

INTRODUCTION

The Pennsylvania Department of Transportation's (PennDOT) legal responsibility for the safety of the motoring public doesn't simply begin and end "between the painted lines."

The areas beyond the highway pavement are also our concern. We must ensure that the highway right-of-way area, including the shoulder and beyond, is free and clear of any objects that might distract motorists and cause accidents. PennDOT also must uphold the laws regulating placement of outdoor advertising signs.

PennDOT is available to help you understand your role in complying with regulations, to ensure that your public or private operations are compatible with state highway law. Questions may be directed to the PennDOT Engineering District near you using the contact information in this brochure.

HIGHWAY RIGHT-OF-WAY ENCROACHMENTS

What is the right-of-way and how do I know how wide it is?

Right-of-way includes the land purchased by PennDOT on which a highway is built, as well as the shoulder or berms, plus any additional area needed for highway purposes. While it's often 33 feet wide, it may be much wider (120 feet or more in some cases), since it extends beyond the paved road and shoulders.

Contact the PennDOT District Office nearest you to find out what the right-of-way is for a specific location.

What is an encroachment?

An encroachment is any object placed without permission within the legal limits of a highway right-of-way. Some examples include: signs, fences, walls and lights.

Objects generally are not permitted in the right-of-way unless the objects serve an official highway purpose (public utility poles and properly placed mailboxes are exceptions).

Why aren't objects allowed to be placed in the right-of-way?

For two reasons: public safety and legal liability. These objects may interfere with a driver's view of other traffic, official traffic signs, and traffic signals. And accidents may result.

If a motorist collides with an illegally placed object, the owner of the object and PennDOT may be sued for the resulting injuries or damages.

What is PennDOT's responsibility in regard to right-of-way encroachments?

PennDOT provides the owner of an encroachment with a written request to remove it. If the encroachment is not removed, PennDOT is authorized to remove it and to collect removal costs from the owner. Also, the state highway law provides a penalty for encroachment violations, upon summary conviction.

OUTDOOR ADVERTISING SIGN CONTROL

Why does PennDOT control outdoor advertising signs?

PennDOT is required by law to control outdoor advertising signs adjacent to interstate and federal-aid primary highways in order to receive its full share of federal highway funds, which are necessary to build and maintain Pennsylvania's roadways.

By ensuring the orderly and effective display of outdoor advertising, we remain consistent with national policy to protect the public's investment in our highways. We also protect Pennsylvania's natural beauty.

Can my sign be placed in the highway right-of-way?

No. Only official traffic signs can be put in right-of-way areas. Other signs could distract motorists and, as with any encroachment, present a safety hazard. This includes signs placed on utility poles, and other small temporary or portable signs.

Where can I place my sign?

Generally, signs may only be erected in commercial or industrial areas subject to limitations concerning size, spacing between signs, and lighting. Locations are more restrictive next to interstate highways.

Contact your local PennDOT Engineering District Office for details.

Do I need a permit to erect a sign? What restrictions are there for signs advertising a business?

Whether you need a permit for your sign depends on whether the sign is an on-premise or off-premise sign.

On-premise signs, which advertise products or services available on the property where the sign is located, have few restrictions. They generally do not require an application or permit; however, if such a sign will be located further than 50 feet from the building or parking lot, other factors may need to be considered. You should check with PennDOT first.

Off-premise signs are those which advertise something not sold on the property where the sign is located. These signs DO require permits, and must meet size, lighting and spacing requirements. Before you erect an off-premise commercial advertising sign, an application must be submitted to a PennDOT District Engineering Office and a permit obtained. An annual permit fee is also required.

If my sign complies with state law, must it also comply with local laws?

Yes. Before PennDOT will issue a sign permit, the proposed sign must also meet all applicable county and municipal requirements.

Can I erect a sign with flashing lights or arrows?

No. Such signs are prohibited because they could distract motorists and pose a safety hazard.

Are electronic message signs allowed?

Yes. Signs with an electronic message display may advertise activities and products, and also public service messages. But, the message or lights may not be animated, flash or appear to move.

Who is responsible for an illegal sign?

The person who erects or maintains an illegal sign, as well as the individual who allows an illegal sign to exist on his/her property, is responsible for the sign.

Do I need a permit for “For Sale/Lease” signs, yard sale signs, political signs, etc.?

Small temporary signs such as those noted above which are placed on private property (off the highway right-of-way) with the property owner’s permission, are generally regarded as on-premise signs and therefore do not require a permit. They should be removed immediately after the event.

What is PennDOT’s responsibility in regard to an illegal sign?

PennDOT is obligated by law to remove illegal signs. PennDOT will first send a written request to the responsible person(s) to remove the sign. If not removed, PennDOT is authorized by law to enter private property to remove the illegal sign and to collect the costs of removal from the responsible person(s). The law also provides a \$500 per day fine for the person(s) responsible for the illegal sign, upon summary conviction.

How can I get more information about right-of-way encroachments and control of outdoor advertising signs?

...contact the PennDOT District Engineering Office closest to you!

Engineering District 1 - Oil City (Crawford, Forest, Erie, Mercer, Venango & Warren counties) (814) 678-7068

Engineering District 2 - Clearfield (Centre, Clearfield, Clinton, Cameron, McKean, Potter, Mifflin, Juniata & Elk counties) (814) 765-0447

Engineering District 3 - Montoursville (Montoursville (Columbia, Lycoming, Montour, Northumberland, Snyder, Sullivan, Tioga, Union & Bradford counties) (570) 368-4338

Engineering District 4 - Dunmore (Lackawanna, Luzerne, Pike, Susquehanna, Wayne & Wyoming counties) (570) 963-3192

Engineering District 5 - Allentown (Berks, Carbon, Lehigh, Monroe, Northampton & Schuylkill counties) (610) 871-4176

Engineering District 6 - King of Prussia (Bucks, Chester, Delaware, Montgomery & Philadelphia counties) (610) 205-6521

Engineering District 8 - Harrisburg (Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry & York counties) (717) 772-2171

Engineering District 9 - Hollidaysburg (Bedford, Blair, Fulton, Huntingdon, Cambria & Somerset counties) (814) 696-7215

Engineering District 10 - Indiana (Armstrong, Butler, Clarion, Indiana & Jefferson counties) (724) 357-2838

Engineering District 11 - Pittsburgh (Allegheny, Beaver & Lawrence counties) (412) 429-4848

Engineering District 12 - Uniontown (Fayette, Greene, Washington & Westmoreland counties) (724) 439-7354

This brochure is not intended to replace the law of Pennsylvania relating to right-of-way encroachment; nor is it intended to replace the Outdoor Advertising Control Act of 1971, Act. No. 160, P.L. 596, (36 P.S. Section 2718.101 et seq.) or the Regulations, Title 67 PA Code, Chapter 445, Outdoor Advertising Devices.

A copy of the Outdoor Advertising Control Act and regulations may be requested from any District Engineering Office.

