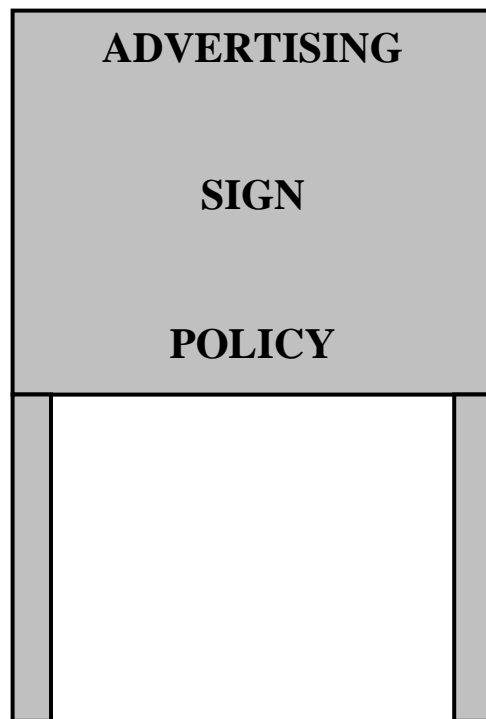




**THE
HIGHWAY TRAFFIC BOARD**



**FOR ALL
PROVINCIAL TRUNK HIGHWAYS
UNDER
THE HIGHWAYS PROTECTION ACT**

August 1991

INTRODUCTION:

The Policy, as described herein, is intended to address the problem of controlling the placement of advertising signs within the control areas of Provincial Trunk Highways.

BACKGROUND:

The Highways Protection Act, brought into effect in 1961, established all Provincial Trunk Highways and certain Provincial Roads as Limited Access Highways.

The purpose of this Act is to control the erection of structures along certain Highways; with the object of protecting the interests of the public in the highways, promoting the safety of persons using the highways, and generally furthering the amenities of travel on the highways.

The Act designated structure-free control areas adjacent to the rights-of-way of these Provincial Trunk Highways. These controlled areas vary from 38.1 metres (125 feet) to 76.2 metres (250 feet) adjacent to Provincial Trunk Highway rights-of-way. This area increases to 152.4 metres (500 feet), 304.8 metres (1,000 feet) and 457.2 metres (1,500 feet) radii control circles at intersections.

The Highway Traffic Board, established under The Highways Protection Act, has the administrative and adjudicative responsibility for the issuance and cancellation of permits relating to the placement of signs within the control areas. A sign permit application, accompanied with a fee, must be approved by the Board for permission to erect a permanent, temporary or portable sign within the control area. No person shall erect or place an advertising sign within a controlled area unless he/she holds a valid and subsisting Permit for the purpose.

It should be noted that any area designated as highway rights-of-way fall under the jurisdiction the The Highways & Transportation Department Act, and is reserved for traffic, regulatory, advisory and informational road signs only. Erection of private signs within the rights-of-way are prohibited in the interests of safety.

In the early 1970's, the Government recognized the need for more control over highway advertising signs, and a review was undertaken of both on-premises and off-premises signs. On-premises advertising signs are those erected or displayed on the property of the owner or lessee where the product is available or the business is conducted. While acknowledging that **on-premises** signs were not a major problem with regard to aesthetics or highway safety, the Traffic Board adopted an interim procedure to control on-premises signs in order to prevent such problems from arising in the future. This procedure has proven to be reasonably effective.

With respect to **off-premises** signs advertising a product, service, organization or business not conducted or available on the property, there was a concern that these signs may detract motorists from driving responsibilities. As a result, the Traffic Board adopted a strict practice of allowing only those off-premises advertising signs which provided information on essential services (food, lodging and gas), announced sites of historical interest (if placed near the entrance to the site), announced recreational facilities and advertised community events (if placed at the entrances to the community).

DISCUSSION:

In the years since the adoption of this practice, it has become apparent that the needs of the public are not being adequately met. An increasing number of unauthorized signs have been erected on highway rights-of-way and within control areas. Attempts to control these illegal signs have been ineffective. Further, the great demand from the public for permission to advertise along the highway indicates the need for reconsideration of the strict practice currently in place.

The Board receives an estimated 200 to 300 requests per year for permits for on and off-premises signs. Since many communities are situated some distance from the highway, local business operators feel the need to advertise their services in order to attract the travelling public. Under the current practice, a business located on a highway can advertise on-premises, while a competing business situated off the highway does not have access to highway advertising.

Given the apparent need and desirability for a more pragmatic off-premises highway sign policy, in 1987 the Government established a Sign Committee to review the current practice and recommend changes to create a fair and equitable policy. The Committee was comprised of representatives from the Traffic Board, the Department of Highways and Transportation, the Union of Manitoba Municipalities, the Manitoba Association of Urban Municipalities and the Tourism Industry Association of Manitoba.

In order to accommodate off-premises advertising in a controlled and reasonable manner, while keeping in mind the Highway Traffic Board's objective: "To protect the integrity of the highway system for reasons of economics, aesthetics, environment and safety"; the Committee developed new policy guidelines for the approval of advertising signs adjacent to the Provincial Trunk Highways.

The major thrust of the new policy is to allow any business to advertise by means of **on and off-premises** highway signs, provided that the business is not illegal and that the sign conforms to these guidelines. The guidelines set out the spacing between signs and their placement in proximity to service centres, as well as general design standards. The guidelines may be relaxed in isolated regions, and more stringent within Provincial Parks and other designated areas. In order to maintain a high standard of aesthetics, sign permits will be subject to renewal every five years.

CONSULTATION AND IMPLEMENTATION PROCESS:

The Board held consultation meetings throughout the Province to allow for public input into the policy development process, prior to finalizing the policy. The new Advertising Sign Policy was then widely circulated. Subsequently, the Board adopted the refined policy and guidelines.

The new policy applies to all sign placements. For existing signs, a provision will apply whereby owners of all signs which have not previously received Board approval, will receive written notification of the new policy and will be requested to submit an application for a permit. If, after six (6) months, the Board has not received a response and the owner has not complied, the sign will be removed and disposed of.

MUNICIPAL BY-LAWS:

Advertising signs are subject to all by-laws established by the Municipality in which the signs are to be erected. When The Highway Traffic Board issues a Permit, the sign must still conform to all municipal by-laws. Sign owners are advised to check with municipal offices for their by-laws.

**NOTE: THE BOARD ADVISES THAT ADVERTISING SIGNS
SHOULD NOT BE CONSTRUCTED UNTIL
A PERMIT HAS BEEN ISSUED.**

ADVERTISING SIGNS IN CONTROLLED AREAS ADJACENT TO PROVINCIAL TRUNK HIGHWAYS

Policy Guideline pertaining to the erection, placing, removal, and fees of advertising signs adjacent to Provincial Trunk Highways.

Under The Highways Protection Act, The Highway Traffic Board is limited and can only issue permits for advertising signs within the controlled areas of limited access highways, and has no jurisdiction on highway rights-of-way or lands adjacent to Provincial or Municipal roads.

DEFINITIONS

1 **"Sign"** (Advertising Sign) means any publicly displayed device that bears information or advertising and includes any free-standing structure or thing that supports the device.

"Control Area" means the area between the edge of the right-of-way of a limited access highway and the control line in relation to that highway, as set out in The Highways Protection Act.

"Interchange" means a system of interconnecting roadways in conjunction with one or more grade separations, providing for the movement of traffic between two or more roadways on a different level.

"Major Intersection" means where two or more Provincial Roads join at an angle or cross; or two Provincial Trunk Highways join at an angle or cross; or a Provincial Trunk Highway and a Provincial Road join at an angle or cross.

"Modified Speed Zone" means a highway or part of a highway designated as a modified speed zone under The Highway Traffic Act, and the speed limit is set below that of the statutory 90 km/h.

"Off-Premises Sign" means a sign other than an On-Premises Sign.

"On-Premises Sign" means a sign that is erected or located on land within the controlled area:

- a) where the business or activity referred to in the sign is conducted; or
- b) to which the subject matter of the sign relates.

"Portable Sign" means a sign that is capable of being readily moved.

"Restricted Speed Area" means a highway or part of a highway for which the speed limit is designated at 50 km/h.

"Right-of-Way" means the property owned by Her Majesty the Queen in right of Manitoba for a Provincial Highway or Roadway.

"Seasonal Sign" means a sign advertising a business or function that operates or occurs during a specific time of year only.

"Traffic Control Devices" means a sign, signal, light, marking, or device, placed or erected for the purpose of regulating, warning or guiding traffic.

APPLICATION FEES

2 Each application for a Permit must be accompanied by the fee as established by regulation.

APPLICATION

3(1) Subject to sub-section 3(2), any person intending to erect or place an advertising sign within the controlled area of a Provincial Trunk Highway must first submit an application to The Highway Traffic Board for a Permit.

3(2) No permit application is required for the following; however, these signs must conform to The Highway Traffic Board's Policy Guidelines.

A) Signs, whether on-premises or off-premises:

- i) that are erected seasonally for the sale of agricultural produce;
- ii) indicating that agricultural research is taking place;
- iii) giving warning or notice of a danger;
- iv) posted in respect of an election;
- v) respecting wildlife management areas;
- vi) respecting range patrols;
- vii) respecting neighbourhood watch areas.

B) Signs, on-premises only:

- i) for the sale or rental of real property;
- ii) for auction sales, not including a permanent auction sale location;
- iii) forbidding trespassing or hunting;
- iv) identifying religious establishments;
- v) identifying cemeteries;
- vi) name signs:
 - a) that display the name, address, trade, profession, calling and telephone number of the occupant; and
 - b) that are not more than 0.5 metres in height and not more than 1.0 metre in width;
- vii) entrance and/or exit sign:
 - a) that may be used to direct traffic into or out of a business establishment;
 - b) that are not larger than 0.91 metres by 0.61 metres; and
 - c) that may contain arrows or chevrons.

ON AND OFF-PREMISES SIGNS

DESIGN, LOCATION, CONSTRUCTION

- 4 An on or off-premises sign shall meet the following requirements:
- A) The face of the sign shall be readily legible by a person with ordinary vision looking toward the face from a distance from the sign of at least 100 metres from that portion of a highway over which vehicles are entitled to pass;
 - B) The lettering or symbols on the sign shall not be less than 16 cm in height;
 - C) The sign shall be supported and anchored in such a manner as to withstand wind and other elements;
 - D) Electric signs shall conform to any applicable Canadian Standards Association standards and to applicable standards under any Act of the Legislature;
 - E) The sign shall not be erected or located closer than:
 - i) 3.0 metres to the nearest boundary of a highway; or
 - ii) a distance as directed by the Board; or
 - iii) a distance which is sufficiently far from the travelled portion of any adjacent highway that, if the sign fell, it would not result in the sign falling on that portion of the highway, whichever is greater;
 - F) The sign shall not be located so as to obscure another sign or a traffic control device.

SIGNS WHICH ARE POTENTIALLY DANGEROUS DISTRACTIONS

- 5(1) An on or off-premises sign which is a potentially dangerous distraction to the operator of a motor vehicle on a highway shall not be erected or located in the controlled area.
- 5(2) The following types of on or off-premises signs may be deemed to be a potentially dangerous distraction:
- A) Signs which have variable illumination, including any moving, flashing, scintillation, blinking or travelling lights, or reflective paint or material;
 - B) A sign, any portion of which is capable of, or is intended to move;
 - C) Signs containing running or changing messages;
 - D) Signs containing chevrons or arrows, whether or not lighted;
 - E) A sign which is located so close to another sign as not to allow a reasonable reader to read and understand it when travelling at the maximum rate of speed permitted on the highway.

SIGNS RESEMBLING TRAFFIC CONTROL DEVICES

- 6 The Board does not have the authority to approve signs which resemble or may be confused with a traffic control device, or with any emergency vehicle or vehicle used in the maintenance of highways, or which obscures the view of any traffic control device.

OFF-PREMISES SIGNS

DESIGN, LOCATION, CONSTRUCTION

- 7(1) In addition to complying with sections 4 to 6, an off-premises sign shall meet the following requirements:
- A) A sign shall face on-coming traffic on the same side of the highway as the direction of that traffic, unless the highway adjacent to the sign is a modified speed zone or restricted speed area;
 - B) A sign may be orientated such that its face is at an angle no greater than 45° from a line drawn perpendicular to the centre line of the highway;
 - C) A sign shall not be erected or located closer than:
 - i) 200 metres to a major intersection;
 - ii) 200 metres measured along the centre line of the straight portion of a highway from the point where a curve in a highway commences, unless the curve is in a modified speed zone or restricted speed area;
 - iii) 2 kilometres to an interchange;
 - iv) 200 metres to a railway crossing;
 - v) 200 metres to any other sign, including those signs outside the controlled area; or
 - vi) 1 metre to the ground;

D) Subject to subsection (2), a sign shall not contain more than 12 words or symbols.

- 7(2) A non-profit organization or group of organizations, or a community, may locate or erect a sign containing 13 or more words and symbols if the sign:
- A) Is located or erected near the boundaries of a community in which each of the non-profit organizations or community conducts its activities; and
 - B) Contains only information or symbols referring to the non-profit organization or the community.

PROHIBITION

- 8 Except in special circumstances as solely determined by the Board, only one off-premises sign adjacent to a Provincial Trunk Highway, in any one direction of traffic, shall be permitted to any person, business or activity.

TERMS AND CONDITIONS OF PERMITS

- 9 Every Permit issued for a sign is subject to the following terms and conditions:
- A) It is a condition of a permit that it expires on the earliest of:
 - i) where the permit was issued after the coming into force of this Policy Guideline, five years from the date of its issue;
 - ii) the date given in the permit.
 - B) It is a condition of a permit that it may be cancelled:
 - i) three months after the date the business or activity referred to in the sign ceases to be conducted or take place, or the goods, services or facilities referred to in the sign cease to be provided;
 - ii) if the sign is becoming unsafe or is falling into disrepair.

REMOVAL AND PROCEDURE

- 10(1) Where a sign is placed or erected in a manner that contravenes the Act, the Traffic Board may, by Order, require:
- A) The owner of the sign; or
 - B) The person on whose land the sign is placed or erected; or
 - C) Any person responsible for placing or erecting the sign;
- to remove the sign at his/her own cost, forthwith or within such period of time that may be specified in the Order.
- 10(2) Where a person under subsection (1) fails or refuses to remove a sign in accordance with an Order, the Traffic Board may, at any time after the expiry of the time allowed for removal, remove or cause the sign to be removed.