The Herrity Report

Pat Herrity — Your Voice in Fairfax County

December 7, 2011

ENDING ILLEGAL ROAD SIGNS

The recently completed election cycle saw 99 candidates run for office in Fairfax County, and with them many thousands of campaign signs joined the bright yellow Junk B Gone and other advertising signs that litter our median strips and roadways. It is past time that Fairfax County move to address these illegally placed signs. I believe there are at least five compelling reasons to act:

- **Placing signs in VDOT rights-of-way is an illegal activity.** Just four weeks ago I was contacted by a constituent who told me that by placing my signs in the medians I was breaking the law, and quite frankly she was right, and I had no good answer for her - saying "everybody does it" is just not good enough. It is time to enforce the law.
- **Fairfax County is the only county in the state that has not addressed this problem.** I do not see the same problem as I travel throughout Virginia.
- **Signs in the median can be dangerous, obstruct sight distance and distract drivers.** My office received many calls asking us to remove signs from both parties that blocked the view of drivers trying to turn. I am aware of at least one accident this election season that was blamed on a campaign sign that obstructed sight distance
- **Demonstrate pride in our community.** I find it hypocritical that we regularly complain about grass height in medians, but will not deal with 4 X 8 foot multicolored pieces of plastic.
- **Cost to VDOT and the County.** Prior to each mowing VDOT must pay to clear the rights-of-way of illegally placed signs and other litter. VDOT and the County also must pay to clear the signs that candidates fail to remove after the elections are over.

Under the current Virginia Code, a County does not have the legal authority to remove signs from VDOT rights-of-way unless it enters into an agreement with the Commonwealth Transportation Commissioner authorizing it to do so. However, even if Fairfax County were to enter into such an agreement, the Virginia Code imposes certain limitations on the County's authority to remove signs from VDOT rights-of-way that do not apply to any other County.

For example, the Virginia Code provides that Fairfax County cannot remove from VDOT rights-of-way signs and advertising supporting an individual's candidacy for elected public office or other ballot issues until such signs have been in place for more than three days after the election to which they apply. Delegate Dave Albo is preparing to submit such a bill this legislative session to eliminate this Fairfax County specific limitation. Delegate Jim LeMunyon is also introducing a bill that would increase the fines from $100 to $500 for illegal signs.

At the December 6th meeting of the Board of Supervisors, the Board approved my motion to do the following:

- Support legislation that would remove from the Virginia Code restrictions that apply only to Fairfax County with respect to the removal of political signs from VDOT rights-of-way.
- Direct the County Executive to develop and present to the Board cost effective options for removal of signs from the right-of-way including leveraging the use existing staff, part time resources, VDOT and organizations or groups that currently remove signs - the Town of Herndon, Reston, Fair Lakes League, Burke Center Conservancy and Adopt a Highway groups to name a few and present them for discussion at an upcoming Development Process Committee meeting.
- Direct the County Attorney to draft an agreement between the Board and the Commonwealth Transportation Commissioner f that would authorize the Board to remove all signs from VDOT rights-of-way for discussion at an upcoming Development Process Committee meeting.
- Investigate and consider a suggestion made by Supervisor Penny Gross to increase the bond posted for signs in the county from $100 to up to $1,000.

It is well past time to put an end to illegal signs in the right-of-way. I believe that with a two or three year focused effort and minimal investment we can rid our communities of illegal road signs.