

Maintenance Memorandum

Date: December 20, 1999

Subject: Removing Temporary Signs From Within State Trunkline Right of Way

Michigan Department of Transportation Real Estate Division Utilities and Permits Section Construction Permit Manual	7.18 REMOVING TEMPORARY SIGNS FROM WITHIN STATE TRUNKLINE RIGHT OF WAY December 20, 1999
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Purpose

To provide guidance relative to the control of temporary signs, such as political campaign signs, within state trunkline right of way.

General Information

Encroachment Removal

Act 368 PA 1925, as amended, provides the statutory authority for the removal of encroachments from state trunkline right of way.

Control

Act 106 PA 1972, as amended, provides the statutory authority for the control of outdoor advertising devices adjacent to certain highways.

Freedom of Speech

It has been held that control of the placement of temporary political signs *may* constitute an abridgment of freedom of speech.

Temporary Signs

Small signs of various types such as political candidate, open house, or special event directional signs are sometimes placed within trunkline right of way. These types of signs are temporary, but are still encroachments and *may* be a safety hazard to the motorist.

Permanent Signs

If any sign in the right of way is a permanent-type structure, political or otherwise, it should be treated as an encroachment. An encroachment notice should be served with a 30-day notice to remove the structure unless the permanent sign is a safety hazard, then it *may* be removed immediately.

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Procedures

In order to uniformly treat the removal of temporary signs the following procedures should be followed:

1. In the case of a temporary sign that does not meet the removal criteria and is left in easement right of way, the department does not take any responsibility for removal until it has met the ten (10) days after the event criteria. It remains the responsibility of the person placing the sign to obtain the prior approval of the abutting property owner if they are not the property owner.
- Political Signs Tolerated 2. No signs shall be allowed within limited access state trunkline right of way. Political campaign signs located in free access right of way shall be tolerated for the duration of the election season under the following two conditions:
- Offset Distances 3. Where the highway does not have a barrier-type curb, political signs should be at least 30 feet from the edge of the roadway (white line) or no nearer to the highway than an existing utility pole line. Where there is a curb, they must be at least three feet behind that curb.
- Clear Vision 4. Political signs should not be allowed anywhere within land which the department holds for clear vision, or anywhere else where they might obstruct vision at an intersection or a commercial driveway.
- Sign Retention 5. Signs not allowed under the above should be removed. The removed signs should be kept for a period of seven days after which they *may* be disposed. This removal effort should be conducted, not as a concentrated effort to remove such signs, but rather as part of the normal region/TSC operations.
- Maintenance Division 6. Generally, sign removal is a function of Maintenance Division personnel and the above is a reiteration of the procedures under which they are operating.

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Rights

7. There are certain recognizable rights to the right of way in those areas where the department has state trunkline right of way by either easement or statutory right of way. An issue should not be made of this fact; however, prudence should dictate the actual actions of removal.

Removal

8. Political campaign signs located in areas adjacent to; but outside trunkline right of way, are subject to the provisions of Act 106 PA 1972. These are generally of a temporary political nature. Because the removal process of posting, hearings, etc., involves a substantial amount of time, these signs may be left in place during the campaign period, unless they pose a hazard. Upon completion of the election, should such signs not be removed by the parties involved, the normal removal notices and procedures should be effected.

Safety Concerns

9. Any signs within or outside the right of way which obscure traffic, directional or regulatory signs or which for any reason are a safety hazard or interfere with the operation of the roadway shall by due process be removed.

Removal

Remove all temporary signs that are placed within the right of way areas described as:

1. Uncurbed trunklines - remove all temporary signs placed within trunkline rights of way that are within thirty (30) feet of the edge of the roadway (white line), or in front of an existing pole line if less than 30 feet.
2. Barrier Curbed Highways - remove all temporary signs that are three (3) or less feet from the back of curb.
3. Remove all temporary signs within a marked clear vision area at intersections.
4. Remove all temporary signs that interfere with the sight distance for a vehicle at intersections or commercial driveways.

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5. Remove all temporary signs within limited access rights of way.
6. Remove all temporary signs remaining within the right of way more than ten (10) days after an election or event.

Removed signs shall be tagged and marked indicating the location from which they were removed, the distance from the roadway, and the date of removal. An Encroachment Notice *may* be used as a tag. A removed sign should be stored at the maintenance garage for at least seven (7) days.