

A G R E E M E N T

THIS AGREEMENT, made and entered into this 27th day of January, 1972, by and between UNITED STATES OF AMERICA, represented by UNITED STATES DEPARTMENT OF TRANSPORTATION, acting by and through the FEDERAL HIGHWAY ADMINISTRATOR, hereinafter referred to as the "Administrator," and the STATE OF FLORIDA, acting by and through the GOVERNOR, hereinafter referred to as the "State," for the purposes of 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, as authorized by Chapter 479, Florida Statutes, and Title 23, Section 131, United States Code.

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 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 six hundred sixty (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 (660) 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 Florida desires to implement and carry out the provisions of Section 131 of Title 23, United States Code, and the national policy in order, among other things, to remain eligible to receive the full amount of all Federal-aid highway funds to be apportioned to it on or after January 1, 1968, under Section 104 of Title 23, United States Code;

NOW, THEREFORE, to 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, as Amended.

B. Unzoned commercial or industrial area means an area within six hundred sixty (660) feet of the nearest edge of the right-of-way of the Interstate, Federal-aid Primary System, or State Highway Systems not zoned by State or local law regulation or ordinance in which there is located one (1) or more industrial or commercial activities generally recognized as commercial or industrial by zoning authorities in this State except that the following activities may not be so recognized:

1. Outdoor advertising structures.
2. Agricultural, forestry, ranching, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands.
3. Transient or temporary activities.
4. Activities not visible from the main-traveled way.
5. Activities more than six hundred sixty (660) feet from the nearest edge of the right-of-way.
6. Activities conducted in a building principally used as a residence.
7. Railroad tracks and minor sidings.

The unzoned commercial or industrial area shall only include those lands on the same side of the highway which are within eight hundred (800) feet of such commercial or industrial activity. All measurements shall be made from the outer edges of the regularly used buildings, parking lots, storage or processing and landscaped areas of the commercial or industrial activities and such measurements shall be along or parallel to the edge of the pavement of the highway.

C. Commercial or industrial zone means an area within six hundred sixty (660) feet of the nearest edge of the right-of-way of the Interstate, Federal-aid Primary System, or State Highway Systems zoned commercial or industrial under authority of State law.

D. (Not Used.)

E. National System of Interstate and Defense Highways and Interstate System means the system presently defined in and designated pursuant to subsection (d) of Section 103 of Title 23, United States Code.

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

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, whether placed individually or on a V-type, back-to-back or double-faced display, 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, Federal-aid Primary Highway Systems or the State Highway Systems.

I. 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 normal maintenance or repair of a sign structure.

J. Maintain means to allow to exist.

K. Safety rest area shall mean publicly owned and controlled rest and recreation areas and sanitary and other facilities within or adjacent to the highway right-of-way reasonably necessary to accommodate the traveling public and are provided as a place for emergency stopping and for resting by the motorists for short periods.

L. Visible means that the advertising copy of informative contents, whether or not legible, is capable of being seen without visual aid by a person of normal visual acuity.

Section II. Scope of Agreement

This agreement shall apply to the following areas:

All zoned and unzoned commercial and industrial areas within six hundred sixty (660) feet of the nearest edge of the right-of-way of all portions of the Interstate and Federal-aid Primary Systems within the State of Florida in which outdoor advertising signs may be visible from the main-traveled way of either or both of said systems.

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 and maintenance of outdoor advertising signs, displays, and devices erected subsequent to the effective date of this agreement, other than those advertising signs permitted under the terms and provisions of Florida Statutes 479.16 as of the date of this agreement, in accordance with the following criteria:

A. In zoned commercial and industrial areas, the State may notify the Administrator as notice of effective control that there has been established within such areas regulations which are enforced with respect to the size, lighting, and spacing of outdoor advertising signs consistent with the intent of the Highway Beautification Act of 1965 and with customary use. In such areas, the size, lighting, and spacing requirements set forth below shall not apply.

B. In all other 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 twelve hundred (1,200) square feet with a maximum height of thirty (30) feet and maximum length of sixty (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. The maximum size limitations shall apply to each side of a sign structure; and signs may be placed back-to-back, side-by-side, or in V-type construction with not more than two displays to each facing, and such sign structure shall be considered as one sign.

SPACING OF SIGNS

1. Interstate and Federal-aid Primary Highways.

Signs may not be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device, obstruct or physically interfere with the driver's view of approaching, merging, or intersecting traffic.

2. Interstate Highway.

a. No two structures shall be spaced less than one thousand (1,000) feet apart on the same side of the highway facing the same direction.

b. Outside incorporated towns and cities, no structure may be located adjacent to or within five hundred (500) feet of an interchange, intersection at grade, or safety rest area. Said five hundred (500) feet to be measured along the Interstate from the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way.

3. Federal-aid Primary Highways.

No two structures shall be spaced less than five hundred (500) feet apart on the same side of the highway facing the same direction.

4. Explanatory Notes.

a. Official and "on-premise" signs, as defined in Section 131(c) of Title 23, United States Code, and structures that are not lawfully maintained shall not be counted nor shall measurements be made from them for purposes of determining compliance with spacing requirements.

- b. The minimum distance between structures shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway and shall apply only to structures located on the same 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 Interstate or 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.

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 certify to the Administrator and control of outdoor advertising in the commercial or industrial zones within the geographical jurisdiction of said authority will transfer to subsection A of this section.

C. It is hereby agreed that the State shall not be required to remove any tourist-oriented directional sign until the Highway Beautification Commission has submitted its report to the Congress of the United States.

It is further agreed that the removal of such signs will be of the lowest priority in the State's sign removal schedule.

Section IV. Interpretations

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 renegotiate this agreement or to modify it to conform with any amendment.

Section V. Effective Date

This agreement shall have an effective date of the 27th day of January, 1972.

IN WITNESS WHEREOF, the parties hereto have executed this agreement this 27th day of January, 1972.

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION

By GC Turner
Federal Highway Administrator

STATE OF FLORIDA

By Reubin O'D. Askew
Governor of the State of Florida

ATTEST: _____ (SEAL)

ATTEST: _____ (SEAL)