

# TRAFFIC AND SAFETY INFORMATIONAL SERIES

## FREQUENTLY ASKED QUESTION #6

### WHY CAN'T I PLACE A BUSINESS-RELATED DIRECTIONAL SIGN WITHIN THE ROADWAY RIGHT-OF-WAY?

Unless carefully regulated, signs along a roadway can be hazardous. According to data from the Insurance Institute for Highway Safety, each year about 15 percent of all fixed-object collisions that result in a fatality involve a vehicle colliding with a sign, light support, or utility pole. For this and other reasons, one objective of agencies is to minimize the number of signs in a roadway's right-of-way.

#### **SIGNS ALLOWED IN THE ROADWAY RIGHT-OF-WAY**

Only signs that fulfill an essential need are typically allowed in the roadway right-of-way. The only signs that the *Manual on Uniform Traffic Control Devices* (MUTCD) allows within a roadway's right-of-way that also include business logos are referred to as "service" or "logo" signs. These signs direct motorists to essential services (e.g., gas, food, lodging, or camping). They are generally installed along freeways and expressways (typically preceding a roadway exit or junction) but must be officially authorized and properly designed and placed.

Authorized signs are uniform in their placement and design but also have posts that are designed to reduce the impact of collisions (i.e., crashworthy). Numerous studies have been conducted to determine the sign and sign support designs that best protect drivers in the event of a vehicle collision. Signs must be authorized to be placed in the right-of-way to ensure that they meet the design requirements based on these studies.

All signs in the roadway right-of-way must meet the design and placement requirements of the MUTCD and the specifications of any local (i.e., state, county, or city) roadway agency. (See Iowa Code Section 319.12 for more detail.) In addition, all signs and sign supports within a roadway's right-of-way should follow the guidelines documented in the American Association of State Highway and Transportation Officials' *Roadside Design Guide*.

Among other things, signs need to be a certain distance from the roadway and have posts designed with certain breakpoints in case of a collision. Signs and signposts not installed by a governmental agency typically do not meet these requirements and should be removed as quickly as possible.

#### **AUTHORIZATION FOR SERVICE OR LOGO SIGN PLACEMENT**

The placement of a sign within the roadway right-of-way must be authorized by the entity that owns and/or maintains the roadway and has the jurisdiction to regulate, guide, and warn traffic. Any unauthorized signs in a roadway's right-of-way can produce an unsafe situation and should be removed.

The MUTCD provides guidance regarding the location, number, and characteristics of all signs within a roadway's right-of-way. The manual's requirements for proper sign placement, design, and spacing seek to avoid the possibility of contributing to sign clutter or a driver missing an essential sign. In most cases, if a business-related directional sign were placed within a roadway's right-of-way for every business in a particular area, the MUTCD requirements could not be met and an unsafe situation would result.

The location and design of service and logo signs depend on the requirements in the MUTCD. In addition, once a highway agency decides to allow service or logo signs within its roadway right-of-way, the following must also be decided:

- What type of businesses will be eligible
- How far a business can be from its sign
- How sign logos and legends will be designed
- How logos will be removed and/or covered for seasonal businesses
- Whether service signs can be used in non-rural areas
- How much each business must pay for the permits, installation, annual maintenance, and other costs of the logo signs

The MUTCD requirements for the factors listed above should be considered the minimum standards by a local highway agency when it determines its service or logo sign policy. For example, the MUTCD requires that food services advertised on these signs must serve three meals per day, have a telephone, and be open six days a week. These requirements can be accepted as-is by the local highway agency or made more stringent.

### **CONSEQUENCES OF UNAUTHORIZED SIGNS IN THE RIGHT-OF-WAY**

The roadway right-of-way is reserved for officially authorized regulatory, warning, and directional or guide signs. Any other signs should be removed and/or relocated to preserve traffic safety and operations.

The unauthorized placement of nonstandard signs and signposts in the roadway right-of-way introduces a safety hazard to drivers. When an individual erects an unauthorized sign within a roadway's right-of-way, the proper supports and/or signing material are not typically used, which increases the risk of an injury or fatality during a collision. Additionally, a collision involving an unauthorized sign can entail a number of liability issues for both the individual who erected the sign and the local jurisdiction.

A good reference for sign regulation in Iowa is the Iowa Department of Transportation publication entitled *Guide to Iowa Outdoor Advertising Sign Regulations*.