

DEPARTMENT OF TRANSPORTATION

Executive Director

RULES GOVERNING OUTDOOR ADVERTISING IN COLORADO

2 CCR 601-3

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

8.31.21 Version

Please note the following formatting key:

Font Effect	Meaning
<u>Underline</u>	New Language from Emergency Rule
Strikethrough	Deletions from Emergency Rule
<u>Underline</u>	New Language Proposed for Permanent Rule
Strikethrough	Deletions Proposed for Permanent Rule
...	Omission of Unaffected Rules
[Blue Font Text]	Annotation

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1.00 Definitions

1.1 All definitions set forth in 23 C.F.R. § 750.102, 23 C.F.R. § 750.703, and § 43-1-403, C.R.S. shall apply to these Rules. If there is a conflict between the definitions in state and federal law and regulations and these Rules, the state and federal law definitions shall govern. Definitions are not listed in alphabetical order.

1.2 “Advertising Device” ~~means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, structure, or any other contrivance designed, intended, or used to advertise or to give information in the nature of advertising and having the capacity of being visible from the main traveled way of any state highway, except any advertising device on a vehicle using the highway. The term “vehicle using the highway” does not include any vehicle parked near said highway for advertising purposes. has the same meaning pursuant to~~ § 43-1-403(1), C.R.S.]

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- 1.6 ~~“Commercial Advertising” means advertising of commercial interests which promotes or identifies goods and/or services as a result of the exposure of the business name rather than advocating a social or political cause. Repealed.~~

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- 1.8 ~~“Comprehensive Development” shall include all land used or to be used or occupied for the activities of the development, including buildings, parking, storage and service areas, streets, driveways, and reasonably necessary landscaped areas. A Comprehensive Development includes only land that is used for a purpose reasonably related to the activities of the development other than an attempt to qualify the land for On-Premise advertising. has the same meaning pursuant to § 43-1-403 (1.5)(a), C.R.S.~~

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- 1.12 ~~“Directional Sign” shall have the same meaning as § 43-1-403(4), C.R.S. (i.e., shall include but not be limited to: Advertising devices containing directional information to facilitate emergency vehicle access to remote locations or about public places owned or operated by federal, state, or local governments or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public). Repealed.~~

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- 1.18 ~~“Off-Premise Sign” means an Advertising Device which advertises an activity, service or product not conducted on the Property upon which the Sign is located. Repealed.~~
- 1.19 ~~“Official Sign” shall have the same meaning as § 43-1-403(13), C.R.S. (Any advertising device erected for a public purpose authorized by law, but the term shall not include devices advertising any private business) Repealed.~~
- 1.20 ~~“On-Premise Sign” means an Advertising Device: (1) advertising the sale or lease of a Property on which it is located; (2) or advertising activities on the Property on which it is located; or (3) located within a Comprehensive Development that advertises any activity conducted within the Comprehensive Development. Repealed.~~

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- 1.23 ~~“Permit Number Identifier” means a series of numbers assigned by the Department that is unique to the Advertising Device and identifies it for purposes of oversight. The Permit Number~~

~~Identifier for Advertising Devices is different from the number identifier used for Official Signs (that do not require a Permit).~~

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1.25 ~~“Premises” means the central, actual physical location where an activity is routinely conducted. Premises include the primary structures, parking facilities and private roadway if they are necessary to the principal activity.~~Repealed.

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1.34 “Compensation” has the same meaning pursuant to § 43-1-403 (1.3), C.R.S.

2.00 Permitting

2.1 Signs Requiring a CDOT Permit

- A. A permit from the Department shall be required for all Signs within the Control Area as provided for in § 43-1-407 and 408, C.R.S. A permit is required for all ~~Off-Premise~~ Signs, including:
1. Nonconforming Advertising Devices [§ 43-1-403(12), C.R.S.];
 2. Advertising Devices located in areas Zoned for Commercial or Industrial Uses by law. [§ 43-1-404(1)(d) and (e), and § 43-1-407(1)(~~II~~)(c), C.R.S.]; and
 3. Advertising on Bus Benches and Shelters. [§ 43-1-407(2)(a)(I) through (III), C.R.S.]
 4. ~~Directional Signs not excepted under § 43-1-407(1)(b)(I) through (II), C.R.S.~~Repealed.

2.2 ~~Signs Not Requiring a Permit from CDOT~~Repealed.

- A. ~~A Sign Permit is not required for:~~
1. ~~On-Premise Signs;~~
 2. ~~Directional Signs that are:~~
 - a. ~~No larger than 8 square feet and that advertises farms, ranches, nonprofit educational, veterans’, religious, charitable, or civic organizations. §43-1-407(1)(b)(II), C.R.S.;~~
 - b. ~~No larger than 32 square feet, the sole purpose of which is to provide direction to individual farms or ranches by way of individual Signs that are no larger than 8 square feet. [§43-1-407(1)(b)(II), C.R.S.];~~

~~c. — A Sign indicating a public utility and not advertising a product, including informational Signs, notices, or markers, erected and maintained by a public or private public utility company. [23 C.F.R. 750.153(o)]~~

~~3. — Official Signs. [§ 43-1-404(1)(a) and § 43-1-407, C.R.S.]~~

2.3 Conditions that Prohibit CDOT from Issuing or Renewing a Permit [§ 43-1-411, and § 43-1-417(3)(a), C.R.S. and 23 C.F.R. § 750.108]

- A. The Department is prohibited from issuing ~~or renewing~~ a Permit for any Advertising Device pursuant to § 43-1-411, C.R.S. and 23 C.F.R. § 750.108 if the Sign:
1. Does not conform to size, lighting, and spacing standards as prescribed by these Rules where the Rules were adopted prior to the erection of the Advertising Device;
 2. Would encroach upon the right-of-way of a public highway absent prior written approval from the Department;
 3. Is within 500 feet of the center point of an intersection of a Controlled Route at grade with another highway or with a railroad so as to materially obstruct or reduce the existing view of traffic on the other highway or railway trains approaching the intersection;
 4. Is along a Controlled Route where it would reduce the existing view of traffic in either direction or of traffic control or official highway ~~Signs-signs~~ to less than 500 feet;
 5. Includes more than two advertising panels on an Advertising Device facing the same direction;
 6. Required a permit prior to July 1, 1981, and no permit was obtained;
 7. Simulates any official, directional, or warning ~~Sign-sign~~ erected or maintained by the federal or state government or local governing body which involves light that simulates or resembles traffic signals or traffic control ~~Signsigns~~;
 8. Is nailed, tacked, posted, or attached in any manner on trees, plants, fence posts, public utility poles, rocks or other natural objects; or
 9. The Department is prohibited from issuing or renewing a Permit if the Sign becomes ~~Becomes~~ decayed, insecure, or in danger of falling or otherwise is unsafe or unsightly due to lack of maintenance or repair, or from any other cause.

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[Note: Rule 2.11 will be repealed in its entirety and re-enacted as listed below.]

~~**2.11 — Permit Denial, Revocation or Denial of Renewal** [23 C.F.R. 750.104; § 43-1-410, C.R.S.]~~

- A. ~~The Department may deny, revoke, or deny the renewal of a Permit for any violation of state or federal law or these Rules, including but not limited to:~~
1. ~~False or misleading information in the Permit application or Renewal;~~
 2. ~~Advertisement of illegal activities;~~
 3. ~~Failure to maintain the Sign in good repair;~~
 4. ~~Failure to comply with all Permit provisions;~~
 5. ~~Increasing the permitted size of an Advertising Device; or~~
 6. ~~Any violation of federal law referenced herein, § 43-1-401, et seq., C.R.S. or these Rules.~~
- B. ~~Pursuant to § 43-1-412(4), C.R.S., the applicant or permit holder shall have 60 days within which to provide CDOT with proof of compliance.~~

2.11 Permit Denial, Revocation, or Denial of Renewal [23 C.F.R. § 750.104; § 43-1-410, C.R.S.]

- A. The Department may deny, revoke, or deny the renewal of a Permit for any violation of state or federal law or these Rules, including but not limited to:
1. False or misleading information in the Permit application or renewal;
 2. Failure to maintain the Sign in good repair;
 3. Failure to comply with all Permit provisions;
 4. Increasing the permitted size of an Advertising Device; or
 5. Any violation of federal law referenced herein, § 43-1-401, et seq., C.R.S. or these Rules.
- B. The Department will notify the Applicant or Permittee in writing stating the reasons for the denial of the application, the denial of the renewal of the Permit, or the revocation of the Permit along with the opportunity to request a hearing as set forth in Rule 5.00.

3.00 Notice of Noncompliance Pursuant to § 43-1-412, C.R.S.

3.1 ~~Issuance of Written Notice~~Repealed.

- A. ~~If the Department determines that an application for renewal should be denied, or that an existing Permit should be revoked, the Department shall give written notice by certified mail to the Applicant or Permittee.~~
- B. ~~If the Department revokes a Permit, the Department shall send a Notice of Noncompliance pursuant to Rule 3.00 to the Permittee.~~
- C. ~~In either case, the notice shall specify in what respect the Sign does not comply with relevant federal or state law and/or these Rules.~~

~~D. Pursuant to § 43-1-412(4), C.R.S., the applicant or permit holder shall have 60 days within which to provide CDOT with proof of compliance.~~

3.2 Grounds for Noncompliance

- A. Sign ~~Lacking~~lacking a CDOT Permit [§ 43-1-412(2)(a), C.R.S.]
1. If a Permit has not been obtained for the Advertising Device, the Department shall give written Notice of Noncompliance by certified mail to the owner of the Property on which the Sign is located. Such notice will:
 - a. Inform the Property owner that the Advertising Device is illegal;
 - b. Require the owner to remove the Sign within 60 days of receipt of the notice, execute an affidavit under the penalty of perjury as evidence that the device is not an Advertising Device, or obtain a permit; and
 - c. Advise the Property owner of the right to request a hearing.

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- C. Permit ~~Application~~Revoked or Renewal Denied. § 43-1-412(2)(c), C.R.S.

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[Note: Rule 5.00 will be repealed in its entirety and re-enacted as listed below.]

~~5.00 Request for Hearing~~

- ~~A. A request for a hearing must be received by the Department no later than 60 days after receipt of the notice. [§ 43-1-412(3), C.R.S.]~~
- ~~B. The request for hearing must be made in writing, by certified mail, addressed to and received by:~~
- ~~Outdoor Advertising Program
Colorado Dept. of Transportation
4201 East Arkansas Ave.
Denver, Colorado, 80222~~
- ~~C. Upon receipt of a request for a hearing, the Department shall arrange for and give written notice of the hearing.~~
- ~~D. At least 30 days prior to the hearing, the Department shall provide notice of the hearing either by personal service or certified mail to the last address furnished by the person requesting the hearing. The notice shall meet the requirements of § 24-4-105(2)(a), C.R.S.~~

- ~~E. Any person(s) given such notice shall file a written answer within 30 days after the service or mailing of such notice.~~
- ~~F. If such person fails to answer, the Department, upon motion, may enter a default. For good cause shown, the entry of default may be set aside within 10 days after the date of such entry. [§ 24-4-105(2)(b), C.R.S.]~~
- ~~G. A person who may be affected or aggrieved by the Department action shall be admitted as a party to the proceeding upon the person's filing with the Department a written request to be included, setting forth a brief statement of the facts which entitle the person to be admitted and the matters which should be decided. The Department may admit any person or agency as a party to the proceeding for limited purposes. [§ 24-4-105(2)(c), C.R.S.]~~
- ~~H. The hearing shall be presided over by an Administrative Law Judge pursuant to § 24-4-105(3), C.R.S.~~

5.00 Hearings

5.1 Request for Hearing

- ~~A. A request for a hearing must be received by the Department no later than sixty (60) days after receipt of the notice. An Applicant who was denied a Permit may request an expedited hearing within thirty (30) days of the notice of denial pursuant to § 43-1-408(3), C.R.S.~~
- ~~B. The request for hearing must be made in writing, by certified mail, addressed to and received by:~~
- ~~Colorado Department of Transportation
Outdoor Advertising Program
2829 W. Howard Place
Denver, Colorado, 80204~~
- ~~C. All hearings and appeals will be conducted pursuant to §§ 24-4-105 and 106, C.R.S.~~

6.00 Signs Allowed in Control Areas

[§ 43-1-404, C.R.S., 23 USC 131, 23 C.F.R. 750.105; 23 C.F.R. 750.108]

6.01 Advertising Devices Allowed

- A. The following Signs may be allowed within the Control Area adjacent to the Controlled Route:
1. ~~On-Premise Signs~~~~Repealed~~;
 2. ~~Off-Premise Signs~~~~Advertising Devices~~, which include:
 - a. Signs in Areas Zoned for Commercial or Industrial Uses²;

- b. Nonconforming Signs;
- c. ~~Directional and Official Signs Repealed;~~
- d. Advertising Devices on Scenic Byways (See Rule 9.00);
- e. ~~Landmark Signs Repealed;~~
- f. ~~Free Coffee Signs Repealed;~~
- g. ~~Tourist-Oriented Directional Signs (TODS) and Specific Information Signs (LOGO). Rules Governing TODS and LOGO Signs are addressed in a separate set of rules, 2 CCR 601-7 Repealed; and~~
- h. Changeable Electronic Variable Message Signs (“CEVMS”).

6.02 ~~On-Premise Signs Repealed.~~

~~{23 U.S.C. 131(c) and (j); 23 C.F.R. 750.704(a); 23 C.F.R. 750.105, 23 C.F.R. 750.108, and 23 C.F.R. 750.709(d)}~~

~~A. Authority. This section of the Rules pertains to On-Premise Signs located outside of 50 feet from the advertised or principal activity and Visible from the Main Travelled Way of the State Highway System.~~

~~1. Size~~

- ~~a. On-Premise Signs which are located outside of 50 feet from the advertised or principal activity shall not exceed 20 feet in length, width or height, or 150 square feet in area, including border and trim, but excluding supports. [23 C.F.R. 750.108(g)].~~
- ~~b. No Sign may attempt or appear to attempt to direct the movement of traffic or interfere with, imitate or resemble any official traffic sign, signal or device.~~
- ~~c. No Sign may prevent the driver of a vehicle from having a clear and unobstructed view of Official Signs and approaching or merging traffic.~~
- ~~d. No Sign may be erected or maintained upon trees or painted or drawn upon rocks or other natural features.~~
- ~~e. No On-Premise Sign may be erected in an area across a public or private roadway from the Property where the business is conducted unless the purpose of the public or private roadway is for the exclusive use of a Comprehensive Development.~~

~~2. Lighting~~

- ~~a. On-Premise Signs shall comply with the lighting requirements of § 43-1-404(1)(f)(i), C.R.S.; however, for purposes of spacing, On-Premise Signs~~

shall not be counted within the 1,000 feet limitation for Off-Premise Signs:

- b. ~~No Sign may contain, include, or be illuminated by any flashing, intermittent or moving light or lights.~~
 - c. ~~No lighting may be used in any way in connection with any Sign unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the Main-Traveled Way of the State Highway System or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.~~
 - d. ~~No On-Premise Sign may move or have any animated or moving parts.~~
- B. ~~An On-Premise Sign must be located upon the same Property as the activity advertised. An On-Premise Sign may:~~
- 1. ~~Advertise the principal or primary activities, goods or services available upon the premises;~~
 - 2. ~~Identify the property upon which the Sign is located;~~
 - 3. ~~Advertise the property upon which the Sign is located for sale or lease;~~
 - 4. ~~When located within a Comprehensive Development, advertise activities conducted within the Comprehensive Development;~~
 - 5. ~~Direct the traveling public to the closest entrance to the premises located upon the property;~~
 - 6. ~~Include non-Commercial Advertising devices (ex. religious, social or political commentaries) erected by the owner or lessee of property.~~
- C. ~~Where the Sign site is located at or near the end of a narrow strip contiguous to the advertised activity, the Sign site shall not be considered part of the Premises on which the activity being advertised is conducted when the purpose is clearly to circumvent 23 U.S.C. 131(j). See 23 C.F.R. 750.709(3).~~
- D. ~~An On-Premise Sign does not include:~~
- 1. ~~A Sign that advertises activities, goods, or services not available upon the property.~~
 - 2. ~~A Sign that consists principally of brand name or trade name advertising of a product or service which is only incidental to the principal activity conducted upon the premises.~~
 - 3. ~~A Sign which brings in rental income to the premise/property and /or Sign owner. [23 C.F.R. 750.709]~~

- ~~E. On-Premise Signs that Identify the Property upon which They Are Located.~~
- ~~1. An On-Premise Sign identifying the property upon which it is located shall contain only the:
 - ~~a. Name of the property,~~
 - ~~b. Type of property,~~
 - ~~c. Logo, and/or~~
 - ~~d. Name of the owner of the property.~~~~
 - ~~2. Such Signs may also direct the traveling public to the closest entrance to the premises.~~
 - ~~3. On-Premise Signs directing the travelling public to the closest entrance to the premises are limited to two Signs Visible to traffic proceeding in any one direction if the highway frontage of the property is less than one mile in length.~~
 - ~~4. If the highway frontage of the property is more than one mile in length, one Sign Visible to traffic proceeding in any one direction per mile is allowed.~~
 - ~~5. The purpose of such Signs shall not be to advertise specific goods or services available upon the premises.~~
- ~~F. On-Premise Signs that Advertise the Primary Activities, Goods or Services Conducted on the Premises which are located outside of 50 feet from the activity shall not exceed 20 feet in length, width or height, or 150 square feet in area, including border and trim, but excluding supports. [23 C.F.R. 750.108(g)]~~
- ~~G. On-Premise Signs that Advertise the Sale or Lease of the Property upon which the Sign is Located.~~
- ~~1. An On-Premise Sign that advertises the sale or lease of the property may not contain any product or service other than the logo and/or name, type of real property, address, and contact information of the party offering the property for sale or lease.~~
 - ~~2. Real property offered for sale or lease must only be for the uses of record for zoned or platted areas.~~
 - ~~3. On-Premise Signs advertising the sale or lease of the property are limited to one Sign Visible to traffic proceeding in any one direction less than one mile apart.~~
 - ~~4. On-Premise Signs advertising the sale or lease of the property may be no larger than 96 square feet including border and trim, but excluding supports.~~
 - ~~5. Not more than one such Sign advertising the sale or lease of the same property may be allowed in such manner as to be visible to traffic proceeding in any one direction on any one Interstate Highway. [23 C.F.R. 750. 105(a)].~~

~~H. On-Premise Signs – Non-Commercial:~~

- ~~1. Non-commercial Signs are limited to two Signs visible to traffic proceeding in any one direction if the highway frontage of the property upon which the premises is located is less than one mile in length.~~
- ~~2. If the highway frontage of the property upon which the premises is located is more than one mile in length, one non-commercial Sign visible to traffic proceeding in any one direction per mile is allowable.~~

~~I. A property owner who has an On-Premise Sign that was in existence upon the property on the effective date of these Rules and who could have reasonably believed such advertising device was on-premise under prior rules shall be allowed one year from the effective date of the Rules to bring such advertising device into compliance with these Rules.~~

~~J. Measurement of On-Premise Signs~~

- ~~1. These Rules do not apply to On-Premise Signs located within 50 feet of the principal activity.~~
- ~~2. When the advertised activity is a business, is commercial, or concerns industrial land use, the 50-foot distance shall be measured from the regularly used buildings, parking lots, storage or processing areas, or other structures which are essential and customary to the conduct of the business. The distance shall not be measured from driveways, fences, or similar facilities.~~
- ~~3. When the advertised activity is a non-commercial or non-industrial land use such as a residence, farm, or orchard, the 50-foot distance shall be measured from the major structures on the Property.~~
- ~~4. A Sign that is located within 50 feet of the premises and advertises the primary activities, goods and services available upon the premises is an On-Premise Sign unless the land upon which the Sign is located is used for, or devoted to, a separate purpose unrelated to the principal activity advertised. For example, land adjacent to or adjoining a service station, but devoted to raising of crops, residence, or farmstead uses or other commercial or industrial uses having no direct relationship to the service station activity is a separate purpose unrelated to the principal activity advertised.~~

~~K. Obsolescence of On-Premise Signs~~

- ~~1. Upon the termination or cessation for one consecutive year of the activities, services or products advertised by an On-Premise Sign, the Sign advertising the activity shall no longer qualify as an On-Premise Sign and shall be deemed illegal and subject to removal by the Department at the expense of the Sign owner.~~

~~L. On-Premise Signs – Right-of-Way Encroachment~~

- ~~1. On-Premise Signs shall be allowed to extend over existing right-of-way and future rights-of-way of any State Highway if:
 - ~~a. The Sign is attached to and extends from a building and only advertises activities or services offered in that building;~~
 - ~~b. The building and attached Sign is adjacent to the State Highway within a city, city and county, or incorporated town having authority over the State Highway pursuant to § 43-2-135, C.R.S.;~~
 - ~~c. The Sign does not restrict pedestrian traffic and is not a safety hazard to the motoring public; and~~
 - ~~d. Before erecting the Sign, the owner has obtained written permission from the city, city and county or incorporated town. [§ 43-1-421, C.R.S.]~~~~
- ~~2. No On-Premise Sign may encroach over an Interstate right-of-way nor any portion of a roadway.~~

~~M. Comprehensive Development On-Premise Signs~~

- ~~1. On-Premise Signs for Comprehensive Developments shall adhere to the requirements of On-Premise Signs in Rule 6.02.~~
- ~~2. A Comprehensive Development includes all land used or to be used or occupied for the activities of the development, including buildings, parking, storage and service areas, streets, driveways, and reasonably necessary landscaped areas.~~
- ~~3. A Comprehensive Development includes only land that is used for a purpose reasonably related to the activities of the development other than an attempt to qualify the land for On-Premise advertising.~~
- ~~4. A Comprehensive Development is a group of two or more lots or parcels of land used primarily for multiple separate commercial or industrial activities and must meet all of the following requirements pursuant to § 43-1-403 (1.5)(a) and (b); C.R.S.:
 - ~~a. Is located entirely on one side of a highway;~~
 - ~~b. Consists of lots or parcels that are contiguous except for public or private roadways or driveways that provide access to the development;~~
 - ~~c. Has been approved by the relevant local government as a development with a common identity and plan for public and private improvements;~~
 - ~~d. Has common areas such as parking, amenities, and landscaping; and~~
 - ~~e. Has an approved plan of common ownership in which the owners have recorded irrevocable rights to use common areas and that provides for the management and maintenance of common areas.~~~~

6.03 ~~Off-Premise Signs~~ Advertising Devices**6.03.1 General Requirements**

- A. ~~Off-Premise~~ Signs include:
1. Signs in Areas Zoned for Commercial or Industrial Uses;
 2. Nonconforming Signs;
 3. ~~Directional and Official Signs~~ Repealed; and
 4. Advertising Devices on Scenic Byways; ~~;~~
 5. ~~Landmark Signs, and~~ Repealed.
 6. ~~Free Coffee Signs~~ Repealed.
- B. An ~~Off-Premise Sign~~ Advertising Device shall comply with the requirements set forth in these Rules and 23 C.F.R. § 750.108. All Signs shall not:
-
2. Interfere with a driver's clear and unobstructed view of ~~Official Signs~~ official signs and approaching, intersecting or merging traffic; [23 C.F.R. § 750.108(b)]
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- C. No ~~Off-Premise Sign~~ new Advertising Device shall be erected adjacent to a Scenic Byway, ~~except for Directional and Official Signs~~. [§ 43-1-419, C.R.S.]
- D. ~~An Off-Premise~~ A Sign shall be considered abandoned if it meets the requirements of Rule 6.03.3-(B).
- E. Measuring Distances between ~~Off-Premise~~ Signs [23 C.F.R. § 750.103]
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6.03.3 Sign Repairs [23 C.F.R. § 750.707; § 43-1-413, C.R.S.]

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- B. Abandoned, Discontinued or Obsolete Nonconforming Signs. [23 U.S.C. § 131; 23 C.F.R. § 750.707; § 43-1-413(2)(f), C.R.S.]
1. Abandoned or Discontinued Signs

- a. An abandoned or discontinued Sign is one that for one year or more ~~years displays out-of-date advertising matter, or~~ is without advertising matter, or is in need of substantial repair. Such Signs determined by the Department as abandoned or discontinued are subject to removal as Illegal Signs under § 43-1-412, C.R.S.

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- C. Damage or Destruction of Nonconforming Signs. [23 C.F.R. § 750.707(d)(6); § 43-1-413(2)(e), C.R.S.]

...

- 4. The Department shall determine whether a Sign has been damaged or destroyed to a degree that terminates the Nonconforming Sign’s nonconforming status based on the schedule of compensation referenced in § 43-1-413(2)(e), C.R.S., as follows:

...

- d. The procedure under (1) through (5) below shall determine whether the damaged or destroyed Nonconforming Sign may be repaired or restored:

...

- (5) The Department shall make a determination whether the ~~sign~~ Sign may be repaired or restored based on (3) and

...

7.00 Signs in Areas Zoned by Law for Industrial or Commercial Uses

[23 C.F.R. § 750.708; § 43-1-404(1)(e)(I); § 43-1-406(2)(b)(I) and (II), C.R.S.]

...

- B. Size Requirements [§ 43-1-404(1), C.R.S.]

...

5. ~~Requirements for Signs Erected After 1970 Advertising Necessary Goods and Services Repealed.~~
- a. ~~Advertising Devices located along non-interstate Controlled Routes shall be subject to the following requirements:~~
- (1) ~~Only inform the traveling public of necessary goods or services available within a five-mile radius of the Advertising Device. Necessary goods and services shall be limited to those set forth in § 43-1-404(1)(e)(I)(c), C.R.S.~~
- (2) ~~No person providing necessary goods or services shall be eligible for more than two Advertising Devices.~~
- (3) ~~The Advertising Device shall predominately display the name and location of the necessary goods or services advertised.~~
- (4) ~~If the necessary goods and services are not available 12 months out of the year, the Sign must clearly display the dates such goods and services are available.~~

C. Lighting

1. Advertising Devices that contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, ~~except those giving public service information, such as time, date, temperature, weather, or similar information.~~

...

D. Spacing of Signs

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6. Signs that are not lawfully maintained, ~~and Official and On-Premise Signs as defined in 23 U.S.C. 131(c) and these Rules,~~ shall not be counted nor shall measurements be made from them for purposes of determining compliance with spacing requirements.

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8.00 ~~Directional and Official Signs Repealed.~~

~~[§ 43-1-403(4), C.R.S.; 23 U.S.C 131(c)(1); 23 C.F.R. 750.105; 23 C.F.R. 750.153]~~

~~A. CDOT's Jurisdiction over Directional and Official Signs.~~

- ~~1. Directional and Official Signs under CDOT control are located within 660 feet of the right-of-way and Directional and Official Signs located beyond 660 feet of the right-of-way outside of Urban Areas, Visible from the Main Traveled Way of the system, and erected with the purpose of their message being read from such Main Traveled Way.~~
- ~~2. Urban Area means an area as designated by the Bureau of the Census having a population of 5,000 or more and not within any urbanized area, within boundaries to be fixed by CDOT and local officials, subject to approval by the Secretary of Transportation. Such boundaries shall, as a minimum, encompass the entire urban place designated by the Bureau of the Census. [23 C.F.R. 750.153(t)]~~

~~B. Definitions. The Definitions listed below are specific to this Rule on Directional and Official Signs.~~

- ~~1. "Directional Sign" includes, but is not limited to:~~
 - ~~a. Signs containing directional information to facilitate emergency vehicle access to remote locations;~~
 - ~~b. Signs referring to public places owned or operated by federal, state, or local governments or their agencies;~~
 - ~~c. Publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites;~~
 - ~~d. Areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public. 23 C.F.R. 750.153(r); § 43-1-403 (4) C.R.S.; or~~
 - ~~e. Public utility signs, service club and religious notices, and public service signs. [23 C.F.R. 750.153(m)]~~
- ~~2. A "Notice" for purposes of this section of the Rules is a temporary sign providing the content as stated in the "Official Sign" or "Public Utility Sign" definitions but which is posted for a limited time.~~
- ~~3. "Official Sign" is a Sign erected and maintained by public officers or public agencies within their territorial or zoning jurisdiction pursuant to federal, state or local law and for the purposes of carrying out an official duty or responsibility. Historical markers authorized by State law and erected by CDOT or local government agencies or nonprofit historical societies may be considered Official Signs. [23 C.F.R. 750.153 (n)] Official Signs shall not include Signs advertising any private business. [§43-1-403(13), C.R.S.]~~
- ~~4. "Public Service Sign" located on school bus stop shelters:~~

- a. Identifies the donor, sponsor, or contributor of said shelters;
 - b. Contains public service messages, which shall occupy not less than 50% of the area of the Sign;
 - c. Contains no other message;
 - d. Is located on school bus shelters which are authorized or approved by city, county, or state law, regulation, or ordinance, and at places approved by the city, county, or the Department; and
 - e. May not exceed 32 square feet in area. Not more than one Sign on each shelter shall face in any one direction. [23 C.F.R. 750.153(q)]
5. "Public Utility Sign" means a warning sign, informational sign, notice, or marker that is customarily erected and maintained by publicly or privately owned public utilities, as essential to their operations. [23 C.F.R. 750.153(o)]
6. "Service club" or "Religious" signs or notices mean a sign or notice whose erection is authorized by law, relating to meetings of nonprofit service clubs or charitable associations, or religious services, which signs or notices do not exceed 8 square feet in area. [23 C.F.R. 750.153(p)]
- C. Criteria for Directional Signs [23 C.F.R. 170.154(f)]
- 1. Prohibited Signs. The following Directional Sign conditions are prohibited:
 - a. Directional Signs advertising activities that are illegal under federal or state laws or regulations in effect at the location of those Signs or at the location of those activities.
 - b. Directional Signs that obscure or otherwise interfere with the effectiveness of any official traffic sign, signal or device, or obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic.
 - c. Directional Signs erected or maintained upon trees or painted or drawn upon rocks or other natural features.
 - d. Directional Signs that are:
 - (1) Obsolete;
 - (2) Structurally unsafe or in disrepair;
 - (3) Move or have any animated or moving parts;
 - (4) Located in Rest Areas, Parklands or Scenic Areas.
 - 2. Size of Directional Signs

a. ~~No Directional Sign shall exceed the following limits, including border and trim, but exclude supports:~~

~~Maximum area—150 square feet;~~

~~Maximum height—20 feet;~~

~~Maximum length—20 feet.~~

3. ~~Lighting of Directional Signs~~

a. ~~The following lighting conditions are prohibited:~~

(1) ~~Signs that contain, include, or are illuminated by any flashing, intermittent, or moving light or lights.~~

(2) ~~Signs that are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of an Interstate or primary highway or which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle.~~

(3) ~~Signs that are illuminated so as to interfere with the effectiveness of or obscure an official traffic sign, device, or signal.~~

4. ~~Spacing of Directional Signs~~

a. ~~Each location of a Directional Sign must be approved by the Department.~~

b. ~~No Directional Sign may be located within 2,000 feet of an interchange, or intersection at grade along the interstate system or other freeways (measured along the Interstate or freeway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the Main Traveled Way).~~

c. ~~No Directional Sign may be located within 2,000 feet of a Rest Area, Parkland, or Scenic Area. A scenic area means any public park or area of particular scenic beauty or historical significance designated by or pursuant to state law as a scenic area.~~

d. ~~No two Directional Signs facing the same direction of travel shall be spaced less than one (1) mile apart;~~

e. ~~Not more than three Directional Signs pertaining to the same activity and facing the same direction of travel may be erected along a single route approaching the activity;~~

~~f. Directional Signs located adjacent to the interstate system shall be within 75 air miles of the activity; and~~

~~g. Directional Signs located on other than the interstate system, including adjacent to the primary system, shall be within 50 air miles of the activity.~~

~~5. Message Content~~

~~a. The message on Directional Signs shall be limited to the identification of the attraction or activity and directional information useful to the traveler in locating the attraction, such as mileage, route numbers, or exit numbers.~~

~~Descriptive words or phrases, and pictorial or photographic representations of the activity or its environs are prohibited.~~

~~D. Directional Signs Pertaining to Privately Owned Activities [23 C.F.R. 750.154]~~

~~1. Privately owned activities or attractions eligible for Directional Signing must meet the requirements of these Rules and state and federal law, and must be nationally or regionally known, and of outstanding interest to the traveling public. "Outstanding interest to the travelling public" for purposes of these Rules means for edification and enjoyment of the travelling public and not specifically to generate income for the activity. [23 C.F.R. 750.154 (f)(1) and (2)]~~

~~2. Privately owned activities or attractions eligible for Directional Signing are limited to the following: natural phenomena; scenic attractions; historic, educational, cultural, scientific, and religious sites, and outdoor recreational areas.~~

~~3. To be eligible, privately owned attractions or activities must be nationally or regionally known, and of outstanding interest to the traveling public.~~

9.00 Advertising Devices on Scenic Byways

[§ 43-1-419, C.R.S.; 23 U.S.C. § 131(s)]

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B. No new Advertising Device shall be erected along a Scenic Byway that is visible from the Controlled Route, ~~with the exception of:~~

~~1. Official Signs;~~

~~2. On-Premise Signs; and~~

~~3. Directional Signs.~~

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10.00 ~~Landmark Signs~~ Repealed.

A. ~~No Landmark Signs have been established in Colorado pursuant to 23 C.F.R. 750.710 (a) and (b).~~

11.00 ~~Free Coffee Signs~~ Repealed.

~~[23 U.S.C. 131(c)]~~

A. ~~Signs, displays, and devices advertising the distribution by nonprofit organizations of free coffee to individuals traveling on an interstate or primary system may be located within the Control Area. Free coffee shall include coffee for which a donation may be made but is not required.~~

12.00 ~~Off-Premise~~ CEVMS Advertising Devices

A. Authority. The Department has authority to control the brightness, intervals, spacing and location of ~~Off-Premise~~ CEVMS Advertising Devices along Controlled Routes for the purpose of ensuring safety to the travelling public. [23 USC 131 (c) (3) and (j); 23 C.F.R. § 750.705; § 43-1-404(1)(f), and § 43-1-415(1), C.R.S.]

B. Definitions

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9. ~~“Public Service Information” means a message on an electronic Sign which provides the time, date, temperature, weather, or information concerning civic or charitable activities~~ Repealed.

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C. General Requirements

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2. Location

a. No CEVMS may be placed within 1,000 feet of another CEVMS on the same side of a highway and facing the same direction of travel. ~~On-Premise Signs inside 50 feet of the advertised activity are not counted for purposes of this spacing requirement.~~ [§ 43-1-404(1)(f)(I), C.R.S.]

- b. A CEVMS shall not prevent the driver of a vehicle from having a clear and unobstructed view of ~~Official Signs~~official signs and approaching or merging traffic.

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5. Operational Requirements Specific to ~~Off-Premise~~CEVMS Advertising Devices

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- D. Conversion from a Static Advertising Device to a CEVMS

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4. Site Review. The Department may conduct a site review and inspection prior to permitting a conversion to CEVMS to ensure that the description, location and other information contained in the application for conversion is in compliance with these Rules. [43-1-421(1)(f)(I), C.R.S.]

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13.00 Materials Incorporated by Reference

- A. These Rules are intended to be consistent with and not be a replacement for 23 United States Code (U.S.C.) § 131 dated October 1, 2012~~December 4, 2015~~, and its implementing regulations contained in 23 Code of Federal Regulations (C.F.R.) Part 750 in effect as of June 20, 1973, 750.705(h) (Sept. 16, 1975)~~August 23, 1985~~ which are hereby incorporated into the Rules by this reference pursuant to § 24-4-103(12.5), C.R.S., and do not include any later amendments.

1. Copies of the referenced United State Code may be obtained from the following address:

Office of the Law Revision Counsel

U.S. House of Representatives

H2-308 Ford House Office Building

Washington, DC 20515

(202) 226-2411

<https://uscode.house.gov/browse.xhtml>

2. Copies of the referenced Code of Federal Regulations may be obtained from the following address:

U.S. Government Publishing Office

732 North Capitol Street, N.W.

[Washington, DC 20401](https://www.govinfo.gov/)
[\(866\) 512-1800](https://www.govinfo.gov/)
<https://www.govinfo.gov/>

B. Also incorporated by reference are the following documents and do not include any later amendments:

1. Federal Highway Administration (FHWA) Non-Regulatory Supplement Federal-Aid Policy Guide, Transmittal 35 Attachment: Sign and Site Valuation Formula and Schedule Guide for Controlling Outdoor Advertising Pursuant to 23 U.S.C. § 131 dated February 16, 2006, NS 23 C.F.R. 750D, Parts I, II, III.

Copies of the referenced FHWA Transmittal 35 Attachment may be obtained from the following address:

Federal Highway Administration
Office of Chief Counsel
1200 New Jersey Avenue, SE.
E82-101
Washington, DC 20509
(202) 366-1376
https://www.fhwa.dot.gov

2. Uniform Standards of Professional Appraisal Practice (USPAP), 2014-2015-2020-2021 Edition.

Copies of the referenced USPAP may be obtained from the following address:

The Appraisal Foundation
1155 15th Street, NW, Suite 1111
Washington, DC 20005
(202) 347-7722
https://www.appraisalfoundation.org/

C. All referenced laws and regulations shall be available for copying or public inspection during regular business hours from the Office of Policy and Government Relations, Colorado Department of Transportation, 4201 E. Arkansas Avenue 2829 W. Howard Place, Denver, Colorado 8022280204.

14.00 Declaratory Orders

A. Any person may petition the Executive Director for a declaratory order pursuant to § 24-4-105(11), C.R.S.

B. Contents of the Petition

1. The name of address of the petitioner.

Executive Director

2. Whether the petitioner is a Permittee and what interest, if any, they have or would have in the applicable Advertising Device or proposed Advertising Device.
3. Whether the petitioner is involved in any pending administrative hearings or lawsuits with the Department or the relevant local jurisdiction.
4. The statute, rule, or order to which the petition relates.
5. A concise statement of all of the facts necessary to show the nature of the controversy or the uncertainty as to the applicability to the petitioner of the statute, rule, or order to which the petition relates.
6. A concise statement of the legal authorities, if any, and such other reasons upon which the petitioner relies.

C. The Executive Director Retains Discretion Whether to Entertain Petition.

The Executive Director or designee will determine, in their sole discretion without prior notice to the petitioner, whether to entertain any petition. If the Executive Director or designee decides not to entertain a petition, the Department will notify the petitioner in writing of its decision and the reasons for that decision. Any of the following grounds may be sufficient reason to refuse to entertain a petition:

1. A ruling on the petition will not terminate the controversy nor remove uncertainties concerning the applicability to petitioner of the statute, rule, or order in question.
2. The petition involves a subject, question, or issue that is relevant to a pending hearing before the state or any local licensing authority, an on-going proceeding conducted by the Department, or relates to an issue or case which is currently the subject of litigation.
3. The petition seeks a ruling on a moot or hypothetical question.
4. Petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to Colo. R. Civ. Pro. 57, which will terminate the controversy or remove any uncertainty concerning applicability of the statute, rule, or order.

D. Executive Director Entertains the Petition.

If the Executive Director or designee determines to entertain the petition for declaratory order, the Department will notify the petitioner, and any of the following procedures may apply:

1. The Executive Director or designee may expedite the matter by ruling on the basis of the facts and legal authority presented in the petition, or by requesting the parties to submit additional evidence and legal argument in writing.
2. In the event the Executive Director or designee determines that an evidentiary hearing is necessary to a ruling on the petition, a hearing will be conducted in

accordance with the State Administrative Procedure Act, § 24-4-101, C.R.S. et seq . The petitioner will be identified as Respondent.

3. The parties to any proceeding pursuant to this Rule will be the petitioner/Respondent and the Department. Any other interested person(s) may seek leave of the Department to intervene in the proceeding and such leave may be granted if the Department determines that such intervention will make a separate petition by the interested person(s) for a separate declaratory order unnecessary.
 4. The declaratory order will constitute a Final Agency Order subject to judicial review pursuant to § 24-4-106, C.R.S.
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