

AMENDED IN SENATE MAY 2, 2013
AMENDED IN SENATE APRIL 22, 2013

SENATE BILL

No. 694

Introduced by Senator Correa

February 22, 2013

An act to add Section 5272.1 to the Business and Professions Code, relating to outdoor advertising.

LEGISLATIVE COUNSEL'S DIGEST

SB 694, as amended, Correa. Outdoor advertising: transit stations.

The Outdoor Advertising Act provides for the regulation by the Department of Transportation of advertising displays, as defined, within view of public highways. The act exempts from certain of its provisions advertising displays that advertise the business conducted or services rendered or goods produced or sold on the property upon which the display is placed, as specified. Existing law also exempts certain advertising displays in existence before January 1, 2009, at an arena located on public land with a capacity of 5,000 seats or more that provides a permanent venue for professional sports, subject to certain conditions.

This bill would also exempt from certain provisions of the Outdoor Advertising Act *an advertising display on public property upon which is located a publicly owned multimodal transit facility that primarily serves as a multimodal transit station passenger rail and that is to serve as a station for the high-speed train system, as specified. The bill would impose various conditions on an advertising display erected under these circumstances, including a requirement for a local ordinance regulating the display and approval by the High-Speed Rail Authority. The bill would require revenues from the advertising display, beyond*

the cost of erection, to be used to support the construction, operation, and maintenance of the multimodal transit facility.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

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

- 1 SECTION 1. Section 5272.1 is added to the Business and
- 2 Professions Code, to read:
- 3 5272.1. (a) With the exception of Article 4 (commencing with
- 4 Section 5300) and Sections 5400 and 5404, inclusive, nothing
- 5 contained in this chapter applies to any advertising display that is
- 6 exclusively on public property upon which is located a facility that
- 7 primarily serves as a multimodal transit station for various modes
- 8 of transportation, including, but not limited to, passenger rail, that
- 9 supports the goals of the region’s sustainable communities strategy,
- 10 as described in Section 65080 of the Government Code, and that
- 11 satisfies either of the following: *facility.*
- 12 (1) ~~Serves as a current or future station for the high-speed train~~
- 13 ~~system at a location in the corridor identified in paragraph (2) of~~
- 14 ~~subdivision (b) of Section 2704.04 of the Streets and Highways~~
- 15 ~~Code.~~
- 16 (2) ~~Serves as a station for the high-speed train system at any~~
- 17 ~~additional location in the corridors identified in paragraph (3) of~~
- 18 ~~subdivision (b) of Section 2704.04 of the Streets and Highways~~
- 19 ~~Code, provided it is approved as a station by the High-Speed Rail~~
- 20 ~~Authority.~~
- 21 (b) *This section applies to advertising displays only if the*
- 22 *multimodal transit facility meets the following requirements:*
- 23 (1) *It is publicly owned and operated and is located on public*
- 24 *land.*
- 25 (2) *It is identified as a critical component in the region’s*
- 26 *sustainable communities strategy, as described in Section 65080*
- 27 *of the Government Code.*
- 28 (3) *One of the modes of transportation served at the multimodal*
- 29 *transit facility is passenger rail.*
- 30 (4) *It is a current or future station for the high-speed train*
- 31 *system in the corridor identified in paragraph (2) of subdivision*
- 32 *(b) of Section 2704.04 of the Streets and Highways Code.*
- 33 (b)

1 (c) To advertise any products, goods, or services on an
2 advertising display pursuant to this section, all of the following
3 shall apply:

4 (1) ~~The facility shall be publicly owned and operated and shall~~
5 ~~be located on public land~~ *advertising display shall be on the same*
6 *side of the highway and within 1,000 feet of an entrance to a*
7 *multimodal transit facility that meets the requirements of*
8 *subdivision (b).*

9 (2) The advertising display shall not advertise products, goods,
10 or services related to distilled spirits, tobacco, firearms, or sexually
11 explicit material.

12 (3) *Beyond the cost of erection, revenues from the advertising*
13 *display shall be used to support the construction, operations, and*
14 *maintenance of the multimodal transit facility.*

15 ~~(3)~~

16 (4) The advertising display shall not cause a reduction in federal
17 aid highway funds as provided in Section 131 of Title 23 of the
18 United States Code.

19 ~~(e)~~

20 (d) Any advertising display erected pursuant to this section shall
21 be authorized by, or be in accordance with, an ordinance, including,
22 but not limited to, a specific plan or sign district, adopted by the
23 city or county, as applicable, that regulates advertising displays
24 by either identifying the specific displays or by establishing
25 regulations that include, at a minimum, all of the following:

26 (1) The number of signs and total signage area allowed.

27 (2) The maximum individual signage area.

28 (3) Minimum sign separation.

29 (4) Illumination restrictions and regulations, including signage
30 refresh rate, scrolling, and brightness.

31 (5) Illuminated sign hours of operation.

32 (e) *Authorization of an advertising display under this section*
33 *shall also be subject to the owner of the display submitting, to the*
34 *High-Speed Rail Authority, a copy of the ordinance authorizing*
35 *the display that has been adopted by the applicable city or county*
36 *pursuant to subdivision (d). The High-Speed Rail Authority shall*
37 *review and certify that the proposed display and the ordinance*
38 *meet the minimum requirements of this section, including that the*
39 *multimodal transit facility is or will be a current or future station*

1 *for the high-speed train system pursuant to paragraph (4) of*
2 *subdivision (b).*

3 ~~(d)~~

4 *(f) Nothing in this ~~chapter~~ section limits a city or county from*
5 *adopting an ordinance further restricting the size, number, or types*
6 *of advertising displays authorized by this section.*

7 *(g) Any law that applies to advertising displays authorized*
8 *pursuant to Section 5272 shall also apply to this section.*