

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 JAN 6 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 the ADMINISTRATOR, and the Department of Transpor-
tation of the Commonwealth of Pennsylvania, acting by and through the Secre-
tary of Transportation of the Commonwealth of Pennsylvania, hereinafter re-
ferred to as the COMMONWEALTH.

W_I_N_E_S_S_E_T_H:

WHEREAS, Congress has declared that Outdoor Advertising in areas
adjacent to the Interstate and Federal-Aid Primary System should be con-
trolled in order to protect the public investment in such highways, to pro-
mote 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 System 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, the COMMONWEALTH desires to implement and carry out the provisions of Section 131 of Title 23, United States Code, in order to remain eligible to receive the full amount of all Federal-Aid Highway funds to be apportioned to the COMMONWEALTH on or after January 1, 1968, under Section 104 of Title 23, United States Code; and

WHEREAS, the COMMONWEALTH and the ADMINISTRATOR entered into an agreement dated July 1, 1961, whereby the COMMONWEALTH 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 COMMONWEALTH agrees to maintain the control required under the agreement dated July 1, 1961, 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 Commonwealth;

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

I. Definitions

A. Act shall mean 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 shall mean those activities generally recognized as commercial or industrial by zoning law in the COMMONWEALTH, except that none of the following activities shall be considered commercial or industrial:

1. Outdoor advertising signs.
2. Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands.
3. Activities not visible from the main traveled way.
4. Activities conducted in a building principally used as a residence.
5. Railroad tracks and minor sidings.

C. Zoned commercial or industrial area shall mean an area which is reserved for business, industry, commerce, trade or other business of any type or category pursuant to a State, or local zoning law, ordinance or regulation.

D. Unzoned commercial or industrial area shall mean an area which is not zoned by State or local law, regulation or ordinance, and on which there is located one or more commercial or industrial activities and the area along the highway extending outward eight hundred feet from and beyond the edge of such activity. Unzoned commercial and industrial areas shall not include land on the opposite side of the highway from said activities except that on two or three-lane noncontrolled access highways the unzoned commercial or industrial area may be located on the opposite side of the highway from the commercial or industrial activity, if in the opinion of

the secretary, the topographical conditions on the same side of the highway as the activity are such that it is not reasonably usable, and provided that the land on the opposite side of the highway has not been designated scenic by the department. In no event shall such unzoned commercial or industrial area be located on both sides of the highway. 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 the pavement of the highway.

E. Interstate or interstate system shall mean that portion of the National System of Interstate and Defense Highways located within this Commonwealth, as officially designated, or as may hereafter be so designated, by the COMMONWEALTH and approved by the ADMINISTRATOR, pursuant to the provisions of Title 23, United States Code, "Highways".

F. Primary or primary system shall mean that portion of connected main highways, as officially designated or as may hereafter be so designated, by the COMMONWEALTH and approved by the ADMINISTRATOR, pursuant to the provisions of Title 23, United States Code, "Highways".

G. Traveled way shall mean the portion of a roadway for the movement of vehicles, exclusive of shoulders.

H. Main-traveled way shall mean 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.

I. Sign shall mean any outdoor sign, display, light, figure, painting, drawing, message, plaque, poster, billboard or other thing which is designed, intended or used to advertise or inform.

J. Erect shall mean to construct, build, 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 and repair of a sign or sign structure.

K. Back to back sign shall mean a structure with two parallel and directly opposite signs identically matched with their faces oriented in opposite directions and spaced no more than ten (10) feet apart.

L. V-type sign shall mean a structure of two identically matched signs in the shape of the letter "V" when viewed from above and with their faces oriented in opposite directions.

M. Limited access highway shall mean a public highway to which owners or occupants of abutting property or the traveling public have no right of ingress or egress to, from or across such highway, except as may be provided by the authorities responsible therefore.

N. Highway, road or street shall mean a public right-of-way improved primarily for vehicles. Unimproved rights-of-way, private roads and drives are not to be regarded as highways, roads or streets.

O. Incorporated municipalities shall mean cities of all classes, boroughs, towns and first-class townships.

II. Scope of Agreement

This agreement shall apply to the following areas:

A. Those areas, within six hundred sixty (660) feet of the nearest edge of the right-of-way of all portions of the interstate system in which signs are visible from the main-traveled way of said system,

1. zoned commercial or industrial and located within the boundaries of any incorporated municipality, as those boundaries existed on September 21, 1959, and

2. all other such areas where the land use as of September 21, 1959, was zoned commercial or industrial; and

B. All other zoned and unzoned commercial and industrial areas within 660 feet of the nearest edge of the right-of-way of portions of the Interstate System constructed on right-of-way any part of which was acquired on or before July 1, 1956, in which signs are visible from the main-traveled way of said system.

C. 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 primary system in which signs are visible from the main-traveled way of said system.

III. Commonwealth Control

A. The COMMONWEALTH hereby agrees that, in all areas within the scope of this agreement, the COMMONWEALTH shall effectively control, or cause to be controlled, the erection and maintenance of signs, 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 or industrial areas, the COMMONWEALTH may certify to 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 devices. In such areas, the size, lighting and spacing requirements set forth below shall not apply. For the purposes of this subsection, requirements as to the number or total size of signs, displays or devices permitted on a single plot or parcel of land will be considered to be a spacing requirement.

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

1. General

a. 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.

b. Signs shall not be erected or maintained which imitate or resemble any official traffic sign, signal or device, or are erected or maintained upon trees or painted or drawn upon rocks or natural features, or which are structurally unsafe or in disrepair. If a sign is determined by

the COMMONWEALTH to be structurally unsafe or in disrepair, a reasonable time will be accorded the owner to make necessary repairs.

c. The standards herein contained pertaining to the size, spacing and lighting of signs permitted in zoned and unzoned commercial or industrial areas shall apply only to those signs erected subsequent to the effective date of this agreement, except for those signs erected within six (6) months after the effective date of this agreement under a lease dated prior to the effective date of this agreement and filed with the COMMONWEALTH and recorded in the Recorder's Office of the County in which the sign would be located within thirty (30) days following the effective date of this agreement. When highways are added to the Interstate and Primary System, standards contained in this agreement shall apply only to signs erected in commercial or industrial zones and areas adjacent thereto within the scope of this agreement subsequent to the date that such highways are added to the system. However, should any excepted sign enumerated in this paragraph (III-B-1-c) fall into such state of disrepair that it becomes necessary to rebuild or repair a major portion of the physical structure of said signs, then, in such event, said signs if rebuilt or repaired, shall thereafter conform to standards herein contained pertaining to size, spacing and lighting at no cost to the COMMONWEALTH.

d. Notwithstanding anything contained herein, should any commercial or industrial activity which has been used in defining and delineating an unzoned area after the effective date of this agreement cease to operate, the unzoned areas shall be redefined and redelineated based on the remaining activity, if any. Any signs erected after the effective date of this agreement in unzoned commercial or industrial areas and subsequent thereto being located outside unzoned areas because of redefinition or redelineation of the area shall become nonconforming signs.

2. Size of Signs

a. 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.

b. The area shall be measured by the smallest square, rectangle, triangle, circle or combination thereof which will encompass the entire sign.

c. A sign structure may contain one or two signs per facing and may be placed double-faced, back to back or V-type.

d. Signs which exceed six hundred (600) square feet in area may not be double-faced (abutting and facing the same direction).

3. Spacing of Signs

a. Along Interstate System and Limited Access Highways on the primary system, no two sign structures shall be spaced less than five hundred (500) feet apart; and outside the boundaries of cities of all classes and boroughs, no structure may be erected adjacent to or within five hundred (500) feet of an interchange or safety rest area, measured along the interstate or limited access primary from the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way.

b. Along nonlimited access highways on the primary system, no two structures shall be spaced less than three hundred (300) feet apart if outside cities of all classes and boroughs, nor less than one hundred (100) feet apart if within such cities and boroughs.

c. These spacing provisions shall not apply to sign structures separated by a building or other obstruction in such a manner that only one sign facing located within these spacing distances is visible from the highway at any one time.

d. 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 spacing requirements.

e. The distance between sign structures shall be measured along the nearest edge of the pavement between points directly opposite the signs along the same side of the traveled way.

4. Lighting of Signs

a. No sign will be permitted which is not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled ways of the interstate or primary systems or which is of such intensity or brilliance as to cause glare or to impair the vision of the driver of any vehicle, or which interferes with any driver's operation of a motor vehicle.

b. No sign shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal.

c. Lighting of all signs shall be subject to all other provisions relating to lighting of signs along highways under the jurisdiction of the department.

d. 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.

IV. Interpretation

The provisions contained herein shall constitute the minimum acceptable regulations and standards for effective control of signs within the scope of this agreement.

In the event the provisions of the Act are amended by subsequent action of Congress, or the provisions of enabling Pennsylvania Legislation are amended by subsequent action of the Pennsylvania Legislature, the Parties reserve the right to re-negotiate this agreement or to modify it to conform with any amendment.

V. Supercedeas

gn This agreement supercedes the agreements between the Parties hereto dated ~~July 1, 1961~~, April 19, 1968 and October 14, 1968.

VI. Effective Date

This agreement is effective as of December 15, 1971, the effective date of the Pennsylvania Outdoor Advertising Control Act of 1971 (Act No. 160).

IN WITNESS WHEREOF the Parties hereto have executed this agreement

on JAN 6 1972 (Secretary of Transportation)
_____. (Federal Highway Administrator)

ATTEST:

SECRETARY OF TRANSPORTATION
COMMONWEALTH OF PENNSYLVANIA

B. D. Rousline
(SEAL)

BY *Joseph J. Fernald*
Secretary of Transportation

ATTEST:

UNITED STATES OF AMERICA

R. J. Fernald
Federal Highway Administrator

APPROVED AS TO FORM AND LEGALITY

Robert W. Carriffe
Deputy Attorney General