

Introduced by

Transportation Committee

(At the request of the Department of Transportation)

1 A BILL ~~for an Act to amend and reenact sections 24-01-01.1, 24-01-12, 24-02-01.5,~~
2 ~~subsection 3 of section 24-16-02, and subsection 6 of section 24-17-02 of the North Dakota~~
3 ~~Century Code, relating to the regulation of advertising signs on highways~~for an Act to create
4 and enact section 24-01-12.4 of the North Dakota Century Code, relating to a pilot project for
5 sponsorship agreements for litter control within rights of way; to provide for a report to the
6 legislative management; and to provide an expiration date.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 ~~— **SECTION 1. AMENDMENT.** Section 24-01-01.1 of the North Dakota Century Code is~~
9 ~~amended and reenacted as follows:~~

10 ~~— **24-01-01.1. Definition of words and phrases.**~~

11 ~~— The following words and phrases when used in this title shall, for the purposes of this title,~~
12 ~~have the meanings respectively ascribed to them in this chapter:~~

13 ~~— 1. "Abandonment" means cessation of use of right of way or activity thereon with no~~
14 ~~intention to reclaim or use again for highway purposes.~~

15 ~~— 2. "Acknowledgment sign" means a sign that is intended only to inform the traveling~~
16 ~~public a highway related service or product has been sponsored by a person, firm, or~~
17 ~~entity.~~

18 ~~— 3. "Acquisition or taking" means the process of obtaining right of way.~~

19 ~~— 3.4. "Advertisement" means a sign, display, or device of any kind or character including~~
20 ~~statuary, erected, or maintained for advertising purposes, upon which any poster, bill,~~
21 ~~printing, painting, or other advertisement of any kind whatsoever may be placed for~~
22 ~~advertising purposes and includes any card, cloth, paper, metal, painted, or wooden~~
23 ~~sign of any character placed for advertising purposes, on or affixed to the ground or~~
24 ~~any tree, wall, bush, rock, fence, building, structure, or thing, either privately or publicly.~~

~~owned. The term "sign, display, or device" comprehend all forms of advertising and the use of one term in this chapter includes all forms of advertising.~~

~~5. "Arterial highway" means a general term denoting a highway primarily for through-traffic, usually on a continuous route.~~

~~4.6. "Belt highway" means an arterial highway for carrying traffic partially or entirely around an urban area or portion thereof.~~

~~5.7. "Capacity" means the ability of a roadway to accommodate traffic.~~

~~6.8. "Commission" means the public service commission of the state of North Dakota.~~

~~7.9. "Commissioner" means the director of the department of transportation of this state, acting directly or through authorized agents as provided in section 24-02-01.3.~~

~~8.10. "Consequential damages" means loss in value of a parcel, no portion of which is acquired, resulting from a highway improvement.~~

~~9.11. "Controlled-access facility" means a highway or street especially designed for through-traffic, and over, from, or to which owners or occupants of abutting land or other persons have no right or easement or only a controlled right or easement of access, light, air, or view by reason of the fact that their property abuts upon such controlled-access facility or for any other reason.~~

~~10.12. "County road system" means the system of secondary highways designated by the county officials, the responsibility for which is lodged with the counties.~~

~~11.13. "Department" means the department of transportation of this state as provided by section 24-02-01.1.~~

~~12.14. "Direct compensation" means payment for land or interest in land and improvements actually acquired for highway purposes.~~

~~13.15. "Director" means the director of the department of transportation of this state, acting directly or through authorized agents as provided in section 24-02-01.3.~~

~~14.16. "Divided highway" means a highway with separated roadways for traffic in opposite directions.~~

~~15.17. "Easement" means a right acquired by public authority to use or control property for a designated highway purpose.~~

~~16.18. "Employee compensation" includes vacation and sick leave.~~

1 ~~17.19.~~—"Expressway" means a divided arterial highway for through traffic with full or partial
2 control of access and generally with grade separations at intersections.

3 ~~18.20.~~—"Fee simple" means an absolute estate or ownership in property including unlimited
4 power of alienation, except as to any and all lands acquired or taken for highway, road,
5 or street purposes. Where lands are taken for such purposes, "fee simple" shall not be
6 deemed to include any oil, gas, or fluid mineral rights.

7 ~~19.21.~~—"Freeway" means an expressway with full control of access.

8 ~~20.22.~~—"Frontage street or road" means a local street or road auxiliary to and located on the
9 side of an arterial highway for service to abutting property and adjacent areas and for
10 control of access.

11 ~~21.23.~~—"Grade crossing" means the intersection of a public highway and of the track or tracks
12 of any railroad, however operated, on the same plane or level, other than a street
13 railway within the limits of a city.

14 ~~22.24.~~—"Highway, street, or road" means a general term denoting a public way for purposes of
15 vehicular travel, including the entire area within the right of way. A highway in a rural
16 area may be called a "road", while a highway in an urban area may be called a
17 "street".

18 ~~23.25.~~—"Intersection" means a general term denoting the area where two or more highways
19 join or cross.

20 ~~24.26.~~—"Interstate system" or "interstate highway system" means that part of the state
21 highway system designated as the North Dakota portion of the national system of
22 interstate and defense highways as provided for in Public Law 85-767 [23 U.S.C. 101
23 et seq.].

24 ~~25.27.~~—"Local street or local road" means a street or road primarily for access to residence,
25 business, or other abutting property.

26 ~~26.28.~~—"Major street or major highway" means an arterial highway with intersections at grade
27 and direct access to abutting property, and on which geometric design and traffic
28 control measures are used to expedite the safe movement of through traffic.

29 ~~27.29.~~—"Market value" means the highest price for which property can be sold in the open
30 market by a willing seller to a willing purchaser, neither acting under compulsion and
31 both exercising reasonable judgment.

1 ~~28.30.~~—"Median" means the portion of a divided highway separating the traveled ways for
2 traffic in opposite directions.

3 ~~29.31.~~—"Municipal corporation or municipality" means all cities organized under the laws of
4 this state, but does not include any other political subdivisions.

5 ~~30.32.~~—"Outer separation" means the portion of an arterial highway between the traveled
6 ways of a roadway for through traffic and a frontage street or road.

7 ~~31.33.~~—"Partial taking" means the acquisition of a parcel of property.

8 ~~32.34.~~—"Person" means any person, firm, partnership, association, corporation, limited liability
9 company, organization, or business trust.

10 ~~33.35.~~—"Radial highway" means an arterial highway leading to or from an urban center.

11 ~~34.36.~~—"Remainder" means the portion of a parcel retained by the owner after a part of such
12 parcel has been acquired.

13 ~~35.37.~~—"Remnant" means a remainder so small or irregular that it usually has little or no
14 economic value to the owner.

15 ~~36.38.~~—"Right of access" means the right of ingress to a highway from abutting land and
16 egress from a highway to abutting land.

17 ~~37.39.~~—"Right of survey entry" means the right to enter property temporarily to make surveys
18 and investigations for proposed highway improvements.

19 ~~38.40.~~—"Right of way" means a general term denoting land, property, or interest therein,
20 acquired for or devoted to highway purposes and shall include, but not be limited to
21 publicly owned and controlled rest and recreation areas, sanitary facilities reasonably
22 necessary to accommodate the traveling public, and tracts of land necessary for the
23 restoration, preservation, and enhancement of scenic beauty adjacent to the state
24 highway system.

25 ~~39.41.~~—"Right-of-way appraisal" means a determination of the market value of property
26 including damages, if any, as of a specified date, resulting from an analysis of facts.

27 ~~40.42.~~—"Right-of-way estimate" means an approximation of the market value of property
28 including damages, if any, in advance of an appraisal.

29 ~~41.43.~~—"Roadside" means a general term denoting the area adjoining the outer edge of the
30 roadway. Extensive areas between the roadways of a divided highway may also be
31 considered roadside.

1 ~~42.44.~~—"Roadway" means in general, the portion of a highway, including shoulders, for
2 vehicular use. In construction specifications, the portion of a highway within limits of
3 construction.

4 ~~43.45.~~—"Severance damages" means loss in value of the remainder of a parcel resulting from
5 an acquisition.

6 ~~44.46.~~—"Shoulder" means the portion of the roadway contiguous with the traveled way for
7 accommodation of stopped vehicles, for emergency use, and for lateral support of
8 base and surface courses.

9 ~~47.~~—"Sponsorship agreement" means an agreement between the department and a private
10 entity to acknowledge a sponsor for a highway related service or product.

11 ~~45.48.~~—"State highway system" means the system of state principal roads designated by the
12 director of the department, the responsibility for which is lodged in the department.

13 ~~46.49.~~—"Through street or through highway" means every highway or portion thereof on which
14 vehicular traffic is given preferential right of way, and at the entrances to which
15 vehicular traffic from intersecting highways is required by law to yield right of way to
16 vehicles on such through highways and in obedience to either a stop sign or yield sign,
17 when such signs are erected by law.

18 ~~47.50.~~—"Traffic lane" means the portion of the traveled way for the movement of a single line
19 of vehicles.

20 ~~48.51.~~—"Traveled way" means the portion of the roadway for the movement of vehicles,
21 exclusive of shoulders and auxiliary lanes.

22 ~~— SECTION 2. AMENDMENT. Section 24-01-12 of the North Dakota Century Code is~~
23 ~~amended and reenacted as follows:~~

24 ~~— 24-01-12. Regulation of advertising signs on highways.~~

25 ~~— 1.~~ ~~No~~ ~~A~~ person, firm, corporation, or limited liability company may ~~not~~ place, put, or
26 maintain any sign, billboard, or advertisement within the limits of a public highway, or
27 in any manner paint, print, place, put, or affix, or cause to be painted, printed, placed,
28 or affixed, any advertisement on or to any stone, tree, fence, stump, pole, mileboard,
29 milestone, danger sign, danger signal, guide sign, guidepost, billboard, building, or
30 other object within the limits of a public highway, or place, put or maintain any sign or
31 billboard upon private property within one thousand feet [304.8 meters] of any highway

1 grade crossing in such place or manner as to obstruct or interfere with a free and clear
2 view of such crossing from any highway or railroad intersecting thereat. None of the
3 ~~The provisions of this section do not prohibit the placing of public notices on billboards-~~
4 ~~erected for that purpose by authority of the governing body of a municipality. Any~~
5 ~~advertisement in or upon a public highway or private property which, in the judgment~~
6 ~~of the director, may be deemed to be a hazard to traffic, or in the future may tend to~~
7 ~~create a hazard to traffic, may be taken down, removed, or destroyed by direction or~~
8 ~~authority of the department in the case of the state highway system, by the board of~~
9 ~~county commissioners in the case of the county road system, and by the board of~~
10 ~~township supervisors in the case of township roads.~~

11 ~~2. The director may enter sponsorship agreements with sponsors to provide products or~~
12 ~~services that benefit the traveling public. The director may acknowledge sponsors with~~
13 ~~acknowledgment signs in the highway right of way.~~

14 ~~SECTION 3. AMENDMENT.~~ Section 24-02-01.5 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 ~~24-02-01.5. Department of transportation – Administrative rules.~~

17 ~~The department of transportation may adopt the administrative rules necessary to carry out~~
18 ~~its responsibilities and functions as created and transferred by sections 24-02-01.1 through~~
19 ~~24-02-01.5. Rules adopted by the agencies whose functions relate to the functions or agencies~~
20 ~~created, transferred, or covered by sections 2-05-03, 24-02-01.1 through 24-02-01.5,~~
21 ~~subsections 79 and 1113 of section 24-01-01.1, sections 24-02-13, 24-16-02, 24-17-02,~~
22 ~~subsections 11, 16, and 17 of section 39-01-01, subsection 1 of section 39-16-01, subsection 2~~
23 ~~of section 49-17.1-01, subsection 1 of section 54-06-04, subsection 1 of section 54-27-19,~~
24 ~~subsection 6 of section 57-40.3-01, subsection 1 of section 57-43.1-01, section 57-43.1-44,~~
25 ~~subsection 6 of section 57-43.2-01, and section 57-43.2-37 remain in effect until they are~~
26 ~~specifically amended or repealed by the department.~~

27 ~~SECTION 4. AMENDMENT.~~ Subsection 3 of section 24-16-02 of the North Dakota Century
28 Code is amended and reenacted as follows:

29 ~~3. "Highway" means any highway as defined in subsection 22 of section 24-01-01.1.~~

30 ~~SECTION 5. AMENDMENT.~~ Subsection 6 of section 24-17-02 of the North Dakota Century
31 Code is amended and reenacted as follows:

1 ~~6. "State highway system" shall mean~~means the state highway system as defined in-
2 ~~subsection 45 of section 24-01-01.1.~~

3 **SECTION 1.** Section 24-01-12.4 of the North Dakota Century Code is created and enacted
4 as follows:

5 **24-01-12.4. Sponsorship agreements for litter control within rights of way - Pilot**
6 **project.**

7 The director may enter a sponsorship agreement with a person to provide litter control
8 within a highway right of way located within the northwestern region of the state. The director
9 may acknowledge a sponsor that provides litter control under this section which may include an
10 acknowledgment sign within the highway right of way. As used in this section, the term
11 "acknowledgment sign" means a sign with the sole purpose of informing the traveling public a
12 highway-related service is sponsored by that person. Acknowledgment signs facing the same
13 direction must be placed at least three miles [4.83 kilometers] apart. An acknowledgment sign
14 must comply with requirements as set forth in the manual on uniform traffic-control devices as
15 adopted by the department.

16 **SECTION 2. REPORT TO LEGISLATIVE MANAGEMENT - DEPARTMENT OF**
17 **TRANSPORTATION.** Before September 1, 2016, the department of transportation shall report
18 to the legislative management on the status of the pilot project for sponsorship agreements for
19 litter control within highway rights of way under section 24-01-12.4. The report must include
20 findings and recommendations as a result of any sponsorship agreements the director of the
21 department of transportation entered under the pilot project.

22 **SECTION 3. EXPIRATION DATE.** This Act is effective through June 30, 2021, and after that
23 date is ineffective.