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**DEPARTMENT OF TRANSPORTATION,
HIGHWAY DIVISION**

DIVISION 60

SIGNS

734-060-0000

Outdoor Advertising Sign Application Process

(1) Application forms. An application for a sign permit under the Oregon Motorist Information Act (OMIA) is made by completing and submitting the appropriate form, attaching to the form all documents necessary to show the application meets the requirements of the law, and submitting the correct fee to the Outdoor Advertising Sign Program of the Oregon Department of Transportation. Application forms are available from the Outdoor Advertising Sign Program. There are three different Outdoor Advertising Sign application forms: "Standard Outdoor Advertising Sign Permit Application" for new permits for outdoor advertising signs that preexisted the law change on May 30, 2007, relocations and reconstructions of such permitted signs; "Digital Billboard Outdoor Advertising Sign Application" for digital permits newly issued under ORS 377.710, or relocation and reconstruction of such permitted signs and "Application for Transit Bench or Shelter Sign" for signs on bus/transit benches and bus/transit shelters. The Department may deny a permit application if the applicant does not use the correct form.

(2) Copies of sign laws. The Department will make available copies of all state sign statutes, administrative rules, federal statutes, federal regulations, and federal-state agreements in effect. The Department may charge for the copies at the rate established by law for public records requests, and may require prepayment. The Department may also provide these documents by e-mail, web site, or in other forms for the convenience of the public and the Department.

(3) Summary of regulations. To assist potential permit applicants and the general public, the Department will make available a summary of sign permit regulations. The summary does not bind the Department to the items listed or waive its right and duty to enforce all requirements under the law.

(4) Contents of applications for Standard Outdoor Advertising Signs and Digital Billboard Outdoor Advertising Signs. To be complete the application must include the following.

(a) Application form Part 1: Applicant Information, Sign Specifications. Information must be complete and accurate for applicant, sign builder, purpose of application, description, township/range/section/tax lot, highway route number or name and side of highway, how site is marked, name and address of property owner, and why the sign will be an "outdoor advertising sign." The location boxes should be completed to the best of applicant's ability to enable the Department to find the site.

(b) Application form Part 2: Certification of Applicant. The application form must be signed and dated by the applicant, certifying the information provided by applicant is accurate and has not been changed after the local government certification (see section (c) below). If the applicant is a corporate or other business entity the individual signing must include their title so as to indicate the authority to sign for the applicant.

(c) Application form Part 3: Certification of Local Jurisdiction. After completing Part 1, applicant must submit the complete application to the local jurisdiction for zoning and local compliance information. The local official must complete Part 3 and, if relevant, attach a letter of explanation of local code compliance. The local official must sign and date Part 3. This section does not apply to transit signs.

(d) Fee. The fee is based on square footage as described in OAR 734-059-0100. To be complete applicant must submit the correct application fee. The Sign Program does not accept cash, debit or credit cards; checks must be made out to Oregon Department of Transportation.

(e) Written proof of landowner consent. All applications, except transit sign applications, must include written proof that the landowner consents to have applicant maintain the proposed sign. The document must be signed by the landowner and the application filed during the base term of the agreement, or during a renewal term that is automatic or at applicant's election. If during a renewal period applicant must certify that the renewal was exercised and continues in effect. Examples of acceptable documents are the land lease, land lease plus applicant's certification as described above, land lease plus owner's written confirmation that an extension is being exercised, or a current memo signed and dated by land owner stating that applicant has

permission to put the sign at the specified location. Payment information need not be included unless it is the evidence that compensation is exchanged making it an outdoor advertising sign.

(f) Business License. The applicant and the sign builder must have a current outdoor advertising sign business license as required under ORS 377.730. It is the responsibility of the Business License holder who erects or maintains an outdoor advertising sign to ensure that the outdoor advertising sign, visible to a state highway, is in compliance with the OMI. Compliance includes ensuring signs have an active state sign permit prior to placing or maintaining any message on the sign, and ensuring that the sign stays in compliance during the time that the licensee operates or maintains the sign. Violations may result in suspension or revocation of the licensee's business license as allowed under ORS 377.730.

(g) Relocation permit application. For a relocation application, if the zoning was first commercial or industrial after 1/1/1973, or if the local jurisdiction cannot determine the date, the applicant must submit a sketch or other document showing the site is within 750 feet of a commercial or industrial area to comply with ORS 377.767(3).

(h) Pre-existing sign permit application. For an application for a new pre-existing sign under ORS 377.712 the following additional items are required:

(A) Complete the application form "Supplement for Pre-existing Sign Permit" and sign it before a notary public;

(B) Submit documents demonstrating each of your claims, such as a lease showing the sign was posted for compensation; and

(C) Pursuant to ORS 377.712(1), include documentation demonstrating how applicant was ignorant of the permit requirement for outdoor advertising signs as of May 30, 2007.

(5) Digital Billboard applications must also include the following information:

(a) When being reconstructed or relocated for the first time as a digital billboard the applicant must provide the eligible permit(s) or relocation credit(s) being retired pursuant 377.700 to 377.840 and OAR 734-060-0007.

(b) Whether the proposed sign is a "Poster," "Bulletin," or other sign as described in OAR 734-060-0007(2).

(c) Emergency malfunction contact information including name, phone number along with proposed response procedure to possible malfunction.

(d) Whether or not a renewable energy resource is available and being utilized. If none, then the applicant must complete the affidavit attesting that no renewable resource is available.

(6) Transit Bench or Shelter Application. A transit shelter or bus bench application must provide documentation demonstrating that the site is at an official bus or transit stop on a city or urban transit system route.

(7) Complete Applications.

(a) The Outdoor Advertising Sign Program's mailing address is: Oregon Department of Transportation, Right of Way Section — Sign Program, 4040 Fairview Industrial Drive SE, MS #2, Salem OR 97302. The Sign Program receives hand deliveries at 4040 Fairview Industrial Drive SE, Salem Oregon. The Sign Program receives facsimiles at 503-986-3625. The Sign Program receives electronic mail at OutdoorAdvertising@odot.state.or.us.

(b) The Department requires original signatures and original initials to any changes on the application form. Therefore the Department will not accept the application form by electronic transmission (including facsimile). The Department may accept other documents by electronic transmission. The Department will not accept any changes made verbally; all changes must be in writing.

(c) The Department will indicate on each application document the date and time received. Application materials received by mail will be treated as received at the time a representative of the sign program physically receives the program's mail for that day. Application materials received in person, by fax, or by electronic transmission will be treated as received when a representative of the sign program physically receives those materials.

(d) The Department will only process applications that are complete. An application is complete when the Outdoor Advertising Sign program receives the signed application form including all necessary information, all documents necessary for issuance of a permit, and the correct application fee.

(A) Within 15 calendar days of receiving an application the Department will provide to the applicant written notice whether the application is complete. If the Department determines the application is complete, the notice will state the application's priority among all pending, complete applications.

(B) If the Department determines any information provided is incorrect, the application is not complete. The Department may rescind a notice of completeness and priority date if it later

determines that information provided by applicant is not correct.

(e) If an application is not complete, within 15 calendar days of receiving the application the Department will return the entire application with written instructions on what is needed to complete it. The applicant must initial any subsequent changes and, if the changes are substantive to the local jurisdiction, must obtain a new certification from the local jurisdiction.

(A) If an application form is complete but the application is considered incomplete due to insufficient supporting documents or failure to submit the fee, the Department may return the entire application with written instructions on how to complete it or the Department may hold the application and notify the applicant in writing of what is needed and when it must be provided.

(B) Within 15 days of receiving the corrected form or additional materials the Department will provide the applicant written notification whether the application is complete and, if complete, the priority among all pending, complete applications.

(C) If the applicant makes any change to the application after it is deemed complete, the Department will change the priority date to the date of that change.

(D) If the Department has held an incomplete application for 60 days from the date of initial receipt, the application is deemed withdrawn by the applicant. The Department will return a copy of the application and may refund any eligible deposited fee. The Department will retain the original application for our records.

(8) Processing of complete permit application.

(a) The Department will approve or deny a permit within 60 days of the complete application's priority date as determined under section (7)(d) or (e) of this rule if the application clearly does not conflict with another complete application.

(b) An application for a permit that conflicts with the location of an expired or canceled permit will not be processed until the time for any hearing or appeal on the latter permit has passed, unless the permit is being canceled as a condition for issuance of the new permit.

(c) When a complete application might conflict with another complete application due to spacing or any other reason, the application with the earliest priority date and time takes precedence over later applications. Subject to all other requirements of the OMIA, the Department will issue the permit to the earlier applicant.

(d) If multiple complete applications have the same priority date and time, and are determined by the Department to compete for the same spot, the Department shall notify the applicants of the circumstances within seven days of the Department's determination. If an affected applicant requests a contested case hearing, the matter will be determined by a single contested case hearing under Oregon's Administrative Procedures Act. The Department shall refer the matter to the Office of Administrative Hearings within seven days of an applicant's written hearing request.

(e) If the Department does not approve or deny a permit application within the time allowed under section (8)(a) of this rule, such actions do not require the Department to issue a permit or require any remedy except as provided otherwise in law.

(9) Field checks; applicant requirements and Department method.

(a) When the Department determines an application is complete, the Department will perform a field check to determine the milepoint and all other information necessary to process the application.

(b) The applicant must place a marking at the site to show the proposed location for the sign permit. The applicant may use a stake, ribbon, paint, or any method or material that will allow the Department to easily locate the site and attribute it to the applicant. If the marked site is other than that represented to the local authority in obtaining its signature on the application form, or is other than where the applicant actually builds the sign, the Department may consider that a violation of ORS 377.725(10).

(c) If the Department cannot locate the site it will notify the applicant pursuant to (5)(e) above that the application is incomplete due to incorrect information and may request reasonable action by the applicant to identify the site.

(d) The Department will conduct a field check by traveling to the proposed site and calculating the milepoint to the one-hundredth of a mile or, when necessary, to the one-thousandth of a mile. The Department may also determine the engineering station. The Department may also make any other determination regarding the site that is relevant to the application, such as proximity to the right of way and to a commercial or industrial area. Once a field check has been conducted the application fee is non-refundable.

(e) The Department may use intersections, highway structures, or other highway feature and its corresponding milepoint or engineering station, to measure and calculate the milepoint of the proposed site. Milepost markers are for the convenience of motorists and are not precise indications of the milepoint, therefore the Department will not use milepost markers for these calculations without other indication of accuracy.

(10) Denied Permit Applications. If the Department denies an application, it will consider that site as conflicting with other applications:

- (a) Until the time to request a hearing elapses without a hearing request from the applicant; or
- (b) If a hearing is requested, until the time to request an appeal on the final order has elapsed or until the final appellate court enters a judgment on the matter, whichever is later.
- (c) The Department will keep the original application and any accompanying documents and return a copy after an application is denied.

(11) Issued Permits.

- (a) The permit will specify the 180th day by which the sign must be constructed.
- (b) Within 190 days of permit issuance, the permittee must notify the Department in writing if the action described in the permit has been completed, and include at least one photograph demonstrating that completion. For a reconstruction permit or a relocation permit based on a relocation credit, the notice must state that the new sign has been constructed. For a direct relocation the notice must state that the new sign has been constructed and the former sign on which the permit was based has been removed. If the Department has not received the notification within 180 days the Department will alert the permittee about the upcoming 190-day deadline. If the permittee fails to submit the written notice and photograph within the time allowed, the Department will cancel the permit to relocate or reconstruct, and the permit will revert to its prior status. No fees will be refunded.
- (c) "Constructed" means that the structure and all sign faces are permanently in place and the permit plate is attached. "Removed" means the taking down, removing, or eliminating all sign structure elements that are visible from the state right of way

Stat. Auth.: ORS 184.616, 184.619, 377.715, 377.725

Stats. Implemented: ORS 377.715, 377.725

Hist.: HWD 2-2009, f. 3-20-09, cert. ef. 3-23-09; HWD 9-2011(Temp), f. 8-24-11, cert. ef. 9-29-11 thru 3-26-12; HWD 6-2012, f. & cert. ef. 3-26-12; HWD 11-2014, f. & cert. ef. 12-19-14

734-060-0007

Digital Billboard Procedures

- (1) This rule describes the process for applying for a permit for a digital billboard.
- (2) Definitions for the purposes of this rule:
 - (a) "Sign" means the sign structure, the display surfaces of the sign, and all other component parts of the sign.
 - (b) "Retire" means to use a relocation credit such that it no longer exists or to remove an existing sign to become a relocation permit or credit for use.
 - (c) "Bulletin" means an outdoor advertising sign with a display surface that is 14 feet by 48 feet.
 - (d) "Poster" means an outdoor advertising sign with a display surface that is 12 feet by 25 feet.
 - (e) "Digital Billboard" means an outdoor advertising sign that is static and changes messages by any electronic process or remote control, provided that the change from one message to another message is no more frequent than once every eight seconds and the actual change process is accomplished in two seconds or less.
- (3) Qualifications for receiving a digital billboard state sign permit:
 - (a) The proposed site and digital billboard must meet all requirements of the OMIA including, but not limited to, the following:
 - (A) The digital billboard is not illuminated by a flashing or varying intensity light.
 - (B) The display surface of the digital billboard does not create the appearance of movement.
 - (C) The digital billboard must operate at an intensity level of not more than 0.3 foot-candles over ambient light as measured by the distance to the sign depending upon its size.
 - (D) The distance measurement for ambient light is: 150 feet if the display surface of the sign is 12 feet by 25 feet, 200 feet if the display surface is 10.5 by 36 feet, and 250 feet if the display surface is 14 by 48 feet.
 - (b) Applicant must submit a completed application for a digital billboard state sign permit using the approved form that may be obtained by one of the following methods:
 - (A) Requesting from Sign Program Staff by phone at 503-986-3650;
 - (B) Email: OutdoorAdvertising@odot.state.or.us;

(C) Website: <http://www.oregon.gov/ODOT/HWY/SIGNPROGRAM/pages/index.aspx>.

(c) The Department shall confirm that any existing permitted Outdoor Advertising Sign or relocation credit being retired for the purpose of receiving a new digital billboard state sign permit has been removed within the 180 days allowed to construct the new permitted sign. The Department will not charge a Banking Permit Fee for the cancellation of state sign permits retired for the purpose of receiving a new digital billboard permit.

(4) This section sets forth the criteria for determining the required relocation credits or existing permitted signs that an applicant shall retire to receive one new digital billboard state sign permit:

(a) Applicants who own 10% or less of all active relocation credits at the time the application is submitted shall either remove one existing state permitted outdoor advertising sign with a display area of at least 250 square feet or provide one active relocation credit of at least 250 square feet and retire that permit. Applicants meeting these criteria are not limited to either "Bulletin" or "Poster" billboards.

(b) Applicants who own more than 10% of all active relocations credits shall apply for a new digital billboard state sign permit as follows:

(A) For a digital billboard that is intended to be a bulletin, the applicant has three options:

(i) Remove two existing bulletins, retire the permits for those signs, and retire three relocation credits; or

(ii) Remove one existing bulletin and two existing posters, retire those permits and retire three active relocation credits; or

(iii) Remove four existing posters, retire the permits for those signs, and retire three relocation credits.

(B) For a digital billboard that is intended to be a poster, the applicant has two options:

(i) Remove two existing posters, retire the permits for those signs, and retire three relocation credits;

(ii) Remove one existing bulletin, retire the permit for that sign, and retire three relocation credits.

(c) For an active relocation credit to be eligible it must be at least 250 square feet. All permits and relocation credits submitted under these procedures will be permanently cancelled and are not eligible for renewal.

(d) Any state sign permits submitted for retirement must include the written statement notifying the Department that the "lease has been lost or cancelled."

(5) The Department will determine the percentage of relocation credits owned by an applicant by dividing the total number of unused relocation credits by the total number of unused relocation credits owned by the applicant on the day the application is received.

(6) Two digital billboard state sign permits are required for any back to back or V-type digital sign. A separate application is required for each digital sign face.

(7) The first time a digital billboard is permitted it is not subject to the 100-mile rule in ORS 377.767(4). The site of the newly permitted billboard will become the established location for future reference.

(8) Relocation of permitted digital billboards. The Department will issue one digital relocation credit for each permitted digital sign that is removed. The digital relocation credit issued will be for the same square footage as the permitted digital sign that was removed. A digital relocation credit can only be used to relocate a digital billboard. A permitted digital sign can only be reconstructed as a digital billboard.

(9) Use of renewable energy resource. The applicant must provide a statement with the application that clarifies what, if any, renewable energy resources are available at the site and are being utilized. If none, then a notarized statement to that effect must be included with the application.

(10) All permitted digital billboards must have the capacity to either freeze in a static position or display a black screen in the event of a malfunction.

(a) The applicant must provide emergency contact information that has the ability and authority to make modifications to the display and lighting levels in the event of emergencies or a malfunction.

(b) The Department will notify the sign owner of a malfunction that has been confirmed by ODOT in the following instances:

(A) The light impairs the vision of a driver of any motor vehicle; or

(B) The message is in violation of ORS 377.710(6) or 377.720(3)(d).

(11) All digital billboard signs must comply with the light intensity and sensor requirements of ORS 377.720(3)(d).

(a) The Department will take measurements of the permitted digital billboard when notified that the sign has been constructed and the permit plate has been installed.

(b) The Department will use an approved luminance meter designed for use in measuring the amount of light emitted from digital billboards using the industry standard for size and distance as follows:

(A) 150 feet for 12'x 25.'

(B) 200 feet for 10.5'x 36'.

(C) 250 feet for 14'x 48'.

Stat. Auth.: ORS 184.616, 184.619, 377.710, 377.729, 377.753

Stats. Implemented: ORS 377.710, 377.720, 377.750, 377.767

Hist.: HWD 9-2011(Temp), f. 8-24-11, cert. ef. 9-29-11 thru 3-26-12; HWD 6-2012, f. & cert. ef. 3-26-12; HWD 11-2014, f. & cert. ef. 12-19-14

734-060-0010

Criteria for Issuance of New Permits for Benches Utilized as Outdoor Advertising Signs

(1) New permits may be issued for a bus or transit bench utilized for an outdoor advertising sign (bench signs) and such signs may only be erected after a permit has been obtained from the Department of Transportation. These rules do not authorize the placement of any new bench, only the addition of an outdoor advertising sign to an already existing bench structure.

(a) Bench signs are prohibited where the sign would be visible to:

(A) An interstate highway;

(B) A full control access highway;

(C) Any state highway where the area adjacent to the highway is a designated scenic area under ORS 377.505 to 377.540; or

(D) Any state highway designated as a scenic byway, unless the sign was legally in place before the byway designation.

(b) Size. The maximum allowable size for a bench sign is 16 square feet and the sign shall not exceed two feet in height or eight feet in length excluding supports.

(c) Height. The maximum allowable height is four feet including supports.

(d) Special Requirements:

(A) Bench signs may only be located in a commercial or industrial zone or, if located in unzoned city street right of way, only where such right of way is adjacent to a commercial or industrial zone;

(B) Bench signs may only be located inside incorporated city limits or within an urban growth boundary;

(C) Bench signs may only be located at a bus or transit stop on an official city or urban transit system route. The applicant must provide official documentation, such as a route map produced by the transit system, showing that the site meets this requirement;

(D) Bench signs shall not be located on state highway right of way.

(f) These rules do not apply to any bench sign for which a preexisting outdoor advertising sign permit has already been issued under ORS 377.725.

(2) All signs subject to these regulations are also subject to the provisions of ORS 377.700 to 377.840 and 377.992 and to all applicable federal laws, regulations and agreements entered into by the Transportation Commission and the Federal Highway Administration.

(3) All signs erected under these regulations are also subject to any city or county ordinance or regulation.

(4) All bench signs granted permits under these rules are subject to removal in accordance with ORS 377.775.

Stat. Auth.: ORS 184.616, 184.619, 377.753

Stats. Implemented: ORS 377.753

Hist.: 1 OTC 17-1979(Temp), f. & ef. 7-19-79; 1 OTC 26-1979, f. & ef. 10-30-79; HWY 5-1993(Temp), f. & cert. ef. 7-23-93; HWY 6-1993, f. & cert. ef. 10-21-93; HWD 1-2009, f. & cert. ef. 2-20-09; HWD 6-2012, f. & cert. ef. 3-26-12

Portable Signs on Right of Way

734-060-0060

Portable Signs and Repeated Violations of ORS 377.650

Any sign as defined by ORS 377.710, which is portable in nature and which has been deposited, left or displayed on a state highway in violation of 377.650 may be removed and disposed of in the following manner:

(1) Five days after written notice of the violation of ORS 377.650 is mailed or 24 hours after notice is delivered in person to the person owning or controlling the portable sign, the District Manager (DM) or Assistant District Manager (Asst. DM) may have the sign removed and may charge the owner for the cost of removal and storage. The sign shall be stored for 30 days and if the sign is not claimed within 30 days, it may be sold, destroyed or otherwise disposed of.

(2) If the portable sign is determined by the DM or Asst. DM to create a traffic hazard, (e.g., signs on the paved portion of a highway or gravel shoulder, or signs placed upon state highway signs or appurtenances), the five day advance written notice need not be made but notice is to be made within 24 hours after removal.

(3) If the owner of the portable sign or person in control of the sign is not readily identified, by the sign itself or by contacting adjacent property owners, the sign may be removed immediately without notice. However, notice should be made upon subsequent identification of the sign owner.

Stat. Auth.: ORS 184 & ORS 377
Stats. Implemented: ORS 377.650
Hist.: 2HD 4-1985, f. & ef. 11-22-85

734-060-0065

Notice to a Portable Sign Owner

Notice to a portable sign owner shall include at least the following:

- (1) Statement that the sign is in violation of ORS 377.650.
- (2) The approximate location of the sign and a description of the sign.
- (3) Date the sign will be removed, or date on which the sign was removed.
- (4) Statement that the removal and storage costs are the responsibility of the owner.
- (5) Statement that sign shall be disposed of after 30 days of storage.
- (6) The cost of removal and storage.
- (7) A location of where the sign will be stored, or a person to contact concerning the storage.
- (8) A statement that the owner may remove the sign at the owner's expense prior to date of removal by the Department.
- (9) A statement that further violation will result in immediate removal without prior notification.

Stat. Auth.: ORS 184 & ORS 377
Stats. Implemented: ORS 377.650
Hist.: 2HD 4-1985, f. & ef. 11-22-85

734-060-0070

Previous Notice

If a previous notice has been given that a portable sign or other personal property violates ORS 377.650, and that sign, (a change of legend or message does not constitute a different sign), or property is again placed on a state highway, such items may be removed without further notice and stored for 30 days before further disposal. In such event notice shall be given subsequent to removal and the owner shall be given an opportunity for a hearing before the DM or Asst. DM to contest the violation and removal. The request for a hearing must be made within three working days after removal and the hearing must be held within five working days after such removal. The scope of this hearing shall be limited to whether proper prior notice was given, whether there was a subsequent violation and whether the sign or property was placed on a state highway. A written decision shall be made concerning the violation and removal procedure.

Stat. Auth.: ORS 184 & ORS 377
Stats. Implemented: ORS 377.650
Hist.: 2HD 4-1985, f. & ef. 11-22-85

734-060-0075

Removal Provisions

Signs subject to OAR 734-027-0005 through 734-027-0050 are subject to the removal provisions of those rules and ORS 377.775.

Stat. Auth.: ORS 184 & ORS 377
 Stats. Implemented: ORS 377.650
 Hist.: 2HD 4-1985, f. & ef. 11-22-85

Exempt Sign Rules

734-060-0105

Signs of a Governmental Unit

(1) In order to qualify for a permit exemption under ORS 377.735(1)(a) as a sign of a governmental unit the following criteria must be satisfied:

- (a) The sign must be within the territorial or zoning jurisdiction of the governmental unit;
- (b) The governmental unit must have the authority to declare, expound, administer, or apply the law within the area;
- (c) The governmental unit may only erect the sign, or allow it to be erected, for the purpose of carrying out an official duty or responsibility directed or authorized by law.

(2) Location. Signs permitted by this rule are prohibited on state highway right of way.

(3) Size. Maximum area allowed is 200 square feet; maximum height or length allowed is 20 feet.

(4) Number. A governmental unit may have two such permit exemptions. If the limitation on number of signs will cause undue hardship, a waiver for additional signing may be granted by the Director, or authorized representative, upon application by the sign owner.

(5) The entire message must be contained on one sign. Fragmentation of messages on separate sign panels is prohibited.

(6) Signs erected under this rule are subject to the provisions of ORS 377.720 and to applicable federal requirements. Nothing in this rule is intended to permit a sign that is otherwise prohibited by a local government.

(7) No person may receive compensation for displaying the sign.

(8) This rule is not intended to regulate official traffic control signs or devices.

(9) To apply for the permit exemption an official of the governmental unit must submit a completed certification form, and an image of the proposed sign showing dimensions and copy, to the Outdoor Advertising Sign Program office.

Stat. Auth.: ORS 184.616, 184.619 & 377.735

Stats. Implemented: ORS 377.735

Hist.: HWY 1-1989, f. & cert. ef. 5-2-89; TO 7-2001, f. & cert. ef. 12-13-01; HWD 1-2009, f. & cert. ef. 2-20-09

734-060-0175

Temporary Signs

(1) This rule is enacted pursuant to ORS 377.735 regarding the permit exemption for temporary signs and in furtherance of the Oregon Motorist Information Act (OMIA, 377.700 through 377.840 and 377.992).

(2) Location generally. A temporary sign may be erected outside of state highway right of way, within view of a state highway, subject to the requirements of the local jurisdiction and the OMIA. A sign that complies with all the provisions of ORS 377.735(1)(b) may be erected without prior approval of the Department. A sign that requires a variance to comply must obtain that variance before erecting the sign. The Department may, at its discretion, retroactively grant a variance.

(3) The entire message must be contained on one sign. Fragmentation of messages on separate sign panels is prohibited.

(4) Changes in copy or location. For the sake of the time limits described in ORS 377.735(1)(b), the following will be considered one sign:

- (a) The same sign structure, regardless of copy, moved less than 600 feet from a former site; or
- (b) A different sign structure, regardless of copy, in approximately the same location as another sign that was removed.

(5) Variance Procedure.

(a) A variance request must be in writing on a form provided by the Department. The request must be sent to the Outdoor Advertising Sign Program. There is no fee for a variance.

(b) A variance request must describe the specific location including:

(A) Name or number of highway;

(B) Side of highway; and

(C) Approximate milepoint, distance from a known highway feature (e.g. an intersection), or physical address.

(c) A variance request must describe the reason that constitutes good cause to grant the variance. If a reason is the amount of copy itself, requester must include the proposed copy. The Department may consider the amount, not the substance, of the copy.

(d) The request must include the name and mailing address of the requester. If the requester wants the Department to be able to make contact in any other way, such as to obtain supplemental information to process the request, requester may also include that contact information. The requester will be considered a sign owner for the sake of violation of sign laws.

(e) The request must include the date the sign will be posted and the date it will be removed so as to comply with the time limits to qualify for the exemption.

(f) Requester must certify that he or she:

(A) Has permission from the person in control of the property to post the sign;

(B) Will comply with all requirements of the local jurisdiction;

(C) Will not pay or receive any form of compensation for posting the sign; and

(D) Will comply with all requirements of the OMIA.

(g) The Department must grant or deny the request within 14 days after the Outdoor Advertising Sign Program receives it. The Department may deny applicant's variance request due to lack of required information; the applicant may re-submit the request. If the Department denies a request, fails to make a decision within 14 days, or grants and later revokes a variance, the requester may request a contested case hearing. Failure of the Department to meet the time limits required by this rule does not require that the variance be granted.

(h) If the Department determines a requester provided false information, including a false certification under (3)(f), it may deny the request and revoke any variance already granted to that person or the organization the applicant represents.

(i) Variances for both size and time will not be granted to the same sign or location. The Department will not grant more than 10 variances to one requester or organization for the same period of time.

(6) Specific Variance Criteria.

(a) Variance for size. The Department may grant a variance for size up to 32 square feet per side of a back-to-back sign. Good cause to grant a size variance may include, but is not limited to the following:

(A) Due to highway speed, width of right of way, topography, or other similar reasons beyond the applicant's control, the sign copy will not be legible to motorists if the sign is 12 square feet or less;

(B) Due to the amount of copy on the sign, the copy will not be legible to motorists if the sign is 12 square feet or less; or

(C) The sign was manufactured before the 12/13/2001 change in administrative rules regarding exempt signs, and the sign continues to comply with those former rules.

(b) Variance for time. The Department may grant a variance for time up to a total of 90 continuous days in a calendar year. The Department may grant the variance for good cause shown. Good cause may include, but is not limited to, a showing that:

(A) The applicant is attempting to obtain an outdoor advertising sign permit for the sign but will be unable to complete the application process within 60 days;

(B) Due to conditions of the land, weather, or similar reasons beyond requester's control, requester will be unable to remove the sign within 60 days.

(7) Prohibitions and penalties.

(a) Other than official traffic control devices, signs are prohibited in state highway right of way. Accessing a sign or sign site by crossing access-controlled right of way is prohibited. Violations of this rule are subject to ORS 377.725(9) and any other removal or penalty provision under law.

Signs in or overhanging state highway right of way may be removed pursuant to ORS 377.650 and OAR 734-060-0060 to 734-060-0070.

(b) Signs outside of right of way are subject to the removal procedures of ORS 377.775, and the penalty provisions of ORS 377.992 as well as any other penalty provision under law.

(c) If the sign or site has been accessed from access-controlled right of way, or the sign has been placed in or overhanging right of way, the Department may revoke any variance for that sign, by that requester, or by the represented organization. The Department may deny any subsequent variance request for that sign, by that requester, or by that organization at any location. If the Department discovers multiple violations of (a) above, it may file for an injunction under ORS 374.415.

(8) Signs erected under this rule are subject to the provisions of ORS 377.720 and to all applicable state and federal requirements.

Stat. Auth.: ORS 184.616, 184.619 & 377.735

Stats. Implemented: ORS 377.735

Hist.: HWY 1-1989, f. & cert. ef. 5-2-89; TO 7-2001, f. & cert. ef. 12-13-01; HWD 1-2009, f. & cert. ef. 2-20-09; HWD 11-2014, f. & cert. ef. 12-19-14

734-060-0185

Public Convenience and Safety Signs

(1) Location. Public convenience or safety signs are allowed on private property visible to a state highway, under the exemption in ORS 377.735, except as prohibited by these rules. Public convenience or safety signs are prohibited on state highway right of way unless approved in writing by the Deputy Director of the Department of Transportation. Public convenience signs must be within one mile of the convenience covered by the sign.

(2) Size. The maximum permissible size for public convenience or safety signs is six square feet.

(3) Spacing and Form. Minimum spacing between two public convenience or safety signs on the same side of the highway is 100 feet. The entire message must be contained on one sign. Fragmentation of messages on separate sign panels is prohibited.

(4) Qualification. Public safety signs are those necessary for the safety of the public such as, but not limited to, signs with legal notices or warnings, or signs warning of danger to the public. Public convenience signs are those necessary for guiding the public in the use of the state transportation system such as, but not limited to, signs identifying transit stops, freight entrances, train stations, ports, airports, or signs identifying public rest rooms.

(5) Signs erected under this rule are subject to ORS 377.720 and to applicable federal requirements.

(6) Removal. Signs erected under this rule are subject to the removal procedures as provided in ORS 377.775.

(7) No person or organization may receive compensation for the act of displaying a public convenience or safety sign.

(8) This rule is not intended to regulate, prohibit or limit official highway traffic control signs or devices.

Stat. Auth.: ORS 184.616, 184.619 & 377.735

Stats. Implemented: ORS 377.735

Hist.: TO 7-2001, f. & cert. ef. 12-13-01; HWD 1-2009, f. & cert. ef. 2-20-09

734-060-0190

Illuminated, Digital, or LED Signs Other than Outdoor Advertising Signs

(1) By statute, all signs visible to state highways are subject to state sign prohibited sign and safety regulations. No signs visible to a state highway, other than official traffic control signals or devices, may include moving or rotating parts or lights. Signs may not be made to resemble an official traffic signal or device and they may not have lights that project onto the roadway or impede the sight of traveling motorist.

(2) In interpreting ORS 377.715 and 377.720, signs visible to a state highway, other than official traffic control signals or devices, may not:

(a) Be illuminated by flashing lights or a light that varies in intensity;

(b) Have a display surface that creates the appearance of movement;

(c) May not operate at a brightness level of more than 0.3 foot-candles over ambient light, nor intensity greater than the luminance indicated in the table 1, as measured perpendicular to the face of the billboard at the indicated measurement distance for a designated sign dimension: [Table not included. See ED. NOTE.]

(3) Newly constructed signs visible to a state highway, other than official traffic control signals or devices, must be:

(a) Equipped with a light sensor that automatically adjusts the intensity of the sign illumination according to the amount of ambient light, and;

(b) Designed to freeze the display in one static position, display a full black screen or turn off in the event of a malfunction.

[ED. NOTE: Tables referenced are not included in rule text. [Click here for PDF copy of table\(s\).](#)]]


Stat. Auth.: ORS 184.616, 184.619, 377.710 & 377.720

Stats. Implemented: ORS 377.720

Hist.: HWD 11-2014, f. & cert. ef. 12-19-14

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