

## ADVERTISING DEVICE GUIDELINES

### A. Overview

Pursuant to Public Authorities Law Section 361-a, the erection or maintenance of any Advertising Device located within 660 feet of the nearest edge of the right-of-way of the Thruway System is prohibited unless a written permit has been granted by the New York State Thruway Authority (Authority) or the Advertising Device is excluded from the permitting requirements as provided in 21 NYCRR Part 105 and herein. Advertising Devices located outside 660 feet of the nearest edge of the Thruway right-of-way are not subject to Authority permitting requirements; however, such Advertising Device may be subject to other federal, State, and/or local permitting or regulatory requirements.

In addition to the criteria contained herein, Advertising Devices are subject to all other applicable federal, State and/or local laws, regulations and agreements regarding advertising signs adjacent to highways.

#### Definitions

*Advertising Device (Ad Device)* - Any billboard, sign, notice, poster, display or other device intended to attract or which does attract the attention of operators of motor vehicles on the Thruway. This shall include those attached to a building or a structure erected and used in connection with the display(s) of any such device and all lighting or other attachments used in conjunction therewith. Ad Devices include back-to-back, side-by-side, double-faced, bottom-on-top, or V-type signs that are physically contiguous and share a common structure, in whole or in part, which are located not more than 15 feet apart at their nearest point in the case of a back-to-back or V-type sign.

*Off-premises device* - An Ad Device displaying a message pertaining to a business or service not conducted or provided on the property on which the device is located. These devices are not allowed except as noted in the Overview above.

*On-premises device* - An Ad Device displaying a message pertaining to a business or service conducted or provided on the property on which the device is located; or advertising the sale or lease of the property.

*Commercial Electronic Variable Message Signs (CEVMS)* - An Ad Device consisting of outdoor advertising signs, displays and devices which include the steady illumination of sign faces, panels or slats that rotate or change to different messages in a fixed position.

## **B. General Criteria**

All Ad Devices subject to a permit will be evaluated with respect to the following:

- A limit of one device facing each direction of traffic should be allowed for an individual property owner or individual business.

Additional directional signs that are individually mounted intended for local traffic only are deemed incidental and shall be allowed for a motel, gas station, shopping center, etc. when necessary to identify such entrance/exit from the local highway.

- An Ad Device should not exceed 200 square feet in area or 30 feet in any one dimension. The top of a sign should not be more than 40 feet above the Thruway road surface adjacent to its location, except in certain cases where the topography obstructs the view of the ad device. Such an Ad Device that otherwise meets the criteria may be approved in the sole discretion of the Authority.
- An on-premises Ad Device sign on a building will be considered in relation to the size of the building and should not exceed 1,200 square feet in area with a maximum height of 30 feet and a maximum length of 60 feet. In the Authority's sole discretion, upon receipt of notice of approval from a municipality in which a sign would be located, a sign on a building which exceeds the 1,200 square feet may be permitted.
- The proposed Ad Device location shall not interfere with the effectiveness of any type of official traffic control device. "Effectiveness" can mean that the proposed Ad Device would physically block a driver's view of a sign, obstruct or physically interfere with the driver's view of approaching, merging or intersecting traffic or make it more difficult for a driver to distinguish a traffic control device and/or understand its message (e.g., an Ad Device located in-line with a signal might make it difficult for a driver to distinguish the colors of the signal).
- Authority staff may conduct a study for the proposed Ad Device location in order to determine safety feasibility.
- If accident rates increase at an Ad Device location and the Authority has a reasonable engineering basis that the Ad Device was a significant contributing factor, the Authority will revoke existing Ad Device permits for that location and the device shall be removed by the sign owner at the owner's expense within 30 days of notification.

## **C. Commercial Electronic Variable Message Signs (CEVMS)**

In addition to the criteria outlined herein, a CEVMS may be allowed if it meets the following criteria:

- CEVMS that change advertising copy once in a 24-hour period, or less frequently, will be considered static signs and will be treated like conventional billboards with the exception that the brightness criterion contained herein will be applied to all CEVMS.

- The proposed CEVMS location must not be:
  - Within an interchange\*.
  - Within 500 feet of the gore areas between two interchanges if auxiliary lanes are present between two consecutive interchanges (The measurement should be taken from the physical nose of each gore area.).
  - Within 500 feet of a toll plaza or parking/service area.
  - Within a signed curve, within 500 feet of the point of curvature, and within 500 feet of the point of tangency.

\*Interchange is defined as “a system of interconnecting roadways providing for traffic movement between two or more highways that do not intersect at grade.” Acceleration/Deceleration lanes are considered part of an interchange, as measured along a highway from the beginning or ending of pavement widening at the exit or entrance ramp to the main traveled way.

- **Spacing**

Spacing of CEVMS should be such that if more than one CEVMS sign face is visible to the driver at the same time on either side of the Thruway, the signs must be spaced at least 2500 feet apart from each other.

- **Duration and Transition Time**

The change of one sign face or any portion to another shall not occur more than once every eight seconds. The actual change process shall be accomplished instantaneously for steady illumination signs or in three seconds or less for slats or panels.

- **Brightness**

Maximum Brightness = 5,000 cd/m<sup>2</sup> (daytime), 280 cd/m<sup>2</sup> (nighttime)

#### **D. Exclusions**

Ad Devices excluded from these Guidelines and permit requirements are:

- Ad Devices which are not visible from any traveled portion of the Thruway System;
- Ad Devices deemed incidental by the Authority, and/or located among a multitude of devices primarily oriented toward local highways and not intended to be viewed by Thruway travelers; and otherwise in conformance with Public Authorities Law Section 361-a or 21 NYCRR Part 105;
- Ad Devices indicating the sale or leasing of the property upon which they are placed;

- Directional or other official signs and signals erected or maintained by the State or other public agency having jurisdiction; and
- Information required or authorized by law to be posted or displayed.

**E. Application and Fees**

Application shall be submitted on an APPLICATION FOR ADVERTISING DEVICE PERMIT (TA-W4307).

Permit Fees are as follows:

Inspection Fee: \$50.00 (non-refundable) for each Ad Device

Annual Fee:	<u>Size of sign</u>	<u>Fee</u>
	100 sq. ft. or less	\$20.00
	101 sq. ft. to 600 sq. ft.	\$50.00
	601 sq. ft. or more	\$100.00

**F. Appeal**

Applicants who wish to appeal a permit denial may do so in writing to:

New York State Thruway Authority  
 Deputy Director for Operations  
 P.O. Box 189  
 Albany, NY 12201-0189