

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 15th day of February, 1968, by and between the United States of America represented by the Secretary of Transportation acting by and through the Federal Highway Administrator, and the State of California, represented by the Director of Public Works, referred to herein as the State, witnesseth:

WHEREAS, the State is authorized by Section 5288.5c of the Business and Professions Code of the State of California to enter into agreements with the Secretary of Transportation on behalf of the State of California to comply with Title I of the Highway Beautification Act of 1965; and

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, which areas are also to be determined by agreement; and

WHEREAS, the State of California desires to implement and carry out the provisions of Section 131 of Title 23, United States Code, and the National policy in order to continue 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 California and the Federal Highway Administrator entered into an agreement dated May 29, 1965, 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 continue to receive the bonus payments as set forth in said agreement of May 29, 1965, provided the State maintains the control required under such agreement or the control required by Section 131, whichever control is stricter; and

WHEREAS, the State of California desires to implement and carry out the stricter provisions in order to continue to receive payment of the one-half of one percent increase in the Federal share payable for any project on the Interstate System within the State.

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

SECTION I. DEFINITIONS

A. The term "Act" means Section 131 of Title 23, United States Code, commonly referred to as Title I of the Highway Beautification Act of 1965.

B. Commercial or industrial zone means an area zoned under authority of State law for industrial or commercial purposes. The nature of the zone will be determined by the provisions of the ordinance or other statute establishing the zone.

C. "Sign" means any outdoor sign, light, 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.

D. 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.

E. 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 separate roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, ramps, auxiliary lanes, parking areas, or shoulders.

F. Freeway means a divided arterial highway for through traffic with full control of access and with grade separations at intersections.

SECTION II. SCOPE OF AGREEMENT

A. This Agreement shall apply to the following areas: The portion of industrial or commercial zones located within 660 feet of the nearest edge of the right-of-way of the Interstate System and the primary system within the State of California from which the copy of outdoor advertising signs, displays and devices may be visible from the main-traveled way of said system.

B. This Agreement shall apply only to the following signs: All signs with copy visible from the main-traveled way and erected in the areas described in paragraph A above, except that it does not apply to directional and other official signs and notices that are in compliance with the national standards; signs, displays or devices advertising the sale or lease of the property upon which they are located; and signs, displays or devices advertising activities conducted on the property on which they are located; all as permitted under Section 131(c) of Title 23, United States Code.

C. Since existing State law has encouraged the zoning of all areas of the State of California, there eventually

will be no unzoned areas in the State. There is, therefore, no need to define "unzoned industrial or commercial area" as part of this Agreement and such failure to define that phrase shall not affect the eligibility of the State to receive the full amount of all Federal-aid highway funds to be apportioned to the State on or after January 1, 1968, under Section 104 of Title 23, United States Code. As to the portions of the State which currently are still unzoned, the State and the Secretary of Transportation shall enter into a temporary agreement concerning signs placed within those few remote areas of the State which are not as yet zoned.

SECTION 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 of all outdoor advertising signs, displays, and devices within the scope of this Agreement in accordance with the following criteria: Such signs, displays and devices shall be erected only in commercial or industrial zones and shall conform to the following criteria:

A. General Prohibitions

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 upon trees, rocks or other natural features.

3. Signs which are erected in such a manner as to obstruct, or otherwise physically interfere with an official traffic sign, signal, or device, or to obstruct or physically interfere with the vision of drivers in approaching, merging or intersecting traffic.

B. Size of Signs

Signs shall not be erected which exceed a maximum of 1200 square feet in area with maximum height of 25 feet and maximum length of 60 feet, including border and trim and excluding base or apron supports and other structural members.

These restrictions shall apply to each facing of an advertising display and two advertising displays not exceeding 350 square feet each may be erected in a single "facing".

C. Spacing

1. In addition to complying with the general spacing provisions of this paragraph, signs shall be erected in commercial or industrial zones only within 1000 feet, measured along both sides of the highway in each direction, from the nearest edge of a commercial or industrial building or activity as determined by the State.

All measurements shall be from the outer edge of the commercial or industrial building or activity and shall be along or parallel to the pavement of the highway.

Should all commercial or industrial activities within 1000 feet of the sign cease, then the sign must be removed within five years following such cessation.

2. General spacing provisions:

a. On all Interstate highways and primary freeways: There must be at least 500 feet between sign structures on the same side of the highway.

b. On Interstate highways located outside of incorporated cities and primary freeways located outside of incorporated cities: No sign structure is permitted within 500 feet of an interchange or intersection at grade or safety roadside rest area. Such distances shall be measured along the highway from the sign structure to the nearest point of beginning or ending of pavement widening at the exit from or entrance to the main-traveled way.

c. On nonfreeway primary highways located outside of incorporated cities: There must be at least 300 feet between sign structures on the same side of such highway.

d. On nonfreeway primary highways located in incorporated cities: There must be at least 100 feet between sign structures on the same side of such highway.

3. These spacing provisions do not apply to signs separated by buildings or other obstructions in such a manner that only one sign located within the above spacing distances 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.

4. This section does not prevent placing of "double-faced", back-to-back or V-type advertising displays with a maximum of two signs per each facing.

5. Directional and other official signs and notices; signs, displays and devices advertising the sale or lease of the property upon which they are located; and signs, displays and devices advertising activities conducted on the property on which they are located or products sold on the premises; all as defined in Section 131(c) of Title 23, United States Code, shall not be counted nor shall measurements be made from them for the purpose of determining compliance with spacing provisions.

E. Lighting

Signs shall not be placed with illumination that interferes with the effectiveness of, or obscures any official traffic sign, device or signal; shall not include or be illuminated by flashing, intermittent or moving lights (except that part necessary to give public service information such as time, date, temperature, weather or similar information); shall not cause beams or rays of light to be directed at the traveled way if such light is of such intensity or brilliance as to cause glare or impair the vision of any driver, or to interfere with any driver's operation of a motor vehicle.

F. Application to Existing Signs

The standards and criteria set forth in this Section III shall apply to signs erected in commercial and industrial zones on or after January 1, 1968. Signs lawfully erected in commercial and industrial zones prior to January 1, 1968, will be considered to be conforming to the standards and criteria and will not be required to be removed if they are in conformity with the laws relating to such signs enacted by the California Legislature and in effect at the time.

SECTION IV. REGULATIONS APPLICABLE TO BONUS
SEGMENTS OF INTERSTATE HIGHWAYS

It is mutually agreed that the Agreement heretofore entered into between the United States of America and the State, dated May 29, 1965, and designated "Agreement for Carrying Out the National Policy Relative to Advertising Adjacent to the National System of Interstate and Defense Highways" is to remain in full force and effect after the execution of this Agreement. To the extent that any provision or provisions of this Agreement are in conflict with any provision or provisions of the aforementioned Agreement, the provision or provisions which result in stricter sign controls shall prevail.

SECTION V. INTERPRETATION

The provisions contained herein shall constitute the 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 or any subdivision of the State from exercising a greater degree of control of outdoor advertising signs, displays and devices than that required or contemplated by the Act or from adopting standards which are more restrictive in controlling outdoor advertising signs, displays and devices than the provisions of this Agreement.

In the event the provisions of the Act are amended by subsequent action of Congress, or the provisions of the California Outdoor Advertising Act are amended by subsequent action of the California Legislature, the parties reserve the right to renegotiate this Agreement or to modify it to conform with any amendment.

IN WITNESS WHEREOF the parties hereto have executed the Agreement as of FEB 15 1968.

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS

UNITED STATES OF AMERICA
SECRETARY OF TRANSPORTATION

By Samuel R. Nelson
Director of Public Works

By James R. Bond
Federal Highway Administrator