

## A G R E E M E N T

FOR CARRYING OUT NATIONAL POLICY RELATIVE TO CONTROL OF OUTDOOR ADVERTISING IN AREAS ADJACENT TO THE NATIONAL SYSTEM OF INTER-STATE AND DEFENSE HIGHWAYS AND THE FEDERAL-AID PRIMARY SYSTEM.

THIS AGREEMENT made and entered into this 24<sup>th</sup> day of January, 1972 by and between the Secretary of Transportation acting by and through the Federal Highway Administrator and the Arkansas Highway Commission, represented by the Director of the Arkansas Highway Department.

WHEREAS, Congress has declared that outdoor advertising in areas adjacent to the Interstate and Federal-aid Primary Systems should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel and to preserve natural beauty; and,

WHEREAS, Section 131(d) of Title 23, United States Code authorizes the Secretary of Transportation to enter into agreements with the several States to determine the size, lighting, and spacing of signs, displays, and devices, consistent with customary use, which may be erected and maintained within 660 feet of the nearest edge of the right-of-way within areas adjacent to the Interstate and Federal-aid Primary Systems which are zoned industrial or commercial under authority of State law or in unzoned commercial or industrial areas, also to be determined by agreement; and,

WHEREAS, by passage of Act No. 640 by the 1967 Arkansas Legislature, the Arkansas Highway Commission, under Section 8 of said Act, has been authorized to enter into agreement with the Secretary for the purpose of controlling the erection and maintenance of outdoor advertising in areas of the FAI and FAP Systems in Arkansas and to take action in the name of the State to comply with such agreement; and,

WHEREAS, the purpose of said agreement is to promote the reasonable, orderly, and effective display of outdoor advertising

while remaining consistent with the National policy to protect the public investment in the Interstate and Federal-aid Primary Highways, to promote the safety and recreational value of public travel and to preserve natural beauty; and,

WHEREAS, the State of Arkansas desires to implement and carry out the provisions of Section 131 of Title 23, United States Code, and the National policy in order to remain eligible to receive the full amount of all Federal-aid highway funds to be apportioned to Arkansas on or after January 1, 1968, under Section 104 of Title 23, United States Code.

NOW THEREFORE, the parties hereto do mutually agree to the following:

I. Definition:

For purposes of making these determinations, the following definitions apply -

- A. Sign means an outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main traveled way of the Interstate or Federal-aid Primary Highway.
- B. Traveled way means the portion of the roadway for the movement of vehicles, exclusive of shoulders,
- C. Main traveled way means the through traffic lanes exclusive of frontage roads, auxiliary lanes, and ramps.
- D. Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish a sign but excluding customary maintenance or repair and the activities incident to the change of advertising messages on established signs or sign structures.
- E. The term "Act" means Section 131 of Title 23, United States Code (1965) commonly referred to as Title I of the Highway Beautification Act of 1965.

- F. Commercial or industrial activities mean those activities generally recognized as commercial or industrial by public zoning authorities in Arkansas, except that none of the following activities shall be considered commercial or industrial:
1. Outdoor advertising structures.
  2. Agricultural, forestry, grazing, farming, and similar activities, including, but not limited to, wayside fresh produce stands.
  3. Transient or temporary activities.
  4. Activities not visible from the main traveled way.
  5. Activities more than 660 feet from the nearest edge of the right-of-way.
  6. Activities conducted in a building principally used as a residence.
  7. Railroad tracks and minor sidings, except in the area of a permanent facility for loading and unloading trains.
- G. Zoned commercial or industrial areas mean those areas which are zoned commercial, or industrial by a recognized public zoning authority.
- H. Unzoned commercial, business, or industrial areas means the land occupied by the regularly used building, parking lot, and storage or processing area of a commercial, business, or industrial activity, and that land within 600 feet thereof on both sides of the highway. The unzoned land shall not include:
1. Land on the opposite side of an interstate or primary freeway highway from an unzoned commercial, business, or industrial area, as defined above.
  2. Land predominantly used for residential purposes.
  3. Land zoned by state or local law, regulation, or ordinance.
  4. Land on the opposite side of a non-freeway primary highway which is deemed scenic by the State Highway Department.

- I. Municipalities means those incorporated areas defined by an established city limits.
- J. Auxiliary Lane means that portion of the roadway adjoining the traveled way for speed change, turning or for other purposes supplementary to through traffic movement (Auxiliary lanes shall include, but not be limited to, acceleration and deceleration lanes, turning lanes and climbing lanes.)
- K. Ramps shall mean a turning roadway, not adjoining the traveled way, and connecting two or more legs of an intersection or interchange and shall be that section between gores, beginning and ending of auxiliary lanes, and terminal connection with an intersecting roadway or combination thereof.
- L. Freeway means a divided arterial highway for through traffic with full control of access.

## II. Scope of Agreement:

This agreement shall cover the determination of standards and criteria for size, lighting, and spacing of signs permitted in zoned or unzoned commercial and industrial areas, and the established definition of unzoned industrial and commercial areas for the effective control of the erection and maintenance, along the Interstate System and the FAP System in the State of Arkansas of outdoor advertising signs which are within 660 feet of the nearest edge of the right-of-way and visible from the main traveled way of the systems; and,

Those determinations set forth in this agreement have been established with consideration to the customary use in the outdoor advertising industry in Arkansas and are no more restrictive than that required by Title 23, United States Code and do not apply to (a) on premise advertising, official and directional signs, identification markers as permitted under Section 131(c) of Title 23, United States Code and Subsections 5 c. d. and e of the Arkansas

Act 640; (b) all outdoor advertising signs legally erected and maintained, in zoned and unzoned commercial and industrial areas established by this agreement; on FAP and FAI Highways prior to the date of enactment of this agreement; (c) outdoor advertising signs legally erected and maintained in zoned or unzoned commercial and industrial areas established by this agreement on highways which become a part of the FAP and FAI System after the date of this agreement.

III. Determination of sign standards and criteria for control of outdoor advertising:

A. General

The following signs shall not be permitted:

1. Signs which imitate or resemble any official traffic sign, signal, or device.
2. Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.
3. Signs which are structurally unsafe or in disrepair.

B. Size of Signs

1. A sign structure may consist of two facings so long as only one facing is visible from the approaching traveled way.
2. A sign structure may contain one or two signs per facing and not more than four signs per structure.
3. The maximum area of a single sign on one facing shall be 1,200 square feet and a maximum length of 60 feet and maximum height of 25 feet inclusive of any border and trim but excluding ornamental base or apron supports and other structural members.
4. When two signs are placed on one facing, the maximum area per each sign will be 550 square feet with a maximum combined length of 70 feet and a maximum combined height of 35 feet inclusive of any border

and trim but excluding ornamental base or apron supports and other structural members.

5. The length will be measured at the maximum horizontal span including cutouts and trim and will include the space between signs when two signs are placed on one facing.
6. The height shall be measured from the lowest and highest points including cutouts and trim on the sign or two signs, regardless of the facing on which they are located, and shall include the space between signs when one sign is placed over another sign on one facing.

C. Spacing of Signs

1. Interstate and primary highways:

- (a) Signs may not be located in such a manner as to obscure, or otherwise interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic.

2. Interstate Highways and Freeways on the Federal-aid Primary System:

- (a) No two structures shall be spaced less than 500 feet apart.
- (b) In areas outside municipalities, no structure may be located within the area immediately adjacent to an interchange, an auxiliary lane or ramp, and within 500 feet from the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way.

3. Non-Freeway Federal-aid Primary Routes:

- (a) Outside of Municipalities - no two structures shall be spaced less than 300 feet apart.



- (b) Inside Municipalities - no two structures shall be spaced less than 100 feet apart.
- 4. These minimum spacings do not apply to sign structures separated by buildings or other obstructions in such a manner that only one sign structure is visible from the highway at any one time.
- 5. Explanatory Notes:
  - (a) Alleys, undeveloped rights-of-way, private roads and driveways shall not be regarded as intersecting streets, roads or highways.
  - (b) Only roads, streets and highways which enter directly into the main traveled way of the primary highway shall be regarded as intersecting.
  - (c) Official and "on premise" signs, as defined in Section 131(c) of Title 23, United States Code, and subsections 5 c, d, and e of the Arkansas Act shall not be counted nor shall measurements be made from them for purposes of determining compliance with these sign spacing requirements.
  - (d) Outdoor advertising signs legally erected prior to the date of enactment of this agreement will be counted and measurements made from them for purposes of determining the spacing of signs erected after the date of enactment of this agreement.
  - (e) The minimum distance between signs shall be measured along the nearest edge of the pavement between points directly opposite the signs and each side of the highway will be considered separately.

D. Lighting

Signs may be illuminated, subject to the following restrictions:

1. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather, or similar information.
2. Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the Interstate or Primary highways and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interferes with any driver's operation of a motor vehicle are prohibited.
3. No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.

E. Zoning Authority

The State of Arkansas and local political subdivisions shall have full authority under their own zoning laws to zone areas for commercial or industrial purposes and the action of the State and local political subdivisions in this regard will be accepted for the purposes of this agreement. At any time that a political subdivision adopts comprehensive zoning which includes the regulating of the size, lighting, and spacing of outdoor advertising signs within the zoned commercial and industrial areas consistent with the purposes of the Highway Beautification Act of 1965 and with customary use the Arkansas Highway Commission may certify to the Administrator as notice of effective control of signs within the zoned area.

IV. State Control:

The Arkansas Highway Commission hereby agrees that in accordance with the scope of this agreement, the Commission shall



effectively control, or cause to be controlled, the erection and maintenance of outdoor advertising signs.

V. Conditions

- A. It is further agreed that these determinations are based on the contents and requirements of the Highway Beautification Act of 1965 as it exists on this date and that any amendment or interpretation of said Act modifying the requirements for the States will automatically provide the Arkansas State Highway Commission the option of revising this agreement to reflect the latest revisions or interpretations.
- B. It is hereby agreed that the State will not be required to remove any tourist-oriented sign, display or device until the Highway Beautification Commission submits its report and recommendation to the Congress of the United States.
- C. It is mutually understood that no sign, display, or device will be required to be removed under this agreement if the Federal share of the just compensation to be paid upon removal of such sign, display, or device is not available to make such payment.

VI. Effective Date

This agreement shall become effective on the date that it is approved by the Federal Highway Administrator.

IN WITNESS WHEREOF the parties hereto have caused this agreement to be duly executed as of the date specified.

ARKANSAS STATE HIGHWAY COMMISSION

1-14- 1972

By

Ward B. Adams  
Director of Highways  
Arkansas State Highway Department

SECRETARY OF TRANSPORTATION

January 24, 1972

By

J. C. Murren  
Federal Highway Administrator