

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 27th day of December A.D., 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 Maine, by and through its State Highway Commission, here-  
inafter 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 State law or in unzoned commercial or  
industrial areas, also to be determined by agreement; and,

WHEREAS, the purpose of this 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 Systems,  
to promote the safety and recreational value of public travel and to preserve natural  
beauty; and,

WHEREAS, Title 23 Maine Revised Statutes Annotated, Section 57 authorizes and  
empowers the State Highway Commission to make all contracts and do all things necessary

to cooperate with the United States Government in the construction and maintenance of public highways in accordance with Title 23, United States Code, as amended and supplemented; 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 Federal-aid Primary System of outdoor advertising signs, displays and devices which are within 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 ten 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, Section 131(j) of Title 23, United States Code provides that any State which has in effect on June 30, 1965 an agreement to control the erection and maintenance of outdoor advertising signs, displays and devices in areas adjacent to the Interstate System shall be entitled to receive the bonus payments as set forth in the agreement but, no such state shall be entitled to such payments unless the State maintains the control required under such agreement or the control required by this section (131), whichever control is more strict; and,

WHEREAS, The State of Maine and the Federal Highway Administrator entered into an agreement dated June 19, 1961, whereby the State agreed to control the erection and maintenance of outdoor advertising signs, displays and devices in areas adjacent to Interstate Highways within the state consistent with Section 131 of Title 23, United States Code as amended by Section 106 of the Federal-aid Highway Act of 1959 (P.L. 86-342, 73 Stat. 612), and the national standards and the plan for controlling Areas Adjacent to Interstate Highways; and,

WHEREAS, the State 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 after January, 1968, under Section

and 131(j)  
104/of Title 23, United States Code;

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" means 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. Outdoor advertising structures.
  - 2. Agricultural, forestry, 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 300' from the nearest edge of the right-of-way.
  - 6. Activities conducted in a building used principally as a residence.
  - 7. Railroad tracks and minor sidings.
- C. "Zoned commercial or industrial areas", means those areas reserved for business, commerce or trade pursuant to a comprehensive State or Local zoning ordinance or regulation.
- D. "Unzoned commercial or industrial areas", means those areas upon which there is located one or more permanent structures devoted to a business or industrial activity or upon which a commercial or industrial activity is, in fact, 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 and all measurements shall be from the outer edges of the regularly used buildings, parking lots, storage areas or processing areas of the activities. Measurements shall not be made from the property lines of the

lot upon which the activity is located. Measurements shall be made along or parallel to the edge of the highway pavement.

- E. "National System of Interstate and Defense Highways and Interstate System" means the system presently defined in Section 103(d), Title 23, United States Code.
- F. "Federal-aid primary highway" means any highway within that portion of the State Highway System designated as such by the State Highway Commission and approved by the Secretary pursuant to Section 103(b), Title 23 United States Code.
- G. "Traveled way" means that portion of a roadway for the movement of vehicles exclusive of shoulders.
- H. "Main traveled way" means that portion of the traveled way upon 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 frontage roads, turning roadways or parking areas.
- I. "Sign" means any outdoor 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 informative contents of which is visible from any place on the main-traveled way of any portion of an interstate or primary highway.
- J. "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being or establish. It shall not include any of the foregoing activities when performed as an incident to the change of advertising.
- K. "Maintain" means to allow to exist.

## II. SCOPE OF THE AGREEMENT.

This agreement shall apply to the following areas:

### A. Interstate.

- 1. Areas within 660 feet of and adjacent to segments of the interstate

system which traverse commercial or industrial areas legally designated as such by incorporated municipalities on or before September 21, 1959 or in urban areas as established by the State Highway Commission as of April 1, 1961, or subsequently established or enlarged and adjacent to segments of the interstate system which traverse commercial or industrial areas legally designated as such by incorporated municipalities after September 21, 1959.

2. Areas within 660 feet of and adjacent to segments of the interstate system outside incorporated municipalities where the land use, as of September 21, 1959, was legally established as commercial or industrial.  
zoned and unzoned commercial and industrial
3. Areas/within 660 feet of and adjacent to segments of the interstate system the right-of-way for which was initially acquired prior to July 1, 1956.

B. Primary.

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 within the State of Maine 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 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:

SIZE OF SIGNS

1. The maximum area of a sign<sup>facing</sup>, including all finish mountings<sup>1</sup>, but not including lattice work or base trim used only for ornamental purposes shall be 900 square feet.
2. Double faced, back to back or V type signs shall be ~~considered as two signs.~~ permitted.
3. Maximum height - 25 feet.
4. Maximum length - 60 feet.

SPACING OF SIGNS

1. No sign shall be erected or maintained:
  - a. Within a distance of 300 feet of the intersection or junction of a highway with another highway, or with a railway, at a point where it would obstruct or interfere with a view of a train or any vehicle on the intersecting or joining highway or railroad; or
  - b. Within a distance of 300 feet of any public park, reservation, public forest, public playground, school, church or cemetery and in public view therefrom; or
  - c. Within a distance of 50 feet from the nearer edge of the traveled way and in public view therefrom; or
  - d. Which in the opinion of the State is or would be injurious to property in the vicinity thereof or would injuriously affect any public interest or endanger the safety of persons using the highway; or
  - e. The location of which is prohibited by Municipal Ordinance

or other valid regulation; or

- f. Which obscure or interfere with the effectiveness of an official traffic sign, signal or device; or
- g. Within the distance of 300 feet of a scenic area designated as such by the State.

- 2. No two sign structures shall be spaced less than 500 feet apart in permitted areas adjacent to the Interstate System//and freeways on the primary system.
- 3. No two sign structures shall be spaced less than 300 feet apart in permitted areas adjacent to the Primary System outside compact or built-up sections of any municipality.
- 4. No two sign structures shall be spaced less than 100 feet apart in permitted areas adjacent to the Primary System in compact or built-up sections of any municipality.
- 5. 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.
- 6. See sheet 7b.

#### LIGHTING-ANIMATION

- 1. No sign shall be erected or maintained:
  - a. Which, in whole or in part, in its operation shall move or simulate motion; or
  - b. Which has any animated or moving parts; or
  - c. Which contains, includes or is illuminated by any flashing intermittent or moving light or lights; or
  - d. Which uses lighting in any way in connection with any sign unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled way or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of

6. No structure may be located within 500 feet of an interchange or intersection at grade or rest area along the Interstate and freeways on the primary system as measured 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.



any motor vehicle; or

e. The illumination of which interferes with the effectiveness of, or obscures an official traffic sign, device or signal.

2. Signs giving public service information such as time, date, temperature, weather or similar information may display only the public information thereon by an intermittent or moving light.

C. The State and its political subdivisions shall have full authority under their zoning laws to zone areas for commercial or industrial purposes and the action of the state and its political subdivisions in this regard will be accepted for the purposes of this agreement. At any time a political subdivision adopts comprehensive zoning which includes the regulation of outdoor advertising the State may so certify to the Administrator.

#### 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 prohibit the State from establishing standards which are more restrictive in controlling outdoor advertising than either the provisions of this agreement or that required by the Act.

In controlling outdoor advertising adjacent to Interstate and Federal-aid Primary Highways pursuant to the Act and the Agreement, the State shall not be required to move 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 Act are amended by subsequent action of Congress, 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 have an effective date of December 27, A.D. 1967, and shall become binding on both parties hereto when the Agreement has been ratified by an appropriate act of the Maine State Legislature at the regular session in 1969.

IN WITNESS WHEREOF the State has caused this Agreement to be duly executed in its behalf and the United States has likewise caused the same to be duly executed in its behalf, as of the dates specified,

December 27, 1967

ATTEST:

*John C. Richardson*

STATE OF MAINE  
STATE HIGHWAY COMMISSION

By *David H. Stevens*  
DAVID H. STEVENS, Chairman

*Bertrand A. LaCharite*  
BERTRAND A. LACHARITE, Member

*Steven D. Shaw*  
STEVEN D. SHAW, Member

December 27, 1967

ATTEST:

*M. M. Mason*

UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION

By *Lowell K. Bridwell*  
LOWELL K. BRIDWELL  
Federal Highway Administrator