor Advertising displays that conflict with Caltrans' Capital Projects.

For resources referenced within this chapter, please see the following:

California Business and Professions Code (Also referred to as Outdoor Advertising Act): [Codes: Codes Tree - Business and Professions Code - BPC \(ca.gov\)](#)

- Division 3, Chapter 2: [Codes: Code Search \(ca.gov\)](#)
- Division 3, Chapter 2.5: [Codes Display Text \(ca.gov\)](#)

California Code of Regulations: [California Code of Regulations Title 4 Division 6](#)

California Streets and Highways Code: [Codes: Codes Tree - Streets and Highways Code - SHC \(ca.gov\)](#)

Classified Landscape Freeways: [Classified Landscaped Freeways | Caltrans](#)

Encroachment Permit Manual: <https://dot.ca.gov/programs/traffic-operations/ep/ep-manual>

Outdoor Advertising Display Removal Authorization Form (ODA0067):
<https://cefs2.dot.ca.gov/v2Forms/servlet/showForm2?frmID=ODA0067>

¹All citations to statutes throughout this manual shall be to the California Annotated Code.

9.01.02 Definitions

E-FIS – Enterprise Resource Planning Financial Infrastructure
HBA – Highway Beautification Act
NHS – National Highway System
OAA – Outdoor Advertising Act
ODA – Outdoor Advertising
R/W – Right-of-Way
SHS – State Highway System

Definitions from Division 3, Chapter 2, Article 1 of the Business and Professions Code:

Advertising Display: Refers to advertising structures and signs. (Business and Professions Code, Section 5202.)

Advertising Structure: A structure of any kind or character erected, used, or maintained for outdoor advertising purposes, upon which any poster, bill, printing, painting or other advertisement of any kind whatsoever may be placed, including statuary, for advertising purposes.

“Advertising structure” does not include:

- (a) Official notices issued by any court or public body or officer;
- (b) Notices posted by any public officer in performance of a public duty or by any person in giving legal notice;
- (c) Directional, warning or information structures required by or authorized by law or by federal, state or county authority.
- (d) A structure erected near a city or county boundary, which contains the name of such city or county and the names of, or any other information regarding, civic, fraternal or religious organizations located therein. (Business and Professions Code, Section 5203.)

Sign: Refers to any card, cloth, paper, metal, painted or wooden sign of any character placed for outdoor advertising purposes on or to the ground or any tree, wall, bush, rock, fence, building, structure or thing, either privately or publicly owned, other than an advertising structure.

“Sign” does not include any of the following:

- (a) Official notices issued by any court or public body or officer.
- (b) Notices posted by any public officer in performance of a public duty or by any person in giving any legal notice.
- (c) Directional warning or information signs or structures required by or authorized by law or by federal, state or county authority.
- (d) A sign erected near a city or county boundary that contains the name of that city or county and the names of, or any other information regarding civic, fraternal, or religious organizations located within that city or county. (Business and Professions Code, Section 5221.)

State Highway System (SHS): The state highway system as described in Section 300 of the Streets and Highways Code. (Business and Professions Code, Section 5222.1)

9.01.03 References and Hyperlinks

There are hyperlinked resource materials identified within this chapter. If any hyperlink is not accessible, please notify the appropriate personnel to inquire about that resource or reference.

9.01.04 Chapter Contact

This chapter of the Maintenance Manual is maintained by the Headquarters Division of Maintenance, Office of Maintenance Traffic Guidance and Safety.

9.02 Outdoor Advertising

Pursuant to Sections 90 and 92 of the Streets and Highways Code, Caltrans shall have full possession and control of all State highways, and all property and rights in property acquired for State highway purposes. Caltrans may do any act necessary for the improvement and maintenance or use of all highways under its jurisdiction.

Although the Streets and Highways Code bestows Caltrans with discretionary authority over all State highway property, the OAA bestows only a ministerial enforcement authority over the placement and visibility of off-premises commercial advertising displays adjacent to the SHS. It is unlawful for ODA to advocate for or against the placement of any outdoor advertising display. ODA does not regulate advertising content; only the placement and visibility of commercial advertising display structures for compliance with the OAA and Federal requirements. Complaints about the content of advertisement on a display should be directed to the display owner.

To promote the safety of the traveling public, preserve capital investment, and protect the scenic beauty of adjacent property, statutory and regulatory limitations have been placed on the use of SHS right-of-way; specifically, regarding commercial advertising. The OAA declares outdoor advertising necessary to promote public health and safety and is considered a legitimate commercial use of property adjacent to roads and highways. For additional information, refer to Section 5226 of the Business and Professions Code.

However, pursuant to Section 5403(a) of the Business and Professions Code, it is unlawful to place an advertising display of any kind within, under, or over any State highway right-of-way, which includes, but is not limited to, unpaved shoulders, highway construction zones, or any other right-of-way or easement laid out and intended for the public passage of vehicles or persons.

There are specific instances where on-premises signage is permitted within the State highway right-of-way. Refer to Chapter 500, Section 501.3 of the Caltrans' Encroachment Permit Manual for information relating to the on-premises advertising displays allowed along State highway right-of-way. In addition, refer to Volume 1, Chapter Y of the Caltrans' Maintenance Manual for additional Encroachment Permit information. All other advertising signs/boards are not allowed in the State highway right-of-way, and are considered illegal displays, and considered to be a public nuisance under Section 5461 of the Business and Professions Code.

ODA allows and administers permits for off-premises, revenue generating advertising displays placed on private property within 660 feet from the edge of the State highway right-of-way and visible from the SHS. Advertising displays that require an ODA permit must adhere to size, spacing, and zoning standards to minimize driver distraction and preserve the scenic beauty of the highways. ODA has been issuing permits for advertising displays since 1933 and those permits are compensable property rights valid for the life of the display. Current permitting standards were established with the Highway Beautification Act of 1965 (HBA) and the signing of the Federal-State Agreement of 1968. Therefore, there are many lawfully permitted advertising displays that do not conform to current permitting standards and are considered legal non-conforming displays.

Contact the Headquarters Chief of Outdoor Advertising Branch (ODA@dot.ca.gov) when questions arise as to whether a display conforms to Outdoor Advertising Statutes and Regulations.

All work performed under the Maintenance Family “Y5” is administered by the Office of Encroachment & Outdoor Advertising Permits, Division of Traffic Operations.

9.03 Removal of Illegal Advertising Displays within the Right-of-Way

Outdoor advertising on the SHS is regulated by law, with special restrictions on officially designated State Scenic Highways and classified “Landscaped Freeways.” Refer to Sections 5440 and 5440.1 of the Business and Professions Code for additional information regarding scenic highway and classified “landscaped freeway” restrictions. A current list of the locations of classified “landscaped freeways” are available on the web page hyperlink provided in Section [9.01.01](#) of this chapter. Maintenance forces are authorized by Sections 5403(a) and 5463 of the Business and Professions Code, to remove any advertising display placed within the State highway right-of-way without a Removal Authorization Form from the Headquarters Division of Traffic Operation. Advertising displays may be stored at the nearest maintenance yard for 30 days, during which time the owner may claim the display. For additional information regarding illegal signs and posters within the right-of-way, refer to Volume 1, Chapters D1 and Y of the Maintenance Manual.

9.04 Removal of Illegal Outdoor Advertising Displays on Private Property

The OAA (Section 5250 of the Business and Professions Code) empowers the Director to remove illegal displays from private property only after proper notice has been given to the display or property owner in the form of written violation notice. Maintenance forces are authorized to remove such displays only if requested by the Headquarters Division of Traffic Operations.

Requests for removal are submitted only after a proposed administrative decision issued by an Administrative Law Judge authorizing removal is adopted by the Traffic Operations Division Chief, and the Legal Division determines an order from a higher court is not required. Outdoor Advertising removal requests are sent to Region/District Divisions of Maintenance by memorandum requesting the removal, along with a listing of display(s) to be removed, the court order, and the Outdoor Advertising Display Removal Authorization Form (ODA-0067), which must be completed and returned to the Headquarters Division of Traffic Operations, with a notation that the advertising structure has been removed.

If for some reason, the removal crew cannot remove a display, the reason should be noted on the Removal Authorization Form, which should be immediately returned to the Headquarters Division of Traffic Operations. If Maintenance crews are not capable of removing the display structure due to size, location, or lack of appropriate equipment, the District Division of Maintenance will seek a contract with an approved contractor to remove the display.

The Removal Authorization Form includes Cost of Removal. The cost of all field work involved in the removal and destruction of illegal outdoor advertising displays from private property by Maintenance forces shall be charged to an Office of Outdoor Advertising E-FIS Project ID using Sub-Object 038. This information should also be included on the Cost of Removal portion of the removal Authorization so Headquarters Division of Traffic Operations can bill the violator for removal of the display. For additional information on time charging practices for illegal sign removal, refer to Volume 2, Chapters D and Y of the Maintenance Manual.

9.05 Temporary Political Signs

State law prohibits installation of political signs (including election campaign signs) in State highway right-of-way. However, State law allows those signs to be installed adjacent to the SHS within 660 feet of the highway right-of-way and be visible to highway users if the sign meets the criteria outlined in Section 5405.3 of the Business and Professions Code.

In addition, signs cannot be visible within 660 feet from the edge of the right-of-way of a classified “landscaped freeway.”

State law (Section 5250 of the Business and Professions Code) directs Caltrans to remove unauthorized temporary political signs in highway right-of-way and bill the responsible party for their removal. The Caltrans Maintenance forces shall assist in enforcing this law.

For signs outside highway right-of-way, Maintenance forces shall not trespass onto non-Caltrans properties to address non-compliant display without the presence of CHP or local law enforcement.

Maintenance supervisors and crews are advised to note these procedures in managing the temporary political signs:

1. Political Signs within the SHS right-of-way:
 - Remove the sign and store in the nearest maintenance station for 30 days for the owner to pick up. For owner contact information, contact the ODA Branch (ODA@dot.ca.gov) for the Statement of Responsibility form.
 - If a sign is not picked up by the owner within 30 days of notice, the sign is to be disposed (Sections 5463 and 5482 of the Business and Professions Code).
2. Political signs 660 feet or more away from the edge of the State’s right-of-way require no action be taken.
3. Temporary political signs within 660 feet of the edge of the State’s right-of-way but **not** along classified “landscaped freeway” require the following criteria be met (Section 5405.3 of the Business and Professions Code):

- The sign encourages a particular vote in a scheduled election;
 - The sign is placed no sooner than 90 days prior to the scheduled election and/or not in place 10 days after the end of the scheduled election;
 - The sign is no larger than 32 square feet; and
 - A Statement of Responsibility (SOR) form is filed with Caltrans certifying a person responsible for removing the sign. Contact the ODA Branch (ODA@dot.ca.gov) for a copy of the form on file.
4. If the temporary political sign is within 660 feet of the edge of the State’s right-of-way **along** classified “landscaped freeway”, follow the removal process outlined for a political sign still in place 10 days after the election date.
5. If all criteria have been met, Maintenance crews must leave the temporary political sign in place until 10 days after the end of the scheduled election.
6. If the temporary political sign is still in place 10 days after the election date, Maintenance crews must:
- Notify the owner to remove the sign within three days.
 - If the owner fails to remove the sign within three days, crews must coordinate with local law enforcement or CHP to remove the sign and store it in the nearest maintenance station for 30 days for the owner to pick up.
 - If the sign is not picked up by the owner, the sign is to be disposed.
7. If the temporary political sign **criteria have not been met** and the sign *is* a safety concern, Maintenance crews must:
- Coordinate with local law enforcement or CHP to remove the sign and store it in the nearest maintenance station for 30 days for the owner to pick up.
 - If the sign is not picked up by the owner, the sign is to be disposed.
8. If the temporary political sign **criteria have not been met** but the sign *is not* a safety concern, Maintenance crews must:
- Contact the sign owner to provide the temporary political sign requirements, including the submittal of the SOR, to allow the sign to remain in place.
 - If the sign owner has met the political sign requirements and submits a SOR, the sign may remain in place until 10 days after the day of the election.
 - If the sign owner has **not** met the political campaign requirements, Maintenance crews must follow the same procedures as those to remove a sign that is a safety concern.

The following flow chart is an easy-to-use tool to help identify the status of political signs and relevant actions that should be taken to address them:

