

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 FEDERAL-AID PRIMARY SYSTEM.

THIS AGREEMENT made and entered into this 29th day of March ,
1968, by and between the United States of America represented by the Secretary
of Transportation acting by and through the Federal Highway Administrator,
hereinafter referred to as the "Administrator" and the State of Alaska, repre-
sented by the Department of Highways acting by and through its Commissioner
hereinafter referred to as the "State." Witnesseth:

WHEREAS, Congress has declared that Outdoor Advertising in areas adjacent
to the Federal-aid Primary System 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
Federal-aid Primary System 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 con-
sistent with the National policy to protect the public investment in the
Federal-aid primary highways, to promote the safety and recreational value of
public travel and to preserve natural beauty; and

WHEREAS, Title 19 of the Alaska State Statutes authorizes the Commissioner of Highways to perform and do such other and further acts not specifically provided in Title 19 of the Alaska Statutes as may be necessary to comply with the Federal-aid Highway Acts and the rules and regulations promulgated thereunder; and

WHEREAS, Section 131(b) of Title 23, United States Code provides that Federal-aid highway funds apportioned on or after January 1, 1968, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the primary system of outdoor advertising signs, displays and devices which are within six hundred and sixty feet of the nearest edge of the right of way and visible from the main traveled way of the system, shall be reduced by amounts equal to 10 per centum of the amounts which would otherwise be apportioned to such state under Section 104 of Title 23, United States Code until such time as such State shall provide for such effective control; and

WHEREAS, the State of Alaska 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 such state on or after January 1, 1968, under Section 104 of Title 23, United States Code;

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 activities for purposes of unzoned industrial and commercial areas mean those activities generally recognized as commercial or industrial by zoning authorities in this State, except that none of the following activities shall be considered commercial or industrial:

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

C. Zoned commercial or industrial areas mean those areas which are reserved for business, commerce, or trade pursuant to a comprehensive State or local zoning ordinance or regulation.

D. Unzoned commercial or industrial areas mean those areas on which there is located one or more permanent structures devoted to a business or industrial activity or on which a commercial or industrial activity is actually conducted, whether or not a permanent structure is located thereon, and the area along the highway extending outward 500 feet from and beyond the edge of such activity. Each side of the highway will be considered separately in applying this definition.

All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activities, not from the property lines of the activities, and shall be along or parallel to the edge or pavement of the highway.

E. Federal-aid primary highway means any highway within that portion of the State Highway System as designated, or as many hereafter be so designated by the State, which has been approved by the Secretary of Transportation pursuant to subsection (b) of Section 103 of Title 23, United States Code.

F. Traveled way means the portion of a roadway for the movement of vehicles, exclusive of shoulders.

G. 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.

H. Sign means any 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 highway.

I. Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

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

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

II. Scope of Agreement

This agreement shall apply to the following area:

All zoned and unzoned commercial and industrial areas within 660 feet of the nearest edge of the right of way of all portions of the Federal-aid primary system within the State of Alaska in which outdoor advertising signs, displays, and devices may be visible from the main traveled way of said system.

III. State Control

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 erected subsequent to the effective date of this agreement 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:

A. In all zoned and unzoned commercial and industrial areas, the criteria set forth below shall apply.

SIZE OF SIGNS

1. The maximum area for any one sign shall be 650 square feet with a maximum height of 20 feet and maximum length of 50 feet, inclusive of any border and trim but excluding ornamental base or apron supports and other structural members.
2. The area shall be measured by the smallest square, rectangle, triangle, circle or combination thereof which will encompass the entire sign.
3. A sign structure may contain one or two signs per facing and may be placed double-faced, back to back or V-Type, but the total area of any facing may not exceed 650 square feet.
4. Signs which exceed 325 square feet in area may not be double faced (abutting and facing the same direction).

SPACING OF SIGNS

1. Federal-aid 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, obstruct or interfere with the driver's view of approaching, merging, or intersection traffic.

2. Controlled Access Highways on the Federal-aid Primary System
 - a. No two structures shall be spaced less than 500 feet apart.
 - b. No structure may be located within 2000 feet of an interchange, or intersection at grade, safety rest area or information center (measured along the freeway from the sign to the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way.)
3. Non-Controlled Access Federal-aid Primary Highways
 - a. Outside of Villages and Cities - no two structures shall be spaced less than 300 feet apart.
 - b. Within Villages and Cities - no two structures shall be spaced less than 100 feet apart.
4. Explanatory Notes
 - a. Official and "on premise" signs, as defined in Section 131(c) of Title 23, United States Code, shall not be counted nor shall measurements be made from them for purposes of determining compliance with spacing requirements.
 - b. The minimum distance between signs shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway.

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 Federal-aid primary highway 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 interfere 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.
4. All such lighting shall be subject to any other provisions relating to lighting of signs presently applicable to all highways under the jurisdiction of the State.

B. The State 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.

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 if so authorized by the State Legislature.

In controlling outdoor advertising adjacent to Federal-aid primary highways pursuant to the Highway Beautification Act of 1965 and this agreement, the State shall not be required to remove or cause to be removed any sign advertising any natural wonders or scenic or historical attractions until a reasonable length of time subsequent to the promulgation of national standards for such signs pursuant to Section 131(c) of Title 23, United States Code.

In the event the provisions of the Highway Beautification Act of 1965 are amended by subsequent action of Congress, the parties reserve the right to renegotiate this agreement or to modify it to conform with any amendment.

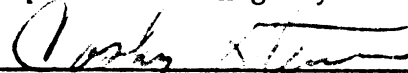
V. Effective Date

This Agreement shall have an effective date of March 29, 1968, and shall become binding on both parties hereto when the Agreement has been ratified by an appropriate Act of the Alaska State Legislature at the Legislative Session of 1968.

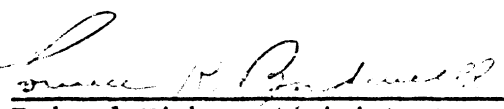
IN WITNESS WHEREOF the parties hereto have executed this Agreement as of

March 29, 1968.

STATE OF ALASKA
Department of Highways


Cosby Steen, Acting Commissioner

UNITED STATES OF AMERICA


Federal Highway Administrator