

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 28th day of June, 19 67, by and between the United States of America represented by the Secretary of Transportation acting by and through the Fed.Hwy.Administrator, hereinafter referred to as the Administrator and the State of Vermont represented by the Highway Department acting by and through its Commissioner hereinafter referred to as the "State." Witnesseth:

WHEREAS, Section 131(d) of title 23, United States Code, provides for agreement 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, 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 primary highways, to promote the safety and recreational value of public travel and to preserve natural beauty; and

WHEREAS, the State of Vermont elects 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 Vermont and the Federal Highway Administrator entered into an agreement dated August 9, 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 or the control required by the section whichever control is stricter; and

WHEREAS, the State of Vermont elects 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 State.

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 zone means those areas which are reserved for business, commerce, or trade pursuant to a comprehensive State or local zoning ordinance or regulation.

C. Unzoned commercial or industrial area means:

1. Any area where, within a space not exceeding one thousand feet along the centerline of the traveled part of the highway, there are located not less than three places of business which conduct their business activities on a year around basis.

2. Such an area shall not include land predominantly used for residential purposes or land zoned by State or local law, regulation or ordinance.

3. Business activities for purposes of this definition shall mean those activities generally recognized as commercial or industrial by zoning authorities within the State.

D. "Sign means an outdoor sign, light, 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 place on the main traveled way of the Interstate or Federal-aid primary highway."

E. "Traveled way means the portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes."

F. "Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish."

G. Main traveled way means the through traffic lanes exclusive of frontage roads, auxiliary lanes and ramps.

II. Scope of Agreement

This agreement shall apply to 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 750 feet of the nearest edge of the right-of-way of all portions of the Interstate System within the State of Vermont in which outdoor advertising signs, displays, and devices may be visible from the main traveled way of said system. This agreement shall also apply to all zoned and unzoned commercial and industrial areas within 750 feet of the nearest edge of the right-of-way of all portions of the primary system within the State of Vermont 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 in accordance with the following criteria:

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 structurally unsafe or in disrepair.

B. Size of Signs

1. No sign shall be larger than 300 square feet in surface area.
2. Double-faced, back-to-back or V-type signs shall be considered as two signs.

C. Spacing of Signs

1. Interstate Highways

Outdoor advertising signs, displays or devices, except those permitted under sections 131(c) and 131(f), title 23, United States Code, shall not be erected or maintained in any place where they are visible from the main traveled way of the national system of Interstate and defense highways. Visible, as used in this section, means that the advertising content is capable of being seen from the main traveled way by a person of normal visual acuity.

2. Primary Highways

(a) Signs may not be located in such a manner as to obscure, or otherwise interfere with the effectiveness of an official traffic sign, signal, or device, obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic.

(b) Signs may not be located within 300 feet of any of the following which are adjacent to the highway:

1. Public Parks
2. Public Forests
3. Public Playgrounds
4. Scenic areas designated as such by the State highway department or other State agency having and exercising such authority.

(c) The location of signs situated between streets, roads or highways entering into or intersecting the main traveled way shall conform to the following minimum spacing criteria to be applied separately to each side of the primary highway:

1. Where the distance between centerlines of intersecting streets or highways is less than 1,500 feet, two signs may be permitted between such intersecting streets or highways.
2. Where the distance between centerlines of intersecting streets or highways is 1,500 feet or more, minimum spacing between signs shall be 500 feet. Two signs will be permitted at a single location, either double-faced, V-type, or back-to-back, but any such signs shall be at least 1,000 feet from any other sign.

3. Explanatory Notes

(a) Alleys, undeveloped rights-of-way, private roads, and driveways shall not be regarded as intersecting streets, roads or highways.

(b) Only roads, streets and highways which enter directly into the main traveled way of the primary highway shall be regarded as intersecting.

(c) 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 the 500-foot or two per block requirements.

(d) The minimum distance between signs of 500 feet and 1,000 feet shall be measured along the nearest edge of the pavement between points directly opposite the signs.

D. 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.

E. The standards in Sections III B and III C2 shall apply only to signs erected subsequent to the effective date of this Agreement.

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 State 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.

V. Effective Date

This Agreement shall become effective when signed and executed on behalf of both the State and the Administrator. IN WITNESS WHEREOF the parties hereto have executed this Agreement as of

June 28, 1967

STATE

VERMONT STATE HIGHWAY BOARD

Russell A. Holden
Commissioner of Highways

UNITED STATES

Samuel R. Anderson
Federal Highway Administrator
Department of Transportation