

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 11th day of September, 1967, 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 Connecticut, represented by the Connecticut State Highway Department acting by and through its Commissioner, Howard S. Ives, hereinafter referred to as the State. Witnesseth:

WHEREAS, the Highway Commissioner is authorized by Public Act 632 enacted by the 1967 General Assembly, to enter into agreements with the Secretary of Commerce, whose functions, powers and duties in regard to highway matters have been transferred to the Secretary of Transportation by Public Law 89-760, 89th Congress, on behalf of the State of Connecticut 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 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 Connecticut 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 Connecticut and the Federal Highway Administrator entered into an agreement dated June 23, 1961, 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 Connecticut 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:

1. 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 those areas which are reserved for business, commerce, or trade pursuant to local zoning ordinance or regulation, or enabling State legislation. In addition, those areas so zoned which are adjacent to the Interstate or Limited Access Primary Highways must be in actual use as determined by the State.

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 edge of the regularly used buildings, parking lots, storage or processing areas of the activities, and shall be along or parallel to the edge of pavement of the highway. Unzoned industrial or commercial areas shall not include land on the opposite side of the highway from the activities or land predominantly used for residential purposes.

D. Commercial or industrial activities, for purposes of the unzoned area definition above, 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. Agricultural, forestry, 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 conducted in a building principally used as a residence.
5. Railroad tracks and minor sidings.

Should any commercial or industrial activity, which has been used in defining or delineating an unzoned area, cease to operate for a period of six continuous months, any signs located within the former unzoned area shall become non-conforming.

E. "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.

F. 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.

G. Center line of the Highway means a line equidistant from the edges of the median separating the main-traveled ways of a divided interstate or other limited access highway, or the center line of the main-traveled way of a non-divided highway.

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

I. 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, turning roadways, or parking areas.

## II. Scope of Agreement

This Agreement shall apply to the following areas:

(1) All commercial or industrial zones within the boundaries of incorporated municipalities and all other areas where the land use as of September 21, 1959, was clearly established by State law as industrial or commercial within 660 feet of the nearest edge of the right-of-way of all portions of the Interstate System within the State of Connecticut in which outdoor advertising signs, displays, and devices may be visible from the main traveled way of said system.

(2) All zoned and unzoned commercial and industrial areas within 660 feet of the nearest edge of the right-of-way of the Interstate System, within the State of Connecticut, constructed upon right-of-way, any part of the width of which was acquired on or before July 1, 1956, in which outdoor advertising signs, displays and devices may be visible from the main traveled-way of the system (The highway segment shall be deemed so constructed if, within such segment, a line drawn normal or perpendicular to the center line of the highway and extending to both edges of the right-of-way will intersect any right-of-way acquired for right-of-way on or before July 1, 1956).

(3) 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 primary system within the State of Connecticut 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 the State's regulations to carry out 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:

1. In zoned and unzoned commercial and industrial areas, the criteria set forth below shall apply to signs, displays and devices erected subsequent to the effective date of the State's regulations to carry out this agreement.

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 erected or maintained 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.

Size of Signs

1. No sign shall exceed the following dimensions:
  - (a) Maximum area - 900 square feet
  - (b) Maximum height - 25 feet
  - (c) Maximum length - 60 feet
2. The area shall be measured by the outer limits of the advertising space.
3. A sign structure may contain one or two advertisements facing in the same direction provided the total area of all advertising space does not exceed the maximum area.
4. Back-to-back or V-type sign structures will be permitted with the maximum area being allowed for each facing; and considered as one structure.

Spacing of Signs

1. Signs may not be located within 100 feet of any of the following which are adjacent to the highway:
  1. Public Parks
  2. Public Forests
  3. Playgrounds
  4. Cemeteries

2. Interstate Highways and Limited Access Highways on the Primary System.

- A. Spacing between sign structures along each side of the highway shall be a minimum of 500 feet except that this spacing shall not apply to signs which are separated by a building or other obstruction in such a manner that only one sign located within the minimum spacing distance set forth above is visible from the highway at any one time.
- B. No sign structures may be located within 500 feet of an interchange or rest area (measured along the Interstate or Limited Access Primary Highway 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. In the case where ramps exist only on one side of the roadway crossed by the above highways, the 500 foot distance shall also be measured from the centerline of the intersected roadway in the opposite direction from the ramps).

The distance requirement from an Interchange or rest area set forth above shall not apply within the boundaries of a municipality with a population of 40,000 or more if the State deems such to be consistent with customary use in the area.

3. Non-Limited Access Primary Highways

The location of sign structures situated between streets, roads or highways entering into or intersecting the main traveled way shall conform to the following minimum spacing criteria to be applied separately to each side of the primary highway:

- A. Where the distance between centerlines of intersecting streets or highways is less than 1000 feet, three sign structures, with a minimum spacing between structures of 100 feet [Double-faced, V-type and/or back-to-back], may be permitted between such intersecting streets or highways.

B. Where the distance between centerlines of intersecting streets or highways is 1000 feet or more, minimum spacing between sign structures [Double-faced, V-type, and/or back-to-back], shall be 300 feet.

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. 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 the above spacing requirements.

D. The minimum distance between signs shall be measured along the nearest edge of the pavement between points directly opposite the signs.

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 way of the 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.

#### IV. 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 a municipality 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.

Standards and criteria contained in Section III shall apply to signs erected subsequent to the effective date of the State's regulations to carry out this Agreement. Existing signs in zoned and unzoned commercial or industrial areas will be considered to be conforming to said standards and criteria.

In the event the provisions of the Highway Beautification Act of 1965 are amended by subsequent action of Congress or the provisions of Connecticut Public Act 632 (1967) are amended by subsequent action of the Connecticut General Assembly, the parties reserve the right to re-negotiate this agreement or to modify it to conform with any amendment.

#### V. Effective Date

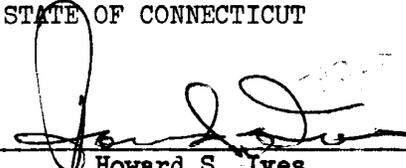
This Agreement shall become effective when signed and executed on behalf of both the State and the United States of America.

IN WITNESS WHEREOF the State has caused this Agreement to be duly executed in its behalf, and the Secretary of Transportation has likewise caused the same to be duly executed in his behalf, as of the dates specified below.

WITNESSES:

STATE OF CONNECTICUT

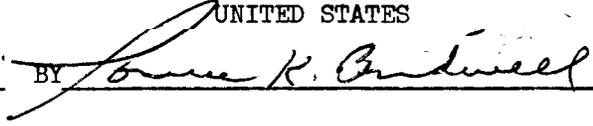
Adam F. Krurek

BY  (SEAL)  
Howard S. Ives  
State Highway Commissioner

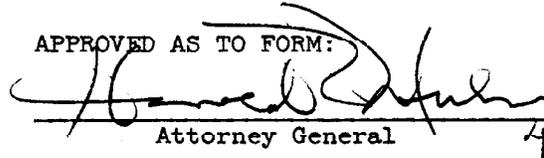
Sarah Yagobian

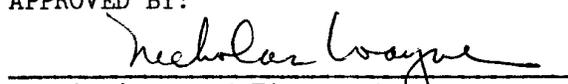
Date: Sept 5, 1967

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UNITED STATES  
BY 

Date: \_\_\_\_\_

APPROVED AS TO FORM:  
  
Attorney General

APPROVED BY:  
  
Commissioner of Finance & Control

Date: SEP 6 1967

Date: SEP 6 1967