

NOTICE OF PROPOSED GUIDANCE DOCUMENT

Outdoor Advertising Improperly Placed Signs (DTSD89)

Pursuant to Wis. Stat. s. 227.112, the Wisconsin Department of Transportation is hereby seeking comment on Outdoor Advertising Improperly Placed Signs (DTSD89), WI STAT Ch. 86, a proposed guidance document.

PUBLIC COMMENTS AND DEADLINE FOR SUBMISSION

Comments may be submitted to the Wisconsin Department of Transportation for 21 days by:

1. Department's website:

<https://trust.dot.state.wi.us/act369/?id=DTSD89&uri=https://wisconsindot.gov/Pages/doing-bus/real-estate/outdoor-adv/improp-placed-signs.aspx&division=DTSD&tags=86.19&tags=Trans201>

2. Mailing written comments to:

Division of Transportation System Development
Wisconsin Department of Transportation
4822 Madison Yards Way
PO Box 7965
Madison, WI 53707-7965

WEBSITE LOCATION OF FINAL GUIDANCE DOCUMENT

The final version of this guidance document will be posted at wisconsindot.gov to allow for ongoing comment.

AGENCY CONTACT

dotdtsdguidancedocs@dot.wi.gov



State of Wisconsin Department of Transportation

Improperly placed signs

Highway maintenance

Outdoor advertising
signs

On-property signs

Off-property signs

Official signs

Municipal welcome
signs

Service club and religious
notices

Directional and
informational signs

Specific information
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Tourist oriented
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Signs prohibited on state right of way



Wisconsin law prohibits the placement of advertising signs on any portion of rural or urban state trunk highway (STH) system right of way. All numbered highways (Interstate, U.S. and state) make up the STH system.

As a general rule, highway right of way in rural areas extends to beyond both shoulders and ditches and any adjoining fence line. In urban areas, boulevard medians and the terrace area between any sidewalk and the street are part of the highway, and therefore off-limits for installation of signs of any type.

The prohibition applies to commercial advertising and also covers other signs, posters and banners. Signs and other objects on the right of way are classified as encroachments, which may pose a potential safety hazard.

Improperly placed signs may:


- Compound damages or injuries in the event of a crash.
- Distract a driver's attention.
- Endanger the safety of individuals who are erecting signs along busy highways.
- Obstruct a motorist's view.
- Present obstacles to crews who maintain (mow) roadways.

When placing yard/lawn signs on private property adjacent to the STH system, keep in mind:

- In urban areas without sidewalks, signs must be at least 15 feet from the pavement edge.
- In urban areas, signs are prohibited from the roadway area to at least one foot past the sidewalk.

- Signposts, street name marker posts and most utility poles are all within highway right of way.
- Signs are NOT allowed within highway medians.
- Signs cannot contain flashing lights or moving parts.

For reference, download a printable:

-  [General Guidelines brochure](#)

Removal and fines

County highway crews (working under contract to perform WisDOT maintenance) will remove signs found within state highway right of way. Signs that pose a safety hazard will be removed immediately. Highway crews will make reasonable attempts to preserve signs that are removed and to provide the sign owner with an opportunity to claim the signs, which are taken to the county highway office or shop. Sign owners may face \$10 to \$100 fines for signs that violate the law, pursuant to [s. 86.19 Wis. Stats.](#)



Political/campaign signs

Political/campaign signs, especially larger billboard type signs, are particularly dangerous when placed within vision areas at intersections. Generally, people can actively carry signs for political candidates or other purposes on sidewalks and within highway right of way, provided the signs do not obstruct views for traffic. If signs are so large they block views for motorists, particularly near intersections or curves, they may be removed because of the potential danger to cause crashes.

Political signs should follow the general state right of way guidance for prohibited signs as stated above. No WisDOT permit is required so long as the sign does not exceed 32 square feet.

NOTE: Most local authorities (counties and municipalities) also have regulations or ordinances regarding signage in their jurisdiction. It is the sign owner's responsibility to follow local laws. Approval of a sign application from the state does not exempt the applicant from any local ordinances, or guarantee approval from the local authority having jurisdiction. Likewise, local approval does not guarantee or exempt approval from the state.

Relevant laws

- [Wisconsin Statutes s. 86.04](#)
- [Wisconsin Statutes s. 86.19](#)
- [Wisconsin Administrative Code Trans 201.16*](#)

* Pursuant to *Fiedorowicz v. City of Pewaukee*, No. 02-C-0830, slip op., (E.D. Wis. April 9, 2004); 2004 WL 6338545, WisDOT does not enforce the provision found in s. Trans 201.16(2)(c), which restricts the timeframe for political signs. All other provisions within s. Trans 201.16 remain in effect.

For more information

Contact the [WisDOT Region Outdoor Advertising Signing Contact](#).