

CHAPTER 65

TRANSPORTATION

HOUSE BILL 98-1047

BY REPRESENTATIVES McPherson, Piffner, and Tucker;
also SENATORS Powers and Chlouber.

AN ACT

CONCERNING REGULATION BY THE DEPARTMENT OF TRANSPORTATION OF SIGNS LOCATED ON RIGHTS-OF-WAY OF INTERSTATE HIGHWAYS, AND, IN CONNECTION THEREWITH, AUTHORIZING THE PLACEMENT OF BUSINESS SIGNS FOR TOURIST-ORIENTED ATTRACTIONS, AUTHORIZING THE PLACEMENT OF BUSINESS SIGNS IN URBANIZED AREAS, AND ALLOWING FOR THE FINANCING OF SUCH SIGNAGE THROUGH PUBLIC-PRIVATE INITIATIVES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly finds, determines, and declares that:

(a) The purpose of this act is to encourage cooperation between the state and private businesses in the provision of useful information to the traveling public, not to usurp functions properly performed by the private sector nor to compete unfairly with private businesses;

(b) The role of the department of transportation in administering this act should be as nonintrusive and evenhanded as possible consistent with the public purpose to be achieved; and, therefore,

(c) The department shall administer this act in a competitively neutral fashion and shall, in all its dealings with private businesses pursuant to this act, follow a pro-competitive and business-friendly approach.

SECTION 2. 43-1-420, Colorado Revised Statutes, is amended to read:

43-1-420. Specific information signs and tourist-oriented directional signs authorized. (1) (a) The department may erect, administer, and maintain signs within highway rights-of-way upon the interstate system, which rights-of-way are outside

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

urbanized areas, for the display of advertising and information of interest to the traveling public, pursuant to the federal authority therefor as set forth in ~~23 U.S.C.A.~~ U.S.C. secs. 109 (d), 131 (f), and 315 and 49 CFR 1.48 (b).

(b) IN ADDITION TO ERECTING, ADMINISTERING, AND MAINTAINING THE SIGNS AUTHORIZED BY PARAGRAPH (a) OF THIS SUBSECTION (1), THE DEPARTMENT MAY AUTHORIZE THE ERECTION, ADMINISTRATION, AND MAINTENANCE OF SPECIFIC INFORMATION SIGNS WITHIN HIGHWAY RIGHTS-OF-WAY UPON THE INTERSTATE SYSTEM IN URBANIZED AREAS FOR THE PURPOSE OF PROVIDING INFORMATION REGARDING TOURIST-ORIENTED ATTRACTIONS OF REGIONAL INTEREST TO THE TRAVELING PUBLIC.

(1.5) ~~For purposes of this subsection (1)~~ AS USED IN THIS SECTION, "urbanized area" means that area within the boundary of a metropolitan area having a population of fifty thousand or more as determined by the United States bureau of the census in its latest census and as included on the urbanized area map approved by the department.

(2) The department may issue permits for business signs to be installed on specific information signs, all such specific information signs and business signs to be constructed and installed at the expense of the business being identified UNLESS OTHERWISE SPECIFIED BY A CONTRACTOR IN AN AGREEMENT NEGOTIATED PURSUANT TO SECTION 43-1-1202 (1) (a) (XI). Permits for such business signs shall be issued for a period of one year, beginning each January 1, without proration for periods less than a year. Each application for an initial permit or for a renewal of an existing permit shall be accompanied by an administration and maintenance fee to be determined by the department OR BY THE CONTRACTOR IN AN AGREEMENT NEGOTIATED PURSUANT TO SECTION 43-1-1202 (1) (a) (XI). ~~In no case shall the required fee exceed the actual cost of erecting the sign, maintaining the sign, and administration of the program.~~ In the event that the number of applications for permits for a particular location exceeds the number of business signs ~~which~~ THAT can be accommodated at that location, the department OR, IF SO SPECIFIED IN AN AGREEMENT NEGOTIATED PURSUANT TO SECTION 43-1-1202 (1) (a) (XI), THE CONTRACTOR, shall develop a method for the annual rotation of such business signs. THE DEPARTMENT SHALL NOT CONDITION ELIGIBILITY FOR BUSINESS SIGNS ON THE UTILIZATION OF ANY OTHER OFF-PREMISE OUTDOOR ADVERTISING DEVICES.

(3) The department may issue permits and adopt rules ~~and regulations~~ for the erection, administration, and maintenance of tourist-oriented directional signs within highway rights-of-way not on the interstate system, freeways, or expressways, as such highways are defined in such rules, ~~and regulations~~; for the display of information of interest to the traveling public pursuant to the federal authority therefor as set forth in 23 U.S.C. secs. 109 (d), 315, and 402 (a); 49 CFR 1.48 (b); and in accordance with federal requirements. Any tourist-oriented directional sign erected pursuant to this subsection (3) shall be required to comply with all applicable regulations of the county, city and county, or municipality in which such sign is located. A county, city and county, or municipality may choose to authorize such signs within its jurisdiction by adoption of a resolution to that effect by the governing body of that county, city and county, or municipality, which resolution shall be directed to the executive director of the department or ~~his~~ THE EXECUTIVE DIRECTOR'S designee. Upon receipt of such resolution, the department shall authorize further

implementation of the tourist-oriented directional sign program within the affected jurisdiction subject to the rules ~~and regulations~~ adopted by the department. THE DEPARTMENT SHALL NOT CONDITION ELIGIBILITY FOR BUSINESS SIGNS ON THE UTILIZATION OF ANY OTHER OFF-PREMISE OUTDOOR ADVERTISING DEVICES.

(4) ~~Notwithstanding the provisions of subsection (2) of this section, The department may contract with private businesses to implement all or part of the tourist-oriented directional sign program authorized by this subsection (3) if it is determined by the department that such private businesses can perform that function at a lower cost than the department~~ SIGN PROGRAMS AUTHORIZED BY THIS SECTION PURSUANT TO THE PUBLIC-PRIVATE INITIATIVES PROGRAM SET FORTH IN PART 12 OF THIS ARTICLE.

SECTION 3. 43-1-1202 (1) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

43-1-1202. Department powers. (1) Notwithstanding any other law, the department may:

(a) Solicit and consider proposals, enter into agreements, grant benefits, and accept contributions for public-private initiatives pursuant to this part 12 concerning any of the following:

(XI) THE SPECIFIC INFORMATION AND TOURIST-ORIENTED DIRECTIONAL SIGN PROGRAMS AUTHORIZED IN SECTION 43-1-420. THE DEPARTMENT MAY PROVIDE BY CONTRACT FOR PRIVATE BUSINESSES TO PAY A REASONABLE FEE TO THE DEPARTMENT TO REFLECT THE COST OF THE USE OF HIGHWAY RIGHTS-OF-WAY AND THE DEPARTMENT'S COSTS OF ADMINISTERING THE PROGRAM.

SECTION 4. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 6, 1998