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Agency of Transportation

June 22, 2016

Mr. Jim Condos
Secretary of State
128 State Street
Montpelier, Vermont 05633-1101

Re: Vermont Sign Law and Political Signs

Dear Secretary Condos:

As the general election season draws near, I believe candidates campaigning for public office would benefit from a refresher on Vermont's Sign Law and how they can stay in compliance with the provisions of the law.

Vermont regulates activities in the highway rights-of-way through the following statutes: 10 V.S.A § 495(d); 10 V.S.A § 503, 19 V.S.A § 1111(a); 23 V.S.A § 1027, and the Code of Federal Regulations, 23 C.F.R. § 1.23.

Essentially, Vermont prohibits all types of signs within the limits of highway rights-of-way other than official traffic control signs. The minimum right-of-way for most Vermont highways is 49.5 feet wide; thus, the right-of-way extends, at a minimum, 24.75 feet from either side of the centerline. In some cases, the right-of-way is wider, as evidenced by boundary monuments, fences, utility installations, ditches, etc. To be in compliance with the law, candidates running for political office should ensure their signs are placed beyond 25 feet from the centerline, or farther where there is evidence of a wider right-of-way.

Vermont statutes require the Vermont Agency of Transportation (VTrans) to enforce the sign law along State highways. VTrans accomplishes this through our hardworking district personnel who have many other duties to maintain our transportation system. VTrans often receives complaints from citizens about these temporary signs within State highway rights-of-way. Sometimes these signs become a safety issue as they are a distraction for motorists or interfere with sight distance at intersections and driveways.

In addition to prohibiting signs in highway rights-of-way, state statutes also prohibit posting any kind of sign or notice on utility poles, regardless of whether the pole is within the highway right-of-way or on private property.

VTrans and the employees who are required to enforce the law would appreciate your forwarding my letter and attached materials to candidates running for political office this fall. Thank you for your assistance.

Sincerely,

Chris Cole
Secretary of Transportation

Attachment



10 V.S.A. § 495. Other regulations applying to permitted signs.

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(d) Notwithstanding any other provisions of this title, a person, firm or corporation shall not erect or maintain any outdoor advertising structure, device or display within the limits of the highway right-of-way; however, this limitation shall not apply to the signs and devices referred to in subdivisions 494(1), (2), (3), (6), (7), (10), (14) and (17) of this title.

10 V.S.A. § 503. Penalty

A person who violates this chapter shall be fined not more than \$100.00 or imprisoned not more than 30 days, or both. Each day the violation continue shall be a separate offense.

23 V.S.A. § 1027. Unauthorized signs, signals or markings

(a) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking, or device which is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which obscures or interferes with the effectiveness of an official traffic-control device or any railroad sign or signal.

(b) No person shall place or maintain upon any highway, nor may any public authority permit upon any highway, any traffic sign or signal bearing thereon any commercial advertising, except as otherwise provided in 10 V.S.A. chapter 21.

(c) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs, nor shall this provision affect any right or obligation created or recognized under 10 V.S.A. chapter 21.

(d) Every prohibited sign, signal or marking is a public nuisance, and the agency of transportation may remove it or cause it to be removed without notice.

23 V.S.A. § 2302. Traffic violation defined

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(c) A violation of a traffic law in this title for which no penalty is otherwise provided shall be subject to a penalty of not more than \$1,000.00.

23 C.F.R. § 1.23 Rights-of-way

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