

AGREEMENT

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 28<sup>th</sup> day of March, 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 State of Wisconsin represented by the State Highway Commission acting by and through its Chairman hereinafter referred to as the "State."

Witnesseth:

WHEREAS, Congress has declared that outdoor advertising in areas adjacent to the Interstate and Federal-aid Primary System 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 agreement 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, 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 recreational value of public travel and to preserve natural beauty; and

WHEREAS, the State of Wisconsin 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 dated June 19, 1961, provided the State maintains the control required under such agreement or the control required by such section whichever control is stricter; and

WHEREAS, the State of Wisconsin desires and enters into this agreement 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 Activities means those activities generally recognized as commercial or industrial by local zoning authorities in this State except that none of the following activities shall be considered commercial or industrial:

1. Outdoor advertising structures.
2. Agricultural, forestry, ranching, grazing, farming, and similar activities including, but not limited to, wayside fresh produce stands.
3. Activities normally or regularly in operation less than 3 months of the year.
4. Transient or temporary activities.
5. Activities not visible from the main-traveled way.
6. Activities more than 660 feet from the nearest edge of the right of way.
7. Railroad tracks and minor sidings.
8. Areas which are predominantly used for residential purposes.

C. Zoned Commercial or Industrial Areas mean those areas which are zoned for business, industry, commerce, or trade pursuant to a State or local zoning ordinance or regulation.

D. Unzoned Commercial or Industrial Areas mean 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 800 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 and landscaped 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. National System of Interstate and Defense Highways and Interstate Systems means any highway, at any time, officially designated as a part of the national system of interstate and defense highways by the highway commission and approved by the appropriate authority of the federal government.

F. Freeways means a highway with full control of access and with all crossroads separated in grade from the pavements for through traffic.

G. Primary Highway means any highway, other than an interstate highway, at any time officially designated as a part of the federal aid primary system by the highway commission and approved by the appropriate authority of the federal government.

H. Traveled Way means the portion of a roadway for the movement of vehicles exclusive of shoulders.

I. Main-traveled Way means the traveled way of an interstate or primary 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, ramps or parking areas.

J. Sign means any outdoor sign, display, device, notice, 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 any portion of an interstate highway or primary highway.

K. 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 does not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance of the sign structures.

## 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 Wisconsin in which the outdoor advertising signs may be visible from the main-traveled way of said system.

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B. ~~All zoned and unzoned 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.~~

B. 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 State of Wisconsin in which outdoor advertising signs 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 erected subsequent to the 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 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 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 of any sign facing shall be 1200 square feet with a maximum height of 30 feet and maximum length of 60 feet, inclusive of any border and trim but excluding the base or apron supports and other structural members.
2. The areas shall be measured by the smallest square, rectangle, triangle, circle or combination thereof which will encompass the entire sign.
3. Maximum size limitations shall apply to each side of the sign structure and signs may be placed back to back, side by side, or in "v"-type construction with not more than two displays to each facing, and such sign structure shall be considered as one sign.

#### SPACING OF SIGNS

1. Interstate Highways and Freeways on Federal Aid Primary System
  - a. No two structures shall be spaced less than 500 feet apart.
  - b. Outside of incorporated villages and cities, no structure may be located adjacent to or within 500 feet of an interchange, intersection at grade, or safety rest area (measured along the Interstate or Freeway highway from the sign to the nearest point of 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 incorporated cities and villages - no two structures shall be spaced less than 300 feet apart.
  - b. Inside incorporated cities and villages - no two structures shall be placed less than 100 feet apart.

### 3. Explanatory Notes

- a. 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, and shall apply only to structures located on the same side of the highway.
- b. The above spacings between structures do not apply to structures separated by buildings or other obstructions in such a manner that only one sign facing located within the indicated spacing distances is visible from the highway at any one time.
- c. Official and on premises signs as defined in 23 U.S.C. 131 (c), and structures 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. 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 highways 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 obstructs 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.

### IV. Interpretation

The provisions contained herein shall constitute the minimum accepted 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.

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 renegotiate this agreement or to modify it to conform with any amendment.

V. Effective Date of Agreement

Date of March 18, 1972.

IN WITNESS WHEREOF the parties hereto have executed this Agreement.

State of Wisconsin

By B. C. Schumann, Dated MAR 21 1972.  
Highway Commission Secretary

United States Of America Department of Transportation

By R. Turner, Dated MAR 28 1972.