



BRIEFING: OCTOBER 2014 BOARD MEETING AGENDA ITEM #3

TO: Chairman Richard and Board Members

FROM: Michelle Boehm, Southern California Regional Director
Thomas C. Fellenz, Chief Counsel

DATE: October 14, 2014

RE: Consider Delegating Authority to the CEO to Review and Certify Proposed Advertising Displays at High-Speed Rail Multimodal Transit Facilities

Background

Subject to particular exceptions, California Business & Professions Code section 5272.1 exempts from certain provisions of the Outdoor Advertising Act an advertising display on any multimodal transit facility that: (1) is publicly owned and operated; (2) is located on public land; (3) has been identified as a critical component in the region’s sustainable communities strategy; (4) serves passenger rail; and, (5) is or will be a current or future Phase I high-speed rail station.

Pursuant to California Business & Professions Code section 5272.1(d), no advertising display pursuant to section 5272.1 will be lawful unless it is “authorized by, or in accordance with, an ordinance, including, but not limited to, a specific plan or sign district, adopted by the city, county, or city and county, as applicable, that regulates advertising displays...” This ordinance must either identify the specific display or establish regulations that include certain requirements/criteria as specifically set forth in this subsection.

After adoption of the required ordinance under subsection (d), the owner of the proposed advertising display must submit a copy of the ordinance to the California High-Speed Rail Authority (Authority). The Authority then must then review and certify that the proposed display and the ordinance meet the minimum requirements set forth in California Business & Professions Code section 5272.1.

Discussion

The enactment of California Business & Professions Code section 5272.1 (SB 694 – Correa) in 2013 conferred upon the Authority the obligation to review requests for advertising displays on current or future Phase I high-speed rail stations. This obligation to review requests also includes the obligation to certify that the proposed display and the requisite ordinance meet specific statutory requirements. As high-speed rail stations are built, it is likely that the Authority will receive frequent requests for review and certification and that the time necessary to review and certify pursuant to section 5272.1 will be extensive. Therefore, since it is

necessary to assure the timely review and certification required under section 5272.1, it is necessary and appropriate to delegate this authority to the CEO.

Recommendation

For the reasons stated in the discussion section above, staff recommends that the Board approve and adopt the California Business & Professions Code § 5272.1 CEO delegation attached hereto.

Attachments

– Resolution #HSRA 14-29