

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 13th day of July, 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 Commonwealth of Virginia, represented by the State Highway Commission acting by and through its Chairman hereinafter referred to as the "Commonwealth." 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, Section 33-317.2 of the Code of Virginia, 1950, as amended, authorizes the State Highway Commission to enter into an agreement with the Federal Government with respect to the regulation and control of Outdoor Advertising; 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 of Virginia 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 Commonwealth of Virginia and the Federal Highway Administrator entered into an agreement dated November 20, 1962, 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 or the control required by the section whichever control is stricter; and

WHEREAS, the Commonwealth of Virginia desires to implement and 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 Commonwealth.

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 mean those activities generally recognized as commercial or industrial by zoning authorities in this Commonwealth, 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 feet from the nearest edge of the right-of-way.
6. Activities conducted in a building principally used as a residence.
7. Railroad tracks and minor sidings.

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

D. Unzoned commercial or industrial areas mean those areas 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 activities, not from the property lines of the activities, and shall be along or parallel to the edge or pavement of the highway.

E. National System of Interstate and Defense Highways and Interstate System mean the system presently defined in subsection (d) of Section 103 of title 23, United States Code.

F. Federal-aid primary highway means any highway within that portion of the State Highway System as established and maintained under article 2 (§ 33-23 et seq.), chapter 1, Title 33, Code of Virginia (1950), as amended, including extensions of such system within municipalities, which has been approved by the Secretary of Commerce pursuant to subsection (b) of § 103 of Title 23, United States Code.

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

H. 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.

I. 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, any part of the advertising or informative contents of which is visible from any 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.

II. Scope of Agreement

This agreement shall apply to the following areas:

- (1) 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 Commonwealth of Virginia in which the outdoor advertising signs, displays, and devices may be visible from the main traveled way of said system.
- (2) All zoned and unzoned commercial and industrial areas within 660 feet of the nearest edge of the right-of-way of the Interstate System, except those areas adjacent to portions of the Interstate System which are constructed on right-of-way, the entire width of which has been acquired after July 1, 1956, in which outdoor advertising signs, displays, and devices may be visible from the main traveled way of the system.
- (3) 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 Commonwealth of Virginia in which outdoor advertising signs, displays, and devices may be visible from the main traveled way of said system.

III. Commonwealth Control

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 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 Commonwealth 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 for any advertisement shall be 1200 square feet with a maximum height of 25 feet and maximum length of 60 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 advertisement.
- 3. A sign structure may contain one or two advertisements per facing, not to exceed the maximum area.
- 4. Double-faced structures will be permitted with the maximum area being allowed for each facing.

SPACING OF SIGNS

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

- a. No two structures shall be spaced less than 500 feet apart.
 - b. No structure may be located within 500 feet of an interchange, or intersection at grade, or rest area (measured along the Interstate or freeway 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.)
2. Non-Freeway Federal-aid Primary Routes
- a. Outside of Municipalities - no two structures shall be spaced less than 300 feet apart.
 - b. Inside Municipalities - no two structures shall be spaced less than 100 feet apart.
3. Explanatory Notes
- a. 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 spacing requirements.
 - b. 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.

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 Interstate or 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 Commonwealth.

C. The Commonwealth and 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 Commonwealth and 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 Commonwealth may so certify to the Administrator and control of outdoor advertising in industrial or commercial areas will transfer to subsection A of this section.

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C. The Commonwealth and 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 Commonwealth and 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 Commonwealth may so certify to the Administrator and control of outdoor advertising in industrial or commercial areas will transfer to subsection A of this section.

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 Commonwealth 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.

In controlling outdoor advertising adjacent to Interstate and Federal-aid primary highways pursuant to the Highway Beautification Act of 1965 and this agreement, the Commonwealth 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, 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 become effective August 1, 1967.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of July 13, 1967.

COMMONWEALTH OF VIRGINIA
STATE HIGHWAY COMMISSION

Guido Otey

Douglas B. Fugate
Douglas B. Fugate, Chairman

UNITED STATES OF AMERICA

Samuel R. Brundwell
Federal Highway Administrator