

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 INTER-STATE 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, hereinafter referred to as the "Administrator" and the State of Maryland, represented by the State Roads Commission acting by and through its Chairman-Director hereinafter referred to as the "State." Witnesseth:

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 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 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 7A of Article 89B of the Annotated Code of Maryland authorizes the Chairman-Director to conclude agreements with the Secretary of Transportation on all questions relating to all highways on the Interstate and Federal Aid Primary Highway System; 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 Maryland 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 Roads Commission of Maryland and the Federal Highway Administrator entered into an agreement signed on January 11, 1961 by the Chairman-Director of State Roads Commission and on January 18, 1961 by the Federal Highway Administrator, 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 Maryland desires to continue to 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:

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 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 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 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.

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

D. Unzoned commercial or industrial areas mean those areas which are not zoned and 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 may hereafter be so designated by the State, (exclusive of expressways) 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, and located within 660 feet of the Interstate or Federal-Aid Primary 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 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.

J. 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.

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

## II. Scope of Agreement

This agreement shall apply to the following areas:

1. 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 (exclusive of expressways) within the State of Maryland in which outdoor advertising signs, displays, and devices may be visible from the main traveled way of said system.

2. All zoned commercial and industrial areas within 660 feet of the nearest edge of the right-of-way of the Interstate System including any part of the width of the right-of-way which was acquired prior to July 1, 1956, in which outdoor advertising signs, displays, and devices may be visible from the main traveled way of the 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 zoned commercial and industrial areas, the State may certify to the Administrator as notice of effective control that there has been established within such areas comprehensive zoning which regulates the size, lighting and spacing of outdoor advertising signs consistent with the purposes of the Highway Beautification Act of 1965 and with customary use.

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

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. The maximum area for any one sign shall be 800 square feet, with a maximum height of 25 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 800 square feet.
4. Signs which exceed 400 square feet in area may not be double faced (abutting and facing the same direction).

SPACING OF SIGNS

1. Signs may not be located within 250 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 Expressways on the Federal-Aid Primary System

No advertising devices shall be erected within 660 feet of the nearest edge of the right-of-way of the Interstate System and the Expressway portions of the Federal-Aid Primary Highway System subsequent to the date this agreement becomes binding.

3. Federal Aid Primary Highways (Exclusive Of Expressways)

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 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.

C. 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 local political subdivisions in this regard will be accepted for the purposes of this agreement. At any time that a political subdivision adopts comprehensive

zoning which includes the regulation of outdoor advertising the State may so certify to the Administrator and control of outdoor advertising in industrial or commercial areas will transfer to the local political subdivision.

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 or the provisions of this agreement are amended and/or nullified by subsequent action of the Maryland State Legislature, the parties reserve the right to renegotiate this agreement or to modify it to conform with any amendment or action by the Maryland State Legislature.

The State shall not be required to compel the removal of non-conforming signs prior to July 1, 1970 or until the end of the fifth year after they become non-conforming.

The State shall not expend any funds to control outdoor advertising pursuant to the Highway Beautification Act of 1965 and this Agreement until appropriate matching Federal funds are available under the Highway Beautification Act of 1965.

V. Effective Date

This Agreement shall have an effective date of December 31, 1967

and shall become binding on both parties hereto when the Agreement has been ratified by an appropriate Act of the Maryland State Legislature at the 1968 Legislative Session.

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

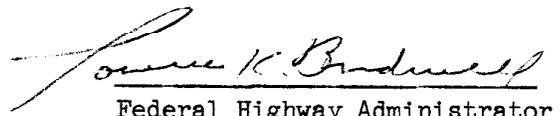
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State of Maryland  
State Roads Commission



Jerome B. Wolff  
Chairman-Director

United States of America



Federal Highway Administrator