

## Assembly Bill No. 1413

### CHAPTER 320

An act to add and repeal Section 5408.7 of the Business and Professions Code, relating to outdoor advertising.

[Approved by Governor September 3, 1999. Filed with Secretary of State September 3, 1999.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1413, Shelley. Highways: outdoor advertising.

The Outdoor Advertising Act regulates the placement of advertising adjacent to and within specified distances of highways that are part of the national system of interstate and defense highways and federal aid highways including prohibiting the placement of advertising displays adjacent to, or within specified distances of, those highways without a permit, as prescribed.

This bill would exempt from that prohibition advertising displays located in the City and County of San Francisco on street furniture, as defined, if the advertising display meets specified conditions, and would require the city and county to provide indemnity to the state against any liability with regard to the placement of the advertising display, as specified. The bill would include a related statement of legislative intent.

The bill would require that its provisions become inoperative not later than 60 days from the date the Director of Transportation receives notice from the federal Secretary of Transportation that future operation of those provisions will result in a reduction of the state's share of federal highway funds pursuant to a specified provision of federal law. The bill would require the director, upon receipt of the specified notice, to notify in writing the Secretary of State and the City and County of San Francisco of that receipt. The provisions of the bill would be repealed on January 1 immediately following the date that the Secretary of State receives the specified notice from the director.

*The people of the State of California do enact as follows:*

SECTION 1. Section 5408.7 is added to the Business and Professions Code, to read:

5408.7. (a) It is the intent of the Legislature that this section shall not serve as a precedent for other changes to the law regarding outdoor advertising displays on, or adjacent to, highways. The Legislature recognizes that the streets in the City and County of San Francisco that are designated as state or federal highways are unique



in that they are also streets with street lights, sidewalks, and many of the other features of busy urban streets. At the same time, these streets double as a way, and often the only way, for people to move through the city and county from one boundary to another. The Legislature recognizes the particular topography of the City and County of San Francisco, the popularity of the area as a tourist destination, the high level of foot traffic, and the unique design of its highways.

(b) For purposes of this section, “street furniture” is any kiosk, trash receptacle, bench, public toilet, news rack, or public telephone placed on, or adjacent to, a street designated as a state or federal highway.

(c) In addition to the advertising displays permitted by Sections 5405, 5408, and 5408.5, advertising displays located on street furniture may be placed on, or adjacent to, any street designated as a state or federal highway within the jurisdiction of a city and county, subject to all of the following conditions:

(1) The advertising display meets the traffic safety standards of the city and county. These standards may include provisions requiring a finding and certification by an appropriate official of the city and county that the proposed advertising display does not constitute a hazard to traffic.

(2) Any advertising display that is within 660 feet of, and visible from, any street designated as a state or federal highway shall be consistent with federal law and regulations.

(3) Advertising displays on street furniture shall be placed in accordance with a permit or agreement with the city and county.

(4) Advertising displays on street furniture shall not extend beyond the exterior limits of the street furniture.

(d) Advertising displays placed on street furniture pursuant to a permit or agreement with the city and county shall not be subject to the state permit requirements of Article 6 (commencing with Section 5350). This subdivision does not affect the authority of the state to enforce compliance with federal law and regulations, as required by paragraph (2) of subdivision (c).

(e) (1) The city and county shall, upon written notice of any suit or claim of liability against the state for any injury arising out of the placement of an advertising display approved by the city and county pursuant to subdivision (c), defend the state against the claim and provide indemnity to the state against any liability on the suit or claim.

(2) For the purposes of this subdivision, “indemnity” has the same meaning as defined in Section 2772 of the Civil Code.

(f) (1) This section shall become inoperative not later than 60 days from the date the director receives notice from the United States Secretary of Transportation that future operation of this section will result in a reduction of the state’s share of federal



highway funds pursuant to Section 131 of Title 23 of the United States Code.

(2) Upon receipt of the notice described in paragraph (1), the director shall notify in writing the Secretary of State and the City and County of San Francisco of that receipt.

(3) This section shall be repealed on January 1 immediately following the date the Secretary of State receives the notice required under paragraph (2).

SEC. 2. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable, within the meaning of Section 16 of Article IV of the California Constitution, because of the unique circumstances in the City and County of San Francisco, including the city and county's particular topography, the area's popularity as a tourist destination, and the unique design of the city and county's highways.

