

A M E N D E D 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 INTERSTATE AND DEFENSE HIGHWAYS AND THE FEDERAL-AID PRIMARY SYSTEM.

THIS AGREEMENT made and entered into this 13 day of July, 1972, by and between the United States of America represented by the Secretary of Transportation acting by and through the Federal Highway Administration, hereinafter referred to as the "Administrator", and the State of Rhode Island, represented by the Department of Transportation, acting by and through its Director, hereinafter referred to as the "State".

Witnesseth:

WHEREAS, Section 131 (d) of Title 23, United States Code provides for agreement between the Secretary of Transportation and 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 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, 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 primary highways, to promote the safety and recreational value of public travel and to preserve natural beauty; and

WHEREAS, the State of Rhode Island elects 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 such State on or after January 1, 1968, under Section 104 of Title 23, United States Code; and

WHEREAS, the State of Rhode Island and the Federal Highway Administrator entered into an agreement dated June 28, 1967 whereby the State agreed to control the erection and maintenance of outdoor advertising signs, displays and devices in areas adjacent to the National System of Interstate and Defense Highways in accordance with the provisions of Section 131 of Title 23,

United States Code, and the national standards as in effect on June 30, 1965;
and

WHEREAS, Section 131(j) of Title 23, United States Code, provides that a State shall be entitled to receive the bonus payments as set forth in the agreement provided the State maintains the control required under such agreement or the control required by the section whichever control is stricter; and

WHEREAS, the State of Rhode Island elects to implement and carry out the stricter provisions in order to remain eligible to receive payment of the one-half of one percent increase in the Federal share payable on account of any project on the Interstate System within the State.

NOW THEREFORE, the parties hereto do mutually agree as follows:

I. Definitions

A. 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.

B. Commercial or industrial zone means areas which were zoned industrial or commercial under authority of law as of December 21, 1959.

C. Unzoned commercial or industrial area means those areas not zoned by State or local law, regulation or ordinance, which are occupied by one or more industrial or commercial activities, other than outdoor advertising signs, and the lands along the highway for a distance of 500 feet immediately adjacent to the activities.

All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the activities, not from the property lines of the activities, and shall be along or parallel to the edge of pavement of the highway. Measurements shall not be from the property lines of the activities unless said property lines coincide with the limits of the activities. Unzoned industrial or commercial areas shall not include land on the opposite side of the highway from the activities or land predominately used for residential purposes, or land adjacent to Interstate or primary highways constructed on right-of-way, the entire width of which was acquired subsequent to July 1, 1956.

D. Commercial or industrial activities, for purposes of the above unzoned area definition, mean those activities generally recognized as commercial or industrial by zoning authorities in this State, except that none of the following shall be considered commercial or industrial:

1. Agricultural, forestry, ranching, grazing, farming and related activities, including, but not limited to, wayside fresh produce stands.
2. Transient or temporary activities.
3. Activities not visible from the main traveled way.
4. Activities more than 300 feet from the nearest edge of the main traveled way.
5. Activities conducted in a building principally used as a residence.
6. Railroad tracks and minor sidings.
7. Activities normally and regularly in operation less than 5 months per year.

E. "Sign" means an outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, structure 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 primary system.

F. Traveled way means the portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

G. Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance or repair of a sign or sign structure.

H. Safety rest area means an area or site established and maintained within or adjacent to the right-of-way by or under public supervision or control, for the convenience of the traveling public.

I. Information center means an area or site established and maintained as safety rest areas for the purpose of informing the public of places of interest within the State and providing such other information as the Director of Transportation may consider desirable.

J. Main-traveled way means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways or parking areas.

K. Visible means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

L. Scenic area means any area of natural or man-made scenic beauty or historical significance designated by the Department.

M. Major official guide sign means a sign with a total area of not less than 12 square feet, erected and authorized by the State or Federal Government to designate route numbers or route names, distances and directions to certain localities or municipalities.

II. Scope of Agreement

This agreement shall apply to the following areas:

(1) All zoned and unzoned commercial and industrial areas as defined herein within 660 feet of the nearest edge of the right-of-way of all portions of the Interstate and Primary Systems within the State of Rhode Island in which outdoor advertising signs may be visible from the main traveled way of either or both of said systems.

III. State Control

A. The State hereby agrees that, in all areas within the scope of this agreement, the State shall effectively control, or cause to be controlled, the erection and maintenance of outdoor advertising signs, displays and devices other than those advertising the sale or lease of the property on which they are located, or activities conducted thereon, in accordance with the following criteria:

General

1. Signs shall not be erected or maintained in such a manner as to obscure or otherwise physically interfere with an official traffic sign, signal or device or to obstruct or physically interfere with the driver's view of approaching, merging or intersecting traffic.
2. Signs shall not be erected or maintained which imitate or resemble any official traffic sign, signal or device, or are erected or maintained upon trees or painted or drawn upon rocks or natural features, or which are structurally unsafe or in disrepair.
3. No signs may be located on the same side of the main traveled way within 250 feet of a major official guide sign.
4. All signs shall be set back at least 25 feet from the nearest edge of the right-of-way except in areas zoned by authority of law either industrial or commercial where the setback established by such authority will be observed.
5. No sign shall be erected within a distance of 1000 feet from the property lines of any official State tourist information center.
6. No sign may be erected or maintained which contains, includes or is illuminated by any flashing, intermittent or moving light or lights, except in the use of public information devices which indicate the correct time and temperature.
7. No lighting may be used in any way in connection with any sign unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled way of the highway, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.
8. No sign may be erected or maintained which moves or has any animated or moving parts, except as provided in Section 6, General.
9. The standards herein contained pertaining to the size, shape, description, lighting and spacing of outdoor advertising signs permitted in commercial or industrial zones and areas shall apply only to those signs

erected subsequent to the effective date of these regulations. When highways are added to the Interstate and Primary system, standards contained in these regulations shall apply only to signs erected in commercial or industrial zones and areas adjacent thereto subsequent to the date that such highways are added to the system.

10. Notwithstanding anything contained in the preceding paragraph, should any activity which has been used in defining and delineating an unzoned area after the effective date of these regulations cease to operate, the unzoned areas shall be redefined and redelineated based on the remaining activity. Any signs located within the former unzoned area, but located outside the unzoned area, based upon its new dimensions, shall become non-conforming under Chapter 24-10.1 of the General Laws of Rhode Island.

SIZE OF SIGNS

1. A. No sign shall exceed the following limits:

(1) For signs which are located within 150 feet from the nearest edge of the right-of-way, maximum area - 675 square feet, maximum height - 20 feet, maximum length - 50 feet. Dimensions include border trim, cut-outs, extensions, but exclude bases and supports.

(2) For signs which are located 150 feet or more from the nearest edge of the right-of-way, maximum area - 1200 square feet, maximum length - 60 feet, maximum height - 25 feet. Dimensions include border, trim, cut-outs and extensions but exclude bases and supports.

(3) Cut-outs and extensions are not to exceed the following limits:

- (a) Five (5) feet from top of trim.
- (b) One and one-half feet from either vertical side of trim.
- (c) Two (2) feet from bottom of trim.
- (d) No one cut-out shall exceed more than ten percent (10%) of the total copy area or no combination of cut-outs shall exceed thirty percent (30%) of the total copy area.

B. Signs may be double faced (abutting and facing the same direction) provided that the total dimensions and area of double faced signs on the structure do not exceed the stipulations of A (1), A (2) and A (3) above.

C. Back to back signs shall be considered as two signs.

D. V Type signs shall be considered as two signs, but must be erected so that only one sign face is visible to traffic proceeding in any one direction on any Interstate or Primary system.

SPACING OF SIGNS

1. Interstate and Primary Highways

A. Signs may not be located within 750 feet of any of the following which are adjacent to the highway right-of-way regardless of whether there is direct access from the main traveled way.

(1) Recreational Public Parks

(2) Public Forests

(3) Public Playgrounds

(4) Scenic Overlooks

B. In connection with sub-paragraph A above, the 750 foot limitation which will be measured from the property lines of recreational public parks, public forests and public playgrounds will not be interpreted to extend beyond the opposite side of said highway right-of-way. In the case of scenic overlooks which are constructed so as to utilize the view across said highway, no sign shall be allowed which obscures the intended view.

C. If there is an existing structure or building other than outdoor advertising structure within the 750 foot zone, a sign may be erected within said area provided that such sign does not otherwise obstruct the view of the area designated.

D. Any areas falling under the above categories A (1), (2), (3) and (4) must be areas designated and maintained as such by a public governmental agency.

2. Interstate Highways and Freeways on the Primary System

A. Zoned industrial or commercial area - spacing between signs along each side of the highway shall be a minimum of 750 feet. Back to back and V type signs may be erected at a single location. No structure may be located adjacent to or within 500 feet of an interchange, intersection at grade or safety rest area. Said 500 feet to be measured along the Interstate or freeway highway from the beginning or ending of pavement widening at the exit from or entrance to the main traveled way.

B. Unzoned industrial or commercial area - spacing between signs along each side of the highway shall be a minimum of 1500 feet. Back to back and V type signs may be erected at a single location.

No structure may be located adjacent to or within 1000 feet of an interchange, intersection at grade or safety rest area. Said 1000 feet to be measured along the Interstate or freeway highway from the beginning or ending of pavement widening at the exit from or entrance to the main traveled way.

3. Non-Freeway Primary Routes

A. The location of signs shall conform to the following minimum criteria to be applied separately to each side of the primary highway:

1. Spacing between signs along each side of the highway shall be a minimum of 250 feet. V type or back to back signs may be erected at a single location, but any such signs shall be at least 500 feet from any other sign on the same side of the highway.
2. No sign may be located within 100 feet of an intersection (unless there is an existing building or structure other than an outdoor advertising structure in said area). One sign shall be permitted within said area if it does not obstruct the existing

view of the intersection to approaching traffic and meets all other rules and regulations herein contained. (Distance shall be measured as under Interstate highways and freeways on Primary System above).

4. 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. The minimum distances between signs of 250 feet and 750 feet shall be measured along the nearest edge of the pavement between points directly opposite the signs.

D. On premise signs and other signs authorized by Section 24-10.1-3 (a) (b) (c) of the General Laws of Rhode Island shall not be considered for purposes of measurement.

IV. Interpretation

The provisions contained herein shall constitute the minimum acceptable standards for effective control of signs, displays and devices within the scope of this agreement.

Nothing contained herein shall be construed to abrogate or prohibit the State from exercising a greater degree of control of outdoor advertising than that required or contemplated by the Act or from adopting standards which are more restrictive in controlling outdoor advertising than the provisions of this Agreement.

V. In the event the provisions of the Highway Beautification Act of 1965 are amended by subsequent act of Congress and the State legislation is amended, the parties reserve the right to re-negotiate this Agreement or to modify it to conform to any amendments.

VI. Effective Date

This Agreement shall become effective when signed and executed on behalf of both the State and the Federal Highway Administration.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of *13 July 1972*.

WITNESS:

Louise De Vecchio

STATE OF RHODE ISLAND

Morris Chorney
Morris Chorney, Acting Director
Rhode Island Department of Transportation

UNITED STATES OF AMERICA

Ralph R. Bartelsmeyer
Ralph R. Bartelsmeyer
Acting Federal Highway Administrator