

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 14<sup>th</sup> day of April,  
1972, 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 "Administrator", and the State  
of Oklahoma, hereinafter referred to as "State", acting by and through its  
Director of Highways.

WITNESSETH:

WHEREAS, the State is authorized by law to enter into an agreement with  
the Secretary of Transportation to make provision for compliance with Title  
1 of the Highway Beautification Act of 1965; and

WHEREAS, § 131 (d) of Title 23, United States Code, provides for agree-  
ment 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,  
and

WHEREAS, the purpose of said agreement is to promote the reasonable,  
orderly and effective display of outdoor advertising, while remaining con-  
sistent with the national policy to protect the public investment in inter-  
state and primary highways, to promote the safety and recreational value of  
public travel and to preserve natural beauty; and

WHEREAS, the state of Oklahoma elects to implement and carry out the  
provisions of § 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 July 1, 1972,  
under § 104 of Title 23, United States Code,

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

1. DEFINITIONS

A. The term "Act" means § 131 of Title 23, United States Code,  
commonly referred to as Title 1 of the Highway Beautification Act of 1965.

B. Zoned Commercial or Industrial Areas means those areas which are zoned for business, industrial or commercial activities under the authority of any state zoning law, or city or county zoning ordinance of this state.

C. Unzoned Commercial or Industrial Area means those areas which are not zoned by state or local law, regulation or ordinance, and on which there is located one or more permanent structures devoted to a commercial 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 six hundred (600) feet from and beyond the edge of such activity on both sides of the highway. Provided, however, the unzoned area shall not include land on the opposite side of an interstate or dual-laned limited access primary highway from the commercial or industrial activity establishing the unzoned commercial or industrial area or land on the opposite side of other federal-aid primary highways, which land is deemed scenic by an appropriate agency of the state.

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 of pavement of the highway. Such an area shall not include any area which is:

(1) Within three hundred (300) feet of any building used primarily as a residence, unless the owner of the building consents in writing to the particular commercial use or uses to be made of such lands;

(2) Within five hundred (500) feet of any of the following: public park, garden, recreation area or forest preserve, church, school and officially designated Historical Battlefield.

D. Commercial or Industrial Activities, shall mean those activities, clearly visible from the main traveled way, generally recognized as commercial or industrial by zoning authorities in this state, except that none of the following shall be considered commercial or industrial:

(1) Agricultural, forestry, ranching, grazing, farming and related activities, including, but not limited to, wayside fresh produce stands.

(2) Outdoor advertising structures.

(3) Transient or temporary activities.

(4) Activities more than six hundred sixty (660) feet from the nearest edge of the right of way.

(5) Activities conducted in a building principally used as a residence.

(6) Railroad tracks and minor sidings.

E. Business area means any part of an area which is adjacent to and within 660 feet of the nearest edge of the right of way on any interstate or primary highway which constitutes a zoned or unzoned commercial or industrial area, as defined herein.

F. Sign means any outdoor sign, light, display, device, figure, printing, 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.

G. The verb "to erect" and its variants as used in this act shall mean to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being or establish. But these shall not include any of the foregoing activities when performed as incident to the change of advertising message or customary maintenance of the sign structure.

H. Center line of the highway means a line equidistant from the edges of the median separating the main-traveled ways of a divided highway, or the center line of the main-traveled way of a non-divided highway.

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

J. 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:

A. 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

interstate and primary systems within the State of Oklahoma in which outdoor advertising signs, displays and devices may be visible from the main-traveled way of said systems.

### 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:

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 purpose of the Highway Beautification Act of 1965 and with customary use.

34 In <sup>all other</sup> 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 this agreement.

#### A. 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.

#### B. Size of Signs.

1. In computing areas, sizes and dimensions of signs, all measurements shall be made from the outer limits of the advertising space, unless otherwise specified herein.
2. No sign shall exceed the following dimensions:

(a) Maximum area - 1200 square feet, per facing, including border and trim.

(b) Maximum height -- 25 feet.

(c) Maximum length -- 60 feet.

3. The maximum size limitations shall apply to each sign facing.

Two (2) signs not exceeding six hundred (600) square feet each may be erected in a facing, side by side or "double-decked". Back-to-Back and/or V-type signs will be permitted, and shall be treated as one (1) structure with one thousand two hundred (1,200) square feet permitted for each facing, with not more than fifteen (15) feet between structures or faces, to allow for crossbracing.

C. Spacing.

1. Signs shall conform to all applicable building codes and ordinances of the municipality, county or state, whichever has jurisdiction.

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

3. Signs visible from a non-freeway primary highway shall not be erected within the limits of an incorporated municipality less than one hundred (100) feet, and outside the limits of an incorporated municipality less than three hundred (300) feet, from another such sign on the same side of the highway, unless separated by a building or other obstruction in such a manner that only one (1) display located within the minimum spacing distances set forth herein is visible from the highway at any one (1) time; provided, however, that this shall not prevent the erection of double-faced, back-to-back, or V-type signs with a maximum of two (2) signs per facing, as set forth in Paragraph III, B, of this Agreement. Signs visible from interstate and freeway

primary facilities shall not be erected less than five hundred (500) feet from another such sign on the same side of the highway. Outside incorporated municipalities, signs visible from interstate and freeway primary facilities shall not be erected adjacent to or within five hundred (500) feet of an interchange, intersection at grade, or rest area, such distance to be measured along the interstate highway or freeway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way. Signs may not be located within five hundred (500) feet of any of the following which are adjacent to any interstate or federal-aid primary highway; public parks; public forests; playgrounds; or cemeteries.

4. Explanatory Notes

- (a) Official and "on premise" signs, as defined in § 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.
- (b) The minimum distance between signs shall be measured along the nearest edge of the pavement between points directly opposite the signs.

D. Lighting

- 1. Signs shall not be erected which contain, include or are illuminated by any flashing, intermittent, revolving or moving light, except those giving public service information such as, but not limited to, time, date, temperature, weather or news. Steadily burning lights in configuration of letters or pictures are not prohibited.
- 2. Signs shall not be erected or maintained which are not effectively shielded to prevent beams or rays of light from being directed at any portion of the traveled way of any interstate or primary highway and are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle.

3. Signs shall not be erected or maintained which shall be so illuminated that they obscure any official traffic sign, device, or signal, or imitate or may be confused with any such official traffic sign, device or signal.

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 herein contained 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 hereof shall apply to signs erected subsequent to the effective date of this Agreement.

In the event the provisions of the Highway Beautification Act of 1965 are amended by subsequent action of Congress, or the provisions of Title 69 O.S., 1968, § 1271, et seq, as amended, are amended by subsequent action of the Oklahoma State Legislature, the parties reserve the right to renegotiate 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.

UNITED STATES OF AMERICA



APR 14 1972

Date

STATE OF OKLAHOMA



Director, Oklahoma Department of  
Highways

March 24, 1972

Date

Approved as to form & legality



General Counsel

March 24, 1972

Date