

**CITY OF CALLAWAY
BOARD OF COMMISSIONERS
AGENDA ITEM SUMMARY**

DATE: APRIL 26, 2016

ITEM: LIGHT POLE BANNERS UPDATE

1. PLACED ON AGENDA BY:
J. Michael Fuller, City Manager

2. AGENDA:
PRESENTATION
PUBLIC HEARING
CONSENT
OLD BUSINESS
REGULAR

3. IS THIS ITEM BUDGETED (IF APPLICABLE)?: YES NO

Approximately \$3,000 is budgeted for this item.

4. BACKGROUND: (WHY, WHAT, WHO, WHERE, WHEN, HOW, & IDENTIFY ALL ATTACHMENTS)

The City of Callaway has been planning to add banners and/or flags to many of the light poles along some of the main city roads. To follow up on the item presented at the last regular meeting, staff contacted FDOT regarding the process of adding banners within state roadways, namely Tyndall Parkway/US98 and SR22.

Chapter 337.407, F.S. authorizes FDOT to adopt rules providing for the placement of signs, canopies, and other overhanging encroachments along and over any state roads which are within municipalities. Those rules are established in Florida Administrative Code (FAC) 14-43, Regulation of Overhanging Encroachments. Pole banners may be permitted in state right-of-ways subject this rule and application process. A copy of Rule 14-43, FAC is attached.

If the City Commission wishes to moved forward with the pole banners, a Resolution has been attached for consideration.

Attachment(s):

- Rule 14-43, Florida Administrative Code
- Draft Resolution to Authorize Pole Banners

5. REQUESTED MOTION/ACTION:

It is recommended that the City Commission determine if pole banners be placed in and along Tyndall Parkway and/or State Road 22.

14-43.001 Regulation of Overhanging Encroachments.

(1) Definitions.

(a) "Applicant" means any person or entity, including a local governmental entity, seeking permission for an overhanging encroachment.

(b) "Banner" means a length or sheet of cloth, fabric, plastic, or other flexible material bearing a message which may be either of the following:

1. "Pole Banner," which is located adjacent to the travel lanes of the roadway and is attached to a single existing permanent support.

2. "Street Banner," which extends over the travel lanes of the roadway and is attached to two or more existing permanent supports.

(c) "Canopy" means a permanent or semi-permanent, on-premise roof-like projection partially extending over the right of way.

(d) "Department" means the State of Florida Department of Transportation.

(e) "Local Governmental Entity" means as provided in Section 334.03(14) F.S.

(f) "Official Marker" means a Pole Banner identifying specific areas, such as historic, banking, or entertainment districts.

(g) "Overhanging Encroachment" means a sign, canopy, banner, or official marker, as these terms are herein defined, which is placed along and over any state roads which are within municipalities, or which are of curb and gutter construction outside municipalities.

(h) "Sign" means as provided in Section 479.01(17), F.S.

(2) Overhanging encroachments are prohibited on limited access facilities, including the Interstate System. Overhanging encroachments are subject to the following conditions on non limited access facilities:

(a) No new supports may be located within state right of way.

(b) Must be allowed by the local governmental entity within whose jurisdictional boundaries the banners are to be placed.

(c) Must be adjusted or removed at the owner's expense if the overhanging encroachment interferes with Department construction.

(d) Shall not obstruct the view of any traffic signal, traffic device, or official sign, nor in any way interfere with motorists' ability to safely operate vehicles.

(e) Must comply with the setback or clearance requirements set forth in paragraphs (3)(a) and (2)(b) below. Overhanging encroachment must be adjusted within 36 hours of notification to meet setback or clearance requirements, and, upon failure of the owner to make such adjustment, it will be removed by the Department.

(f) May not be erected or maintained in a manner which interferes with the Department's maintenance, operation, or other use of a transportation facility.

(g) Upon removal by the Department, the owner may reclaim it within 30 calendar days from the date of removal, upon payment of any costs incurred by the Department in removing the overhanging encroachment.

(h) Shall not contain changeable message technology.

(i) Shall be maintained in like new condition. Failure to properly maintain the encroachment shall cause the permit to be revoked after a ten (10) day notice from the Department.

(j) If the overhanging encroachment presents a safety hazard, the Department will remove it and notify the owner of the removal.

(3) Signs and canopies which meet the criteria of Section 479.16(1), F.S., may only be placed in compliance with the following conditions:

(a) Where curb and gutter construction exists, the entire structure, including attachments and supports, must clear the sidewalk vertically by at least nine feet; the outside edge of the structure must be at least two feet behind a vertical line extending upward from the face of the curb; and the entire structure must comply with the Department's horizontal clearance requirements set forth in the Roadside Offsets standard, Index 700, of the 2010 Department Design Standards, incorporated herein by reference, and available at: www.dot.state.fl.us/officeofdesign.

(b) Within municipalities where there is not curb and gutter construction, the entire structure, including attachments and supports, may not extend more than six feet over the right of way; may not extend closer than 12 feet from the edge of the driving lane; must have a vertical clearance of at least 10 feet; and the entire structure must comply with the Department's horizontal clearance requirements set forth in the Roadside Offsets standard of the Department's Design Standards.

(c) The design of canopies or signs, as to bracing and attachments to buildings, shall be approved for safety features by the appropriate official of the local governmental entity within whose jurisdictional boundaries the banners are placed.

(d) No canopy or sign shall be erected away from the site of the business which it promotes.

(e) Lighting of signs and canopies shall conform to the requirements of Section 479.11(5), F.S.

(4) Banners may be placed along and over any non limited access state roads which are within municipalities, or which are of curb and gutter construction outside municipalities subject to the following conditions:

(a) There must be written authorization for the placement of banners from the local governmental entity within whose jurisdictional boundaries the banners are to be placed.

(b) Banners may be displayed for a period not to exceed 30 consecutive calendar days and may not be within 180 days of the last day of its most recent display period, except as otherwise provided herein.

(c) Placement of banners on frangible light standards or other frangible devices will require a load rating analysis, signed and sealed by a registered professional engineer, certifying that the specific light standards or devices used to support the banners will handle the additional load placed on the structures by the banner and attachments, and will not exceed the wind loading design requirements of the structure. Copies of load rating analyses previously submitted are acceptable for subsequent applications when specifications are the same.

(d) Banners shall not be placed within 500 feet of a limited access interchange.

(e) Banners are not permitted where a Department construction project is planned or ongoing during the requested display period.

(f) Street banners may be displayed for routinely recurring events, e.g., events occurring monthly or quarterly, unless otherwise provided in this rule, provided the banner is displayed for no more than three consecutive days per month, for 12 months.

(g) Street banners must be:

1. Placed a minimum of 1,000 feet apart on the right of way of non limited access roadways; and

2. At its lowest point vertically clear the pavement by at least 18 feet.

(h) Pole banners must be:

1. Placed a minimum of 1,000 feet apart on the same side of the travel lane on non limited access facilities outside the corporate limits of a municipality;

2. At its lowest point at least 14 1/2 feet above the pavement elevation;

3. Attached to a light standard or other such device which is permanently located in the right of way.

(i) Pole banners may not be attached to any utility pole.

(j) Any object or device other than a banner, whether characterized as an ornament, decoration, display, or by other descriptive term, which is to be attached to a single existing permanent support must meet the requirements of this rule for pole banners.

(k) Official markers shall not be used to advertise an individual off-site business or shopping center.

(5) Official markers shall comply with all pole banner requirements except for sub-subparagraph (2)(i)8.a. Additionally, the following shall apply:

(a) Official markers must be identical and may only be displayed within the identified area, with no more than one official marker on each side of the roadway and placed a minimum of 150 feet apart.

(b) All official markers shall display the same legend or lettering identifying the area, however, individual sponsorship may be displayed beneath the legend provided the name or business logo of the sponsor is no greater than 25% of the total display.

(c) The sponsorship portion of the official marker may only contain the name and/or logo of the sponsor. No additional information may be displayed, including:

1. Telephone number;

2. Address;

3. Distance to a business;

4. Direction to a business.

(d) Official markers must be made of flexible material.

(e) Permits are issued for up to 12 months, and may be renewed at the end of the permit term.

(f) The applicant shall be responsible for all costs, including installation and removal, of the official markers.

(6) Applications for a sign or canopy must be made in writing to the appropriate District Maintenance Office and shall include:

(a) The name and address of the applicant.

(b) A drawing of the sign or canopy, drawn to scale, including any message, logo, or emblem.

(c) A sketch of the specific location of the sign or canopy, including height, location of supports, proximity to utility poles, and the identification of the state highway where the sign or canopy will be located.

(d) Sketches or specific descriptions of the method to be used to affix the sign or canopy to the support structure(s).

(e) Proof of compliance with resolutions of the local governmental entity within whose jurisdictional boundaries the banners are to be placed.

(7) The application for banners shall be on Application to Place Banners on Non Limited Access State Right of Way, DOT Form 575-070-18, Rev. 08/08, incorporated herein by reference. Copies of DOT Form 575-070-18 are available from the State Maintenance Engineer or any District Maintenance Engineer.

(8) The application for official markers shall be on Application to Place Official Markers on Non Limited Access State Right of Way, FDOT Form 575-070-21, Rev. 10/10, incorporated herein by reference. Copies of DOT Form 575-070-21 are available from the State Maintenance Engineer or any District Maintenance Engineer.

Rulemaking Authority 334.044(2), 337.407 FS. Law Implemented 337.406, 337.407, 479.01, 479.16 FS. History—New 3-21-64, Amended 5-9-70, 7-9-75, Formerly 14-43.01, Amended 8-3-99, 8-2-01, 5-30-05, 2-18-09, 11-6-11.

RESOLUTION 16-____

RESOLUTION OF THE CITY OF CALLAWAY APPROVING THE PLACEMENT OF POLE BANNERS IN AND ALONG THE TYNDALL PARKWAY AND STATE ROAD 22 RIGHT-OF-WAYS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Callaway ("City") wishes to place banners in and along the road right-of-ways located within its municipal corporate limits; and

WHEREAS, the City intends to request approval from the Florida Department of Transportation ("Department") to place banners along Tyndall Parkway and State Road 22, non-limited access right-of-ways of the state; and

WHEREAS, the Department has established Rule 14-43, F.A.C. and an application procedure for banner placement in accordance with Chapter 337, F.S; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF CALLAWAY, FLORIDA, AS FOLLOWS:

SECTION 1. The City Commission hereby approves the placement of banners in and along the Tyndall Parkway (US98) and State Road 22 right-of-ways and authorizes the City Manager to sign the FDOT Application attached hereto as Exhibit "A".

SECTION 2. This Resolution shall become effective upon adoption.

PASSED, APPROVED AND DULY ADOPTED by the City Commission of the City of Callaway, Florida, meeting in regular session this ____ day of _____, 2016.

CITY OF CALLAWAY

Mayor

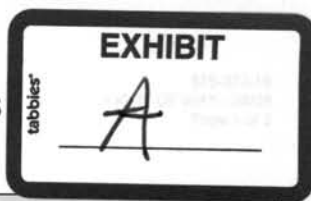
ATTEST:

City Clerk

Approved as to form:

City Attorney

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**APPLICATION TO PLACE BANNERS ON NON LIMITED ACCESS
 RIGHT OF WAY**



FOR FDOT USE ONLY
 Permit No.:

APPLICANT INFORMATION

Name of Applicant/Organization: _____
 Address: _____
 Telephone #: _____ Fax #: _____ E-Mail: _____
 Contact person (This person will serve as the contact person for all questions concerning the banner application and placement): _____
 Address (if different from above): _____
 Telephone #: _____ Fax #: _____ E-Mail: _____
 Date of Request: _____

LOCATION AND DISPLAY PERIOD

This is a request to place pole banners street banners on the right of way of:
 Highway name & number: _____
 From (south or west limits): _____ To (north or east limits): _____
 Highway name & number: _____
 From (south or west limits): _____ To (north or east limits): _____
 Highway name & number: _____
 From (south or west limits): _____ To (north or east limits): _____
 Highway name & number: _____
 From (south or west limits): _____ To (north or east limits): _____
 Projected installation date: _____
 Banners will be removed on or before (if applicable): _____
 Signature of Applicant or Contact Person: _____ Date: _____

LOCAL GOVERNMENTAL ENTITY APPROVAL

Name of Local Governmental Entity: _____
 Name of signing official (please print): _____
 Telephone #: _____ Fax #: _____ E-Mail: _____
 Signature of local official: _____ Date: _____

CONDITIONS AND STIPULATIONS AGREED TO BY THE APPLICANT

1. Pole banners must be at least 14 ½ feet above the pavement elevation. Street banners must be a minimum of eighteen (18) feet above the pavement elevation.
2. Pole banners will clear the face of the curb (if present) by at least two (2) feet.
3. The applicant (or applicant's designee) will maintain the banners as permitted.
4. The installation of the banners will not require the installation of poles or other support devices on the right of way.
5. The applicant and sponsoring organization will hold the Florida Department of Transportation harmless to the extent allowed by the laws of Florida in all matters concerning the banners and bear all expenses for defense of claims against the Florida Department of Transportation.
6. The applicant is responsible for any damages to public property resulting from the materials or the work of this permit.
7. A sketch of the proposed banners is attached.
8. View of traffic control devices is not impeded to those served by the erection of these permitted banners.

Signature of District Permits Engineer (or designee): _____ Date: _____

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**APPLICATION TO PLACE BANNERS ON NON LIMITED ACCESS
RIGHT OF WAY**

APPLICATION FOR BANNER

AGREEMENT: By signing the reverse of this form, each applicant agrees to the provisions of Section 14-43.001(5)(d), Florida Administrative Code:

1. To the extent provided by law, the Applicant shall indemnify, defend, and hold harmless the Department and all of its officers, agents, and employees from any claim, loss, damage, cost, charge, or expense arising out of any act, error, omission, or negligent act by the Applicant(s), its agents or employees arising from activities under this permit.
2. When the Department receives a notice of claim for damages that may have been caused by the Applicant in the performance of activities that arise under this permit, the Department will forward the claim to the Applicant. The Applicant and the Department will evaluate the claim and report their findings to each other within 14 working days and will discuss options in defending the claim. The Applicant shall bear all expenses for defense of claims against the Department.

REQUIRED ATTACHMENTS:

- A sketch or drawing of the banner(s), drawn to scale, including any message, logo, or emblem that will appear on the banner.
- A sketch of the specific location(s) of the banner(s), including height, location of supports, proximity to utility poles.
- Sketches, photographs, or specific descriptions of the method used to affix the banner to the support structure.
- Load rating analysis (or photocopy of previously-submitted analysis) bearing the seal of a professional engineer.