

Written Testimony of John E. Barrett,
President of the Outdoor Advertising association of Connecticut on
Raised Bill 5165

Good afternoon Senator Maynard, Representative Guerrera and members of the Transportation Committee, my name is John Barrett and I am testifying on behalf of the Outdoor Advertising Association of Connecticut (OAAC). I am also the chief operating officer of Barrett Outdoor Communications, Inc. of West Haven. I appreciate you giving me this opportunity to submit testimony on Bill 5165, "AN ACT CONCERNING APPLICATIONS TO ERECT OUTDOOR ADVERTISING STRUCTURES AND THE FEES FOR THE ERECTION AND MAINTENANCE OF SUCH STRUCTURES".

This bill seeks to achieve the following

- 1) Double all billboard permit fees
- 2) Creation of a \$100 fee for the transfer of ownership of a sign.
- 3) A requirement that the construction of a new sign be completed within six months of the issuance of a state permit.

With respect to the changes in fees in Section 2, the Outdoor Advertising Association has no opposition to this increase. This is not because we feel that these charges reflect the administration costs involved in issuing permits but because our industry inadvertently received preferential treatment when it did not receive a fee increase in 2010 when most permit fees in the state were doubled to cover the budget deficit. As much as we appreciate this, we believe that we like everyone else, should contribute to balancing the budget. We only ask that effective date for the changes take effect in July of 2013.

Our member's fiscal year is January to December and state permits run July to June. If these changes take effect this calendar year, they will have to come up with \$350,000 that is not in their current budget. Therefore, we ask that this take effect during our next fiscal year when the permits are renewed in July.

With respect to the creation of a \$100 fee for the transfer of ownership of a sign, I sincerely hope that the Department of Transportation can file these documents at a cost of less than \$100. None the less, we do not oppose this fee in the spirit of helping the state with the budget.

We strongly oppose the new requirement in Section 1 that mandates the complete construction of a new sign must occur within six months of issuance of a state sign permit.

We feel that this is bad legislation for the following reasons.

- a. **This language usurps the authority of the local building official.** The construction of sign structures are under the jurisdiction of local building officials. Section H101 of the Connecticut Building code is devoted solely to signs. Signs owners are not exempt from the state building codes and are therefore are required to obtain a building permit from the building official of municipality in which the sign is to be constructed and comply with all the requirements of that municipality, including construction timelines. Local building officials enforce time limitations of a building permit under section 105.3.2 of the 2009 State Building Code.

- b. **This places an unnecessary and burden on business.** In order to build a billboard in the state of Connecticut, you must obtain permits or certificates of compliance from the municipal planning and zoning board, any applicable wetland commission, village or historic district and adhere to their deadlines and time limits, then apply to the department of transportation for a sign permit. This requires compliance with not only with all of CGS chapter 411 but also section CGS 13a-123 and the 12 pages of regulations promulgated there under. Once that is complete, you then invest in full engineering, which often involves engineering peer review, to comply with CT Building Code Section 106.1.5.1, (Requirements for structures that exceed threshold limits) so that you can apply to the local building official. In addition to the regular requirements for a building permit, signs often fall under section 1704 of the building code which requires third party documentation and inspection of all fabrication and construction processes and facilities.

In lieu of all these layers of inspection and review by governmental agencies the additional intervention of Department of Transportation serves no purpose. It does not contribute in any way to the protection the public or the environment. It does place an unwarranted and unnecessary burden on free enterprise in the state of Connecticut at a time that the state is trying to build a reputation of being friendly to business and investment.

- c. **The time limit is unrealistic.** As noted before, there are numerous steps that must be taken between the issuance of a state permit and breaking ground. The time limit proposed by the DOT does not take into consideration delays caused by fluctuations in funding due to the economy, weather, unforeseen underground issues, fabrication delays, peer review, and a host of others. The Department of Transportation should know better than anyone how long it can take to get a project off the ground considering that it takes them up to 12 years.
- d. **This provision is a radical expansion of the purview of DOT** CGS 13b-4 defines the thirteen powers, duties and responsibilities of the Commissioner of Transportation. Of those thirteen, ten deal with the provision of studies, plans and the co-ordination of transportation, one requires co-operation with the federal government, another requires participation in transit oriented projects another charges the commissioner with the planning and construction of capital improvements and lastly is the catch all requirement, "To exercise and perform such other duties and responsibilities as may be conferred under this chapter and title 13a or as may otherwise be conferred by law". Nothing in 13b grants control over construction on private property. Nothing in Section 13a grants the commissioner control over construction on private property with the exception of 13a-123.

13a-123 (b) authorizes the commissioner to enter an agreement with the federal government to regulate Outdoor Advertising (to avoid a penalty for not doing so.) This grants the commissioner the authority to regulate activities on private property with respect to billboards. In Section 13a-123 (c), the Connecticut General Assembly limited that regulatory authority, "...*Such regulations shall be as, but not more, restrictive than the controls required by Title I of the Highway Beautification Act of 1965 and any amendments thereto with respect to the interstate and primary systems of federal-aid highways or the national standards*

of the Secretary of Commerce in respect to the interstate highways, in effect November 13, 1958, and any amendments thereto." Nothing in The Highway Beautification Act grants any control of construction time lines.

So, first we have a department whose mission is to study, plan, build and maintain transportation infrastructure. Then, under threat of losing federal funding, the department has been granted authority supersede local zoning board with respect to private property extending 660' from either side of the right of way. Now they are asking to extend their authority beyond what was contemplated in 13a-123 to include construction processes on private property. This is exactly what public is afraid of when they talk about government intrusion into private affairs.