

A G R E E M E N T  
STATE OF ALABAMA

FOR CARRYING OUT NATIONAL AND STATE 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 23<sup>rd</sup> day of March,  
1972, by and between the United States of America represented by the  
Secretary of Transportation acting by and through the Federal Highway Admini-  
strator, hereinafter referred to as the "Administrator," and the State of  
Alabama, acting by and through the State of Alabama Highway Department, herein-  
after referred to as the "State."

W I T N E S S E T H:

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 Secre-  
tary of Transportation to enter into agreements with the several States to  
determine the size, lighting, and spacing of signs, displays, and devices, con-  
sistent 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, 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, 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 Interstate System and 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 Alabama 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; and

WHEREAS, the State Legislature in the 1971 Third Session passed Act No. 276  
which implements the provisions of Section 131 of Title 23 of the United States  
Code; and

WHEREAS, the State Legislature found and declared:

That outdoor advertising is a legitimate commercial use of private property  
adjacent to roads and highways;

That the erection and maintenance of outdoor advertising signs, displays, and  
devices in areas adjacent to interstate highways and primary highways should be  
regulated in order to protect the public investment in such highways; to promote  
the recreational value of public travel, to preserve natural beauty, and to pro-  
mote the reasonable, orderly and effective display of such signs, displays and  
devices;

That outdoor advertising is an integral part of the business and marketing function, and an established segment of the national economy, and should be allowed to operate in business areas; and the

Regulatory standards set forth in Section IV of this Agreement are consistent with customary use in this State and will properly and adequately carry out each and all of the purposes of this Agreement.

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

## Section I

### 1. Definitions

A. 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 commercial or industrial areas mean those activities generally recognized as commercial or industrial by local zoning authorities in this State, except that none of the following activities shall be considered commercial or industrial:

1. Outdoor advertising structures.
2. Agricultural, forestry, ranching, grazing, farming, and similar 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 660 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.
9. Areas which are predominantly used for residential purposes.

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

D. An unzoned commercial, business or industrial area shall mean the land occupied by the regularly used building, parking lot, storage or processing area of a commercial, business, or industrial activity, and that land within 600 feet thereof on each side of the highway. The unzoned area 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 determined scenic by the department of highways.

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, unless said property lines coincide with the limits of the regularly used buildings, parking lots, storage or processing areas and shall be along, or parallel to the edge or pavement of the highway.

E. Interstate highway shall mean any highway at any time officially designated as a part of the National System of Interstate and Defense Highways by the Director and approved by the appropriate authority of the federal government.

F. Primary highway shall mean any highway, other than an interstate highway, at any time officially designated as a part of the federal-aid primary system by the Director and approved by the appropriate authority of the federal government.

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

H. Main-traveled way shall mean the through traffic lanes exclusive of frontage roads, auxiliary lanes and ramps.

I. Sign means any outdoor advertising sign, display, device, notice, 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 information contents of which is visible from any place on the main-traveled way of the Interstate or Federal-aid Primary Highway Systems.

J. Erect shall mean 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 structure.

K. Maintain shall mean to allow to exist.

L. Safety rest areas shall mean an area or site established or maintained within or adjacent to the highway right-of-way by or under public supervision or control, for the convenience of the traveling public.

M. Adjacent area shall mean an area which is adjacent to and within 660 feet of the nearest edge of the right of way of any interstate or primary highway, which 660 feet distance shall be measured horizontally along a line normal or perpendicular to the centerline of the highway.

N. Business area shall mean any part of an adjacent area which is at any time zoned for business, industrial or commercial activities under the authority of any law of this State; or not zoned, but which constitutes an unzoned commercial or industrial area as herein defined.

O. Director shall mean the State of Alabama Highway Department.

P. Information Center shall mean an area or site established or maintained at 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 may consider necessary.

Q. Centerline of the highway shall mean a line equidistant from the edges of the median separating the main-traveled ways of a divided highway, or the centerline of the main-traveled way of a non-divided highway.

## Section II. Scope of Agreement

This agreement shall apply to the following areas:

A. All areas 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 Alabama.

## Section III. State Control

No sign shall, subject to the provisions of Section IV of this Agreement be erected or maintained in an adjacent area after the effective date of this Agreement except the following:

A. Directional and other official signs, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions, safety rest areas and information centers, which are required or authorized by law, and which comply with regulations which shall be promulgated by the Director relative to their lighting, size, number, spacing and such other requirements as may be appropriate to implement this Agreement; provided that such regulations shall not be inconsistent with, nor more restrictive than, such national standards as may be promulgated from time to time by the Secretary of Transportation of the United States pursuant to subsection (c) of Section 151 of Title 23, United States Code.

B. Signs advertising the sale or lease of property upon which they are located.

C. Signs advertising activities conducted on the property on which they are located.

D. Signs located in business areas on the effective date of this Agreement; and signs to be erected in business areas subsequent to the effective date of this Agreement which when erected, will comply with the provisions of Section IV of this Agreement.

E. Signs or devices which advertise or designate exclusively the location of the facilities of any public utility located along the interstate or primary highway for the convenience or protection of the using public or the protection of the facilities of the public utility.

#### Section IV. Criteria

The Director shall effectively control or cause to be controlled, the erection and maintenance of outdoor advertising signs, displays and devices in all business areas that are erected subsequent to the effective date of this Agreement. Whenever a bona fide state, county or local zoning authority has made a determination of customary use, as to size, lighting and spacing such determination may be accepted in lieu of controls by agreement in the zoned commercial and industrial area within the geographical jurisdiction of such authority. In all other controlled commercial and industrial areas, the criteria set forth below shall apply:

##### A. Size of Signs

1. The maximum area for any one sign shall be 1,200 square feet with a maximum height of 30 feet and maximum length of 60 feet, inclusive of any border and trim but excluding the 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 doublefaced, back to back or V-type, provided that if two signs are used facing the same direction that the aggregate total area shall not exceed 1,200 square feet.

##### B. Lighting

1. Signs shall not be erected or maintained which contain, include or are illuminated by any flashing, intermittent or moving lights, except those giving public service information such as, but not limited to time, date, temperature, weather or news.
2. Signs shall not be erected or maintained which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of traveled-way of any interstate or primary highway and are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle.
3. Signs shall not be erected or maintained which shall be so illuminated that they obscure or interfere with any official traffic sign, device or signal.

##### C. Spacing

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 which obstructs or physically interferes with the driver's view of approaching, merging or intersecting traffic.
2. Signs shall not be erected or maintained which do not comply with all applicable county or municipal codes and ordinances, including but not limited to zoning, buildings and signs, codes, as locally interpreted, applied and enforced.

3. Signs shall not be erected or maintained closer to another sign other than a sign described in Subsection A., B., C., E., of Section III of this Agreement than the following prescribed distances. These spacing provisions do not apply to signs separated by buildings or other obstructions in such manner that only one sign located within the above spacing distance is visible from the highway at any one time. 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.
  - a. On all interstate highways and freeway primary highways there must be at least 500 feet between sign structures on the same side of the highway.
  - b. On interstate highways and freeway primary highways located outside the zoning authority of incorporated cities, no sign structure is permitted adjacent to or within 500 feet of an interchange or intersection at grade or safety road-side rest areas. Such distances shall be measured along the highway to the nearest point of beginning or ending of pavement widening at the exit from or entrance to the main-traveled way.
  - c. On primary highways located outside the zoning authority of incorporated cities, there must be at least 300 feet between sign structures on the same side of such highway.
  - d. On primary highways located within the zoning authority of incorporated cities, there must be at least 100 feet between sign structures on the same side of such highway.

D. General

1. Signs shall not be erected or maintained which imitate or resemble any official traffic sign, signal or device.
2. Signs shall not be erected or maintained upon trees, or painted or drawn upon rocks or other natural features.
3. Signs shall not be erected or maintained which are structurally unsafe or in substantial disrepair.
4. Signs which are obsolete shall be removed.
5. At any time that a bona fide county or local zoning authority adopts regulations which include the size, lighting, and spacing of outdoor advertising, the State may so notify the Administrator.

Section V.

Act No. 276 passed in the 1971 Third Session of the Legislature of Alabama and approved by the Governor on February 10, 1972 is made a part of this Agreement whether or not it is attached hereto.

Section VI. Interpretation

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

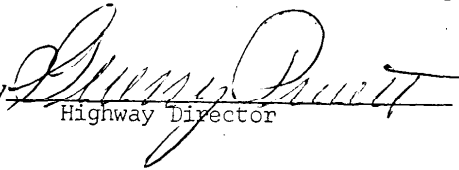
In the event the provisions of the Highway Beautification Act of 1965 are amended by subsequent action of Congress or the State legislation is amended, the parties reserve the right to re-negotiate this agreement or to modify it to conform with any amendment.

Section VII. Effective Date

This Agreement shall have an effective date of February 10, 1972

IN WITNESS WHEREOF the parties hereto have executed this Agreement as  
of MAR 23 1972.

STATE OF ALABAMA HIGHWAY DEPARTMENT

By   
Highway Director

UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION

By   
Federal Highway Administrator