

AGREEMENT

STATE OF OREGON FOR CARRYING OUR 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 20th day of December, 2002, 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 Oregon by and through its Department of Transportation, 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 State law; 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 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 Oregon 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 of Oregon 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 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; and

WHEREAS, the State of Oregon elects to maintain the control as set forth in such agreement except where the control required by Section 131 of Title 23, United States Code, is more restrictive;

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

Section I. 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.
- B. Zoned commercial or industrial areas means those areas which are zoned for business, industry, commerce or trade pursuant to a State or local zoning ordinance or regulation.
- C. 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 and Title 23, United States Code.
- D. Freeway means a divided arterial highway with four or more lanes available for through traffic with full control of access and grade separation at intersections.
- 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, 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, auxiliary lanes, ramps, turning roadways or parking areas.
- H. Sign means an outdoor sign, display, message, emblem, device, figure, painting, drawing, placard, poster, billboard or other thing that is designed, used or intended for advertising purposes or to inform or attract the attention

of the public, and the term includes the sign structure, display surface and all other components of a sign; when dimensions of a sign are specified, the term includes panels and frames; and the term includes both sides of a sign of specified dimensions or area.

- 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. "On-premise sign" means a sign which advertises only the activities conducted on or the sale or lease of the property on which the sign is located.
- K. "Outdoor advertising sign" means a sign which advertises: Goods, products or services which are not sold, manufactured or distributed on or from the premises on which the sign is located; or facilities not located on the premises on which the sign is located; but the term does not include an "on-premise sign".
- L. Maintain means to allow to exist.
- M. Safety rest area means an area or site, including sign plazas, established and maintained within or adjacent to the highway right-of-way by or under public supervision or control, for the convenience of the traveling public.
- N. Visible means that the advertising copy or informative contents are capable of being seen without visual aid by a person of normal visual acuity.
- O. Tri-vision sign means an outdoor advertising structure that contains display surfaces composed of a series of three sided rotating slats arranged side by side, either horizontally or vertically, that are rotated by an electromechanical process, capable of displaying a total of three separate and distinct messages, one message at a time.

## Section II. Scope of Agreement

This agreement shall apply to the following areas:

- A. All commercial or industrial zones within the boundaries of incorporated municipalities, as those boundaries existed on September 21, 1959, 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 Oregon in which the outdoor advertising signs may be visible from the main-traveled way of said system.

- B. All zoned commercial and industrial areas within 660 feet of the nearest edge of the right-of-way of the portions of the Interstate System which are constructed upon right-of-way, any part of which was acquired on or before July 1, 1956, in which outdoor advertising signs may be visible from the main-traveled way of said system.
- C. All zoned 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 Oregon in which outdoor advertising signs may be visible from the main-traveled way of said system.
- D. All zoned commercial or industrial areas within an incorporated city and more than 660 feet from the nearest edge of the right-of-way of any State highway if the sign is designed to be primarily viewed from a State Highway. No such signs shall be erected after July 2, 1971.

**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, but not on-premise signs, erected subsequent to the effective date of this agreement in accordance with the following criteria:

- A. In all zoned commercial and industrial areas, the criteria set forth below shall apply.

**SIZE OF SIGNS**

- 1. The maximum height for any one sign shall be 14 feet and the maximum length 48 feet, exclusive of any supports of other structural members. The maximum area for any one sign shall be 825 square feet. The maximum area includes all cutouts. Cutouts shall not exceed 20 % of the sign area, nor increase the height of a sign more than 16 feet nor the length of a sign more than 12 feet.
- 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, double faced and V-type construction with not more than two displays to each facing, which may contain multiple messages. Such sign structures shall be considered as one sign with respect to spacing.

**SPACING OF SIGNS**

- 1. Interstate and Federal-aid Primary Highways.
  - a. 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 Highways and Freeways on the Federal-aid Primary System.

a. Type of highway where erected	Minimum space between signs on same side of <u>Highway (in feet)</u>
Interstate Highway	
Inside cities	500
Outside cities	2,000
Freeway	
Inside cities	500
Outside cities	1,000

b. Outside of incorporated cities no signs may be located adjacent to or within 500 feet of an interchange, intersection at grade, or safety rest area, said 500 feet to be measured along the Interstate or Freeway from the beginning or ending of pavement widening for the traveled way of any acceleration or deceleration lane.

3. OTHER STATE Highways, on the Primary System.

- a. Outside of incorporated cities the minimum space between signs shall be 500 feet
- b. Within incorporated cities the minimum space between signs shall be 100 feet.

4. Explanatory notes.

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

LIGHTING

Signs may be illuminated, subject to the following restrictions:

1. No sign shall contain, include or be illuminated by any flashing intermittent, revolving, rotating or moving light or lights or moves or has any animated or moving parts; however, this paragraph does not apply to a traffic control sign or signs providing only public information such as time, date, temperature, weather or similar information and Tri-vision signs. Tri-vision signs, however, shall not contain, include or be illuminated by any flashing intermittent, revolving, rotating or moving

light or lights. The frequency of message change is determined by the State.

2. Has any lighting, unless such lighting is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled way of a state highway, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle or otherwise interfere with the operation thereof.
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.

**Section IV. Interpretation**

The provisions contained herein shall constitute the standards for effective control of signs, displays and devices within the scope of this agreement.

The provisions contained herein pertaining to the size, lighting and spacing of outdoor advertising signs permitted in zoned commercial and industrial areas shall apply only to those signs erected subsequent to July 2, 1971.

**Section V. Renegotiation**

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 VI.**

This agreement supercedes the agreement entered into between Administrator and State dated August 12, 1971.

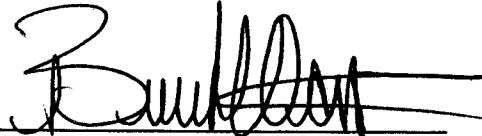
**Section VII**

It is therefore agreed that this agreement expressly amends and supercedes the agreement entered into on August 26, 1974, between the United States of America represented by the Secretary of Transportation acting by and through the Federal Highway Administrator and the State of Oregon. The United States of America and the State of Oregon agree that the intent of amending the August 26, 1974, amendment is to allow for the erection and maintenance of "Tri-vision" signs as defined and provided for in Oregon Laws 1999, Chapter 877, and, it is further agreed that all other portions of the August 26, 1974, agreement are affirmed and ratified, and, as amended herein, remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have subscribed their names and affixed their seals as of the day and year hereinabove written.

The Oregon Transportation Commission, by a duly adopted delegation order, authorized the Director of the Oregon Department of Transportation to act in its behalf in approving and executing this federal/state agreement.

State of Oregon by and through its  
Department of Transportation

A handwritten signature in black ink, appearing to read "Bruce A. Warner", written over a horizontal line.

Bruce A. Warner, Director

UNITED STATES OF AMERICA DEPARTMENT  
OF TRANSPORTATION

A handwritten signature in black ink, appearing to read "Mary C. Peters", written over a horizontal line.

FEDERAL HIGHWAY ADMINISTRATOR