

GENERAL ASSEMBLY OF NORTH CAROLINA  
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SENATE BILL 183  
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Short Title: Selective Vegetation Removal/State Highways.

(Public)

Sponsors:

Referred to:

March 3, 2011

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH CERTAIN STATUTORY STANDARDS FOR SELECTIVE  
VEGETATION REMOVAL WITHIN THE RIGHTS-OF-WAY OF THE STATE  
HIGHWAY SYSTEM.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 136-93 reads as rewritten:

**"§ 136-93. Openings, structures, pipes, trees, and issuance of permits.**

(a) No opening or other interference whatsoever shall be made in any State road or highway other than streets not maintained by the Department of Transportation in cities and towns, nor shall any structure be placed thereon, nor shall any structure which has been placed thereon be changed or removed except in accordance with a written permit from the Department of Transportation or its duly authorized officers, who shall exercise complete and permanent control over such roads and highways. No State road or State highway, other than streets not maintained by the Department of Transportation in cities and towns, shall be dug up for laying or placing pipes, conduits, sewers, wires, railways, or other objects, ~~and no tree or shrub in or on any State road or State highway shall be planted, trimmed, or removed,~~ and no obstruction placed thereon, without a written permit as hereinbefore provided for, and then only in accordance with the regulations of said Department of Transportation or its duly authorized officers or employees; and the work shall be under the supervision and to the satisfaction of the Department of Transportation or its officers or employees, and the entire expense of replacing the highway in as good condition as before shall be paid by the persons, firms, or corporations to whom the permit is given, or by whom the work is done. The Department of Transportation, or its duly authorized officers, may, in its discretion, before granting a permit under the provisions of this section, require the applicant to file a satisfactory bond, payable to the State of North Carolina, in such an amount as may be deemed sufficient by the Department of Transportation or its duly authorized officers, conditioned upon the proper compliance with the requirements of this section by the person, firm, or corporation granted such permit. Any person making any opening in a State road or State highway, or placing any structure thereon, or changing or removing any structure thereon without obtaining a written permit as herein provided, or not in compliance with the terms of such permit, or otherwise violating the provisions of this section, shall be guilty of a Class 1 misdemeanor: Provided, this section shall not apply to railroad crossings. The railroads shall keep up said crossings as now provided by law.



1       (b) Except as provided in G.S. 136-133.1(g), no vegetation, including any tree, shrub,  
2 or underbrush, in or on any right-of-way of a State road or State highway shall be planted, cut,  
3 trimmed, pruned, or removed without a written selective vegetation removal permit issued  
4 pursuant to G.S. 136-133.2 and in accordance with the rules of the Department. Requests for a  
5 permit for selective vegetation cutting, thinning, pruning, or removal shall be made by the  
6 owner of an outdoor advertising sign or the owner of a business facility to the appropriate  
7 person in the Division of Highways office on a form prescribed by the Department. For  
8 purposes of this section, G.S. 136-133.1, 136-133.2, and 136-133.4, the phrase "outdoor  
9 advertising" shall mean the outdoor advertising expressly permitted under G.S. 136-129(a)(4)  
10 or G.S. 136-129(a)(5). These provisions shall not be used to provide visibility to on-premises  
11 signs.

12       (c) For outdoor advertising, vegetation cut or removal limits shall be restricted to a  
13 maximum selective vegetation cut or removal zone for each sign face pursuant to the provisions  
14 of G.S. 136-133.1.

15       (d) If the application for vegetation cutting, thinning, pruning, or removal is for a site  
16 located within the corporate limits of a municipality, the municipality shall be given 30 days to  
17 review and provide nonbinding comments on the application if the municipality has previously  
18 advised the Department in writing of the desire to review such applications and the name of the  
19 local official to whom notice of such application should be directed. Local governments are  
20 prohibited from regulating vegetation cutting, trimming, pruning, or removal within the limits  
21 of interstate or primary highway rights-of-way by any permittee or other person authorized by  
22 the Department, including anyone authorized under G.S. 136-133.1(g)."

23       **SECTION 2.** Article 7 of Chapter 136 of the General Statutes is amended by  
24 adding a new section to read:

25 **"§ 136-93.2. Monetary value of trees.**

26 The monetary value for existing trees removed and eligible for reimbursement to the  
27 Department as provided in G.S. 136-93 or G.S. 136-133.1 from State rights-of-way shall be  
28 determined on an annual basis by the Department. In determining the value of existing trees  
29 removed, the average cost per caliper inch shall be based on the lower value of either the  
30 average wholesale commercial nursery prices for hardwood and conifer plants, times a 2.5  
31 multiplier for installation and warranty or the average cost per caliper inch for tree planting  
32 contracts let by the Department in the previous calendar year. The values shall be determined  
33 and published by the Department no later than December 15 of each year. The values  
34 established pursuant to this section shall be used in calculating the monetary value of trees  
35 removed from State rights-of-way beginning January 1 of each year. If the Department fails to  
36 publish changes in values by December 15, then the values existing on December 15 shall be  
37 applicable to existing trees removed and eligible for reimbursement for the following year."

38       **SECTION 3.** G.S. 136-133 is amended by adding a new subsection to read:

39       "(c) No electrical permit shall be denied to an outdoor advertising sign described in  
40 G.S. 136-129(4) and G.S. 136-129(5) for which the Department has issued a permit which has  
41 not been revoked, and the electrical permit is otherwise compliant with technical utility  
42 standards."

43       **SECTION 4.** Article 11 of Chapter 136 of the General Statutes is amended by  
44 adding a new section to read:

45 **"§ 136-133.1. Outdoor advertising vegetation cutting or removal.**

46       (a) The owner of an outdoor advertising sign permitted under G.S. 136-129(a)(4) or  
47 G.S. 136-129(a)(5) who obtains a selective vegetation removal permit, and the owner's  
48 designees, may cut, thin, prune, or remove vegetation in accordance with this section,  
49 G.S. 136-93(b), 136-133.2, and 136-133.4. The maximum cut or removal zone for vegetation  
50 for each sign face shall be determined as follows:

- 1           (1) The point located on the edge of the right-of-way that is the closest point to  
2           the centerline of the sign face shall be point A.
- 3           (2) The point located 200 feet down the right-of-way line in the direction of the  
4           sign viewing zone shall be point B.
- 5           (3) The point on the edge of the pavement of the travel way, including  
6           acceleration and deceleration ramps, that is the closest to the centerline of  
7           the sign shall be point C.
- 8           (4) The point 50 feet down the edge of the pavement in the direction of the sign  
9           viewing zone from point C shall be point D.
- 10          (5) The point 380 feet down the edge of the pavement in the direction of the  
11          sign viewing zone from point C shall be point E; provided, however, the  
12          following shall apply within the corporal limits and territorial jurisdiction of  
13          any city, as defined in Chapter 160A of the General Statutes:
- 14            a. On interstates or other routes with fully controlled access, the point  
15            340 feet down the edge of the pavement in the direction of the sign  
16            viewing zone from point C shall be point E.
- 17            b. On highways other than interstates and other routes with fully  
18            controlled access, the point 250 feet down the edge of the pavement  
19            in the direction of the sign viewing zone from point C shall be point  
20            E.
- 21          (6) Lines drawn from point A to point D and from point B to point E shall  
22          define the limits of the vegetation cut or removal area.

23          (b) Vegetation permitted to be cut, thinned, pruned, or removed shall be defined as any  
24          tree, shrub, or underbrush within the zone created by points A, B, D, and E. Any existing tree  
25          that was in existence at the time that an outdoor advertising structure was erected shall only be  
26          eligible for removal in accordance with subsections (c), (d), and (e) of this section. Native  
27          dogwoods and native redbuds shall be preserved. For the purposes of this section, an existing  
28          tree is defined as a tree that had a diameter of four inches or greater as measured six inches  
29          from the ground at the time that the outdoor advertising structure was erected. An outdoor  
30          advertising sign is considered erected when the sign is completely constructed with a sign face.

31          (c) The applicant for a selective vegetation removal permit shall submit to the  
32          Department a site plan locating thereon any trees existing at the time that the outdoor  
33          advertising sign was erected, as defined in subsection (b) of this section, that are requested to  
34          be cut, thinned, pruned, or removed, and noting their species and total caliper inches. The  
35          applicant shall also tag, with highly visible material or flagging, any tree that is, at the time of  
36          the application for a selective vegetation removal permit, greater than four inches in diameter  
37          as measured six inches from the ground and requested to be cut, thinned, pruned, or removed.  
38          The selective vegetation removal request may be investigated on-site by Department personnel  
39          and a representative of the applicant. In the event that the Department disputes the accuracy of  
40          the existing tree information on the site plan noted above, the Department shall notify the  
41          applicant in writing and may request the following:

- 42            (1) A tree survey.
- 43            (2) That the applicant amends the site plan.
- 44            (3) That the applicant deletes the trees in dispute from the desired cutting.

45          If a notice of disputed tree information is received from the Department, the applicant can  
46          either employ the services of a North Carolina licensed landscape architect or certified arborist  
47          to perform a tree survey, amend the site plan, or notify the Department in writing that any or all  
48          of the disputed trees are deleted from the application. If the applicant selects a tree survey, the  
49          landscape architect or certified arborist will submit a report under seal that contains a tree  
50          inventory of existing trees in the removal zone for the outdoor advertising structure and include  
51          the age of any tree that existed at the time that the sign was erected. The report will categorize

1 tree species and include a site map of sufficient detail and dimensions. A tree survey will not be  
2 required for subsequent applications to cut, thin, prune, or remove trees at the same site for  
3 trees that have been previously permitted. Any dispute relating to whether or not the tree  
4 existed at the time the outdoor advertising sign was erected shall be conclusively resolved by  
5 information in the report from the licensed landscape architect or certified arborist.

6 (d) Except as provided in subsection (e) of this section, trees existing at the time the  
7 outdoor advertising sign was erected may only be removed within the zone created in  
8 subsection (a) of this section if the applicant satisfies one of the following two options selected  
9 by the applicant: (i) reimbursement to the Department pursuant to G.S. 136-93.2 or (ii) trees  
10 that existed at the time of the erection of the sign may be removed if the applicant agrees to  
11 remove two nonconforming outdoor advertising signs for each sign at which removal of  
12 existing trees is requested. The surrendered nonconforming signs must be fully disassembled  
13 before any removal of existing trees is permitted and shall not be eligible for future outdoor  
14 advertising permits in perpetuity.

15 (e) Removal of trees and vegetation of any age, including complete removal, except for  
16 native dogwoods and native redbuds, shall be permitted within the cut or removal zone  
17 established in subsection (a) of this section if the applicant for the selective vegetation removal  
18 permit, in lieu of compliance with subsection (d) of this section, agrees to submit to the  
19 Department a plan for beautification and replanting related to the site for which the vegetation  
20 permit request is made. The Department shall develop rules for compensatory replanting,  
21 including the criteria for determining which sites qualify for replanting, and shall, in  
22 consultation with the applicant and local government representatives, determine which sites  
23 must be replanted, and the types of plants and trees to be replanted. The replanting and  
24 maintenance shall be conducted by the applicant or his or her agents in accordance with the  
25 rules adopted by the Department. If the conditions detailed in this subsection are agreed to by  
26 the applicant and approved by the Department, there shall be no reimbursement to the  
27 Department under G.S. 136-93.2 for removal of trees that existed at the time the outdoor sign  
28 was erected, nor shall the applicant be required to remove two nonconforming outdoor  
29 advertising signs for removal of existing trees at the site.

30 (f) Tree branches within a highway right-of-way that encroach into the zone created by  
31 points A, C, and D may be cut or pruned. Except as provided in subsection (g) of this section,  
32 no person, firm, or entity shall cut, trim, prune, or remove or otherwise cause to be cut,  
33 trimmed, pruned, or removed vegetation that is in front of, or adjacent to, outdoor advertising  
34 and within the limits of the highway right-of-way for the purpose of enhancing the visibility of  
35 outdoor advertising unless permitted to do so by the Department in accordance with this  
36 section, G.S. 136-93(b), 136-133.2, and 136-133.4.

37 (g) Notwithstanding any law to the contrary, the owner of an outdoor advertising sign  
38 defined by subsection (a) of this section or the owner's designees may, working only from the  
39 private property side of the fence, without charge and without obtaining a selective vegetation  
40 removal permit, cut, trim, prune, or remove any tree or other vegetation except for native  
41 dogwoods or native redbuds that is (i) less than four inches in diameter at the height of the  
42 controlled access fence, (ii) located within 200 feet on either side of the existing sign location  
43 as defined by point A and point B in G.S. 136-133.1(a)(1) and (2), and (iii) a distance of three  
44 feet from a controlled access fence within the limits of the highway right-of-way. The activities  
45 permitted by this subsection must be performed from the private property owner side of the  
46 controlled access fence and with the consent of the owner of the land that is used to access said  
47 fence.

48 (h) No additional funds from the Highway Trust Fund shall be used for the purpose of  
49 vegetation replacement under the provisions of this section.

1        (i) The Department may revoke an outdoor advertising permit for the unlawful  
2 destruction or illegal cutting of vegetation within the right-of-way of any State-owned or  
3 State-maintained highway only if both of the following conditions are met:

4            (1) The unlawful destruction or illegal cutting occurred within 500 feet of either  
5 side of the corresponding sign location measured along the edge of  
6 pavement of the main travel way of the nearest controlled route and was  
7 willfully caused by one or more of the following:

8            a. The sign owner.

9            b. The permit holder.

10           c. The lessee or advertiser employing the sign.

11           d. Any employees, agents, or assigns of persons listed in  
12 sub-subdivisions a. through c. of this subdivision, including, but not  
13 limited to, independent contractors hired by any of the above  
14 persons, or the owner of the property upon which the sign is located,  
15 if expressly authorized by the above persons to use or maintain the  
16 sign.

17           (2) There is substantial, material evidence that the unlawful destruction or  
18 illegal cutting of vegetation would create, increase, or improve a view to the  
19 outdoor advertising sign for passing motorists from the main travel way of  
20 the nearest controlled route."

21        **SECTION 5.** Article 11 of Chapter 136 of the General Statutes is amended by  
22 adding a new section to read:

23        **"§ 136-133.2. Issuance or denial of a selective vegetation removal permit.**

24           (a) Except as provided in G.S. 136-133.1(g), permits to remove vegetation may be  
25 granted for outdoor advertising locations that have been permitted for at least two years prior to  
26 the date of application. The Department shall approve or deny an application submitted  
27 pursuant to this section, including the fee required by G.S. 136-18.7 and all required  
28 documentation, within 30 days of the receipt of an application for a selective vegetation  
29 removal permit. If written notice of approval or denial is not given to the applicant within the  
30 30-day period, then the application shall be deemed approved. If the application is denied, the  
31 Department shall advise the applicant, in writing, by registered or certified mail, return receipt  
32 requested, addressed to the party to be noticed, and delivering to the addressee, the reasons for  
33 the denial.

34           (b) The application shall be denied by the Department if any of the following apply:

35           (1) The application is for the opening of a view to an outdoor advertising sign  
36 which has been declared illegal, is currently the subject of litigation, or the  
37 outdoor advertising sign owner has received written notification of an  
38 investigation by the Department for impermissible activity.

39           (2) The application is for the opening of a view to an outdoor advertising sign  
40 that was obscured from view at the time of erection of the sign.

41           (3) Removal of vegetation will adversely affect the safety of the traveling  
42 public.

43           (4) Trees, shrubs, or other vegetation of any sort that are requested to be cut,  
44 thinned, pruned, or removed were planted in accordance with a local, State,  
45 or federal beautification or environmental project but only to the extent that  
46 such planting was done prior to the erection of the outdoor advertising sign  
47 the visibility of which is sought to be enhanced. Any beautification or  
48 environmental projects that were planted after the erection of the outdoor  
49 advertising sign, but before May 1, 2011, and that were planted beyond 250  
50 feet as measured down the edge of the pavement of the travel way from  
51 point C, as defined in G.S. 136-133.1(a)(3), shall not be eligible for removal.

- 1           (5) Trees, shrubs, or other vegetation of any sort that are requested to be cut,  
2 thinned, pruned, or removed were planted in conjunction with a designed  
3 noise barrier but only to the extent that such planting was done prior to the  
4 erection of the outdoor advertising sign the visibility of which is sought to be  
5 enhanced. Any plantings done in conjunction with a designed noise barrier  
6 that were planted after the erection of the outdoor advertising sign but before  
7 May 1, 2011, that were planted beyond 250 feet as measured down the edge  
8 of the pavement of the travel way from point C, as defined in  
9 G.S. 136-133.1(a)(3), shall not be eligible for removal.
- 10          (6) The applicant, or the applicant's designee, has not performed satisfactory  
11 work authorized by previous permits issued under the provisions of this  
12 section. The Department may not deny an application for a permit if the  
13 work authorized by previous permits issued pursuant to this section was  
14 performed by a landscape architect or certified arborist.
- 15          (7) The selective vegetation removal, cutting, or pruning involves opening of a  
16 view to a junkyard.
- 17          (8) Unlawful destruction or illegal cutting of vegetation as defined in  
18 G.S. 136-133.1(i) has occurred within five years preceding the date of filing  
19 an application with the Department for a selective vegetation removal  
20 permit."

21           **SECTION 6.** Article 11 of Chapter 136 of the General Statutes is amended by  
22 adding a new section to read:

23 **"§ 136-133.3. Appeals of selective vegetation removal permit decisions.**

24          (a) An applicant for a selective vegetation removal permit issued pursuant to  
25 G.S. 136-133.2 may appeal a decision of the Department pertaining to the denial or  
26 conditioning of a permit for selective vegetation removal pursuant to the provisions of this  
27 section.

28          (b) Within 30 days of service of the Department's decision to deny or condition a  
29 selective vegetation removal permit issued pursuant to G.S. 136-133.4, the applicant shall  
30 submit a written appeal to the Secretary of Transportation setting forth with particularity the  
31 facts and arguments upon which the appeal is based. The appeal shall be sent to the Secretary  
32 by registered or certified mail, return receipt requested, addressed to the Secretary, and  
33 delivering to the addressee, with a copy to the Department official who issued the decision.

34          (c) Upon receipt of the written appeal, the Secretary of Transportation shall review the  
35 written appeal and the Department's decision, as well as any available documents, exhibits, or  
36 other evidence bearing on the appeal, and shall render the agency's final decision, supported by  
37 findings of fact and conclusions of law. The final agency decision shall be served upon the  
38 appealing party by registered or certified mail, return receipt requested, addressed to the  
39 applicant, and delivering to the addressee, within 90 days after the Secretary receives the  
40 written appeal. A copy of the agency's final decision shall also be delivered to the Department  
41 official who issued the initial decision.

42          (d) A person aggrieved by a decision made pursuant to this section may seek judicial  
43 review of the final agency decision pursuant to G.S. 136-134.1."

44           **SECTION 7.** Article 11 of Chapter 136 of the General Statutes is amended by  
45 adding a new section to read:

46 **"§ 136-133.4. Selective vegetation removal permits.**

47          (a) Selected vegetation within the approved limits shall be cut, thinned, pruned, or  
48 removed by the permittee or the permittee's agent in accordance with accepted International  
49 Society of Arboriculture (ISA) standards.

1       (b) Permits are valid for a period of one year. The permittee may cut, thin, prune, or  
2 remove vegetation more than one time per year. A 48-hour notification shall be provided to the  
3 Department by the permittee before entering the right-of-way.

4       (c) The permittee, or the permittee's agent, shall not impede the flow of traffic on any  
5 highway while performing vegetation removal authorized by a permit. Access to the work site  
6 on controlled access highways must be gained without using the main travel way of the  
7 highway. The Department shall determine the traffic control signage that may be required. The  
8 permittee shall furnish, erect, and maintain the required signs as directed by the Department.  
9 The permittee, or the permittee's agent, shall wear safety vests that conform to OSHA standards  
10 while performing the work.

11       (d) Any damage to vegetation designated to remain at the site, to highway fences, signs,  
12 paved areas, or other facilities shall be repaired or replaced by the permittee to the condition  
13 prior to the occurrence of the damage caused by the permittee or the permittee's agent. All  
14 trimmings, laps, and debris shall be removed from the right-of-way and disposed of in areas  
15 provided by the permittee. No burning or burying of trimmings, laps, or debris shall be  
16 permitted on the highway right-of-way. When chipping is used to dispose of trimmings, chips  
17 may be neatly spread on a right-of-way at locations which the Department determines will not  
18 be harmful to the environment or affect traffic safety.

19       (e) Willful failure to substantially comply with all the requirements specified in the  
20 selective vegetation removal permit, unless otherwise mutually resolved by the Department and  
21 the permittee, shall result in a five-year moratorium for vegetation removal at the site, a  
22 summary revocation of the outdoor advertising permit if such willful failure meets the  
23 standards in G.S. 136-133.1(i), payment of Department investigative costs, and forfeiture of  
24 any applicable performance bond as determined by the Secretary. The moratorium shall begin  
25 upon execution of a settlement agreement or entry of a final disposition in the case."

26       **SECTION 8.** Article 11 of Chapter 136 of the General Statutes is amended by  
27 adding a new section to read:

28 **"§ 136-133.5. Denial of a permit for proposed outdoor advertising.**

29       (a) When a district engineer determines that a proposed outdoor advertising structure  
30 would not conform to the standards of outdoor advertising as set out in the Outdoor Advertising  
31 Control Act, the district engineer shall refuse to issue a permit for that proposed outdoor  
32 advertising structure.

33       (b) When a violation of the Outdoor Advertising Control Act has been discovered, the  
34 district engineer shall notify the permit applicant by registered or certified mail, return receipt  
35 requested, addressed to the party to be noticed, and delivering to the addressee, in writing, the  
36 reason for the denial and the statutes or rules forming the basis for the denial and include a  
37 copy of the Act.

38       (c) The Department shall not issue permits for new outdoor advertising signs at a sign  
39 location for a period of five years where the unlawful destruction or illegal cutting of  
40 vegetation has occurred within 500 feet on either side of the proposed sign location and as  
41 measured along the edge of the pavement of the main travel way of the nearest controlled route.  
42 For the purposes of this section, unlawful destruction or illegal cutting is defined as the  
43 destruction or cutting of trees, shrubs, or other vegetation on the State-owned or  
44 State-maintained rights-of-way by anyone other than the Department or its authorized agents,  
45 or without written permission of the Department. Before a permit is denied pursuant to this  
46 subsection, the Department shall reveal some evidence that the unlawful destruction or illegal  
47 cutting would create, increase, or improve a view to a proposed outdoor advertising sign from  
48 the main travel way of the nearest controlled route. The five-year period shall begin on the date  
49 the Department executes a settlement agreement or final disposition of the case is entered. The  
50 five-year prohibition period for a new sign permit shall apply to all sign locations, including the  
51 following:

- 1           (1) Sign locations where the unlawful destruction or illegal cutting of vegetation  
2           occurs prior to the time the location becomes a conforming location.
- 3           (2) Sign locations where a revocation of an existing permit has been upheld and  
4           a sign has been removed.
- 5           (3) Sign locations where the unlawful destruction or illegal cutting occurs prior  
6           to receipt of an outdoor advertising permit.
- 7           (4) Sign locations where the unlawful destruction or illegal cutting occurs  
8           following receipt of an outdoor advertising permit application, but prior to  
9           the issuance of the permit by the Department.

10       (d) The Department shall not issue permits for new outdoor advertising signs at a sign  
11 location where existing trees, if they were to reach the average mature size for that species,  
12 would make the proposed sign faces, when erected, not completely visible from the viewing  
13 zone. "Existing trees" are those trees that at the time of the permit application are four inches or  
14 greater in diameter as measured six inches from the ground. "Viewing zone" means the area  
15 which is 500 feet as measured along the edge of the main travel way of the controlled route on  
16 each side of the proposed sign structure which will have a sign face.

17       (e) An outdoor advertising permit requested pursuant to G.S. 136-129(a)(4) shall not be  
18 issued to a location if the zoning to commercial or industrial zones was adopted within one year  
19 prior to the filing of the permit application and is not part of comprehensive zoning or  
20 constitutes spot zoning, which, for purposes of this subsection, shall be defined as zoning  
21 designed primarily for the purpose of permitting outdoor advertising signs and in an area which  
22 would not normally permit outdoor advertising. Zoning shall not be considered "primarily for  
23 the purpose of permitting outdoor advertising signs" if the zoning would permit more than one  
24 principal commercial or industrial use, other than outdoor advertising, and the size of the land  
25 being zoned can practically support any one of the commercial or industrial uses.

26       (f) Outdoor advertising permits shall not be issued to a location for a period of 12  
27 months prior to the proposed letting of a new construction contract that may affect the spacing  
28 or location requirements for an outdoor advertising structure until the project is completed. The  
29 prohibition authorized by this subsection shall not extend for a period longer than 18 months.  
30 Priority in spacing shall be given by the Department to the first submitted application for an  
31 outdoor advertising permit at the location.

32       (g) Outdoor advertising permits shall not be issued for a location on a North Carolina or  
33 United States route designated as a scenic byway."

34       **SECTION 9.** G.S. 136-127 reads as rewritten:

35       **"§ 136-127. Declaration of policy.**

36       The General Assembly hereby finds and declares that outdoor advertising is a legitimate  
37 commercial use of private property adjacent to roads and highways but that the erection and  
38 maintenance of outdoor advertising signs and devices in areas in the vicinity of the  
39 right-of-way of the interstate and primary highway systems within the State should be  
40 controlled and regulated in order to promote the safety, health, welfare and convenience and  
41 enjoyment of travel on and protection of the public investment in highways within the State, to  
42 prevent unreasonable distraction of operators of motor vehicles and to prevent interference with  
43 the effectiveness of traffic regulations and to promote safety on the highways, to attract tourists  
44 and promote the prosperity, economic well-being and general welfare of the State, and to  
45 preserve and enhance the natural scenic beauty of the highways and areas in the vicinity of the  
46 State highways and to promote the reasonable, orderly and effective display of such signs,  
47 displays and ~~devices~~ devices, and to secure the right of validly permitted outdoor advertising to  
48 be clearly viewed by the traveling public. It is the intention of the General Assembly to provide  
49 and declare herein a public policy and statutory basis for the regulation and control of outdoor  
50 advertising."



1           **SECTION 10.** The Department of Transportation shall adopt temporary rules to  
2 administer this act.

3           **SECTION 11.** Sections 10 and 11 of this act are effective when this act becomes  
4 law. The remainder of this act becomes effective October 1, 2011, and applies to permit  
5 applications or renewals submitted on or after that date and to offenses occurring on or after  
6 that date.