

A G R E E M E N T

STATE OF WYOMING

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 8<sup>th</sup> day of  
June, 1971, 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 "Adminis-  
trator," and the STATE OF WYOMING, represented by the WYOMING STATE HIGH-  
WAY 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 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, 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), 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 Wyoming 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.

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

Section I

1. Definitions

a. "Interstate System" means that portion of the National System of Interstate and Defense Highways located within this state, as officially designated, or as may hereafter be so designated by the Commission and approved by the Secretary of Transportation pursuant to the provisions of Title 23, United States Code, "Highways."

b. "Primary System" means that portion of connected main highways, as officially designated or as may hereafter be so designated by the Commission and approved by the Secretary of Transportation pursuant to the provisions of Title 23, United States Code, "Highways."

c. "Outdoor Advertising" means any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing which is designed, intended or used to advertise or inform and which is visible from any place on the main traveled way of the interstate or primary systems.

d. "Commission" means the State Highway Commission of Wyoming.

e. "Safety Rest Area" means an area or site established and maintained within or adjacent to the right of way by or under public supervision or control, for the convenience of the traveling public.

f. "Information Center" means an area or site established and maintained at safety rest areas for the purpose of informing the public of places of interest within the state and providing such other information as the Commission may consider desirable.

g. "Visible" means capable of being seen, whether or not legible, without visual aid by a person of normal visual acuity.

h. "Commercial or Industrial Zone" means those areas which are reserved for business, commerce, or trade pursuant to comprehensive local zoning ordinances or regulation, or enabling state legislation, including highway service areas in which the primary use of the land is reserved for commercial and roadside services other than outdoor advertising.

i. "Unzoned Commercial or Industrial Area" means those areas not zoned by state or local law, regulation or ordinance which are occupied by one or more industrial or commercial activities other than outdoor advertising signs on the lands along the highways for a distance of 600 feet immediately adjacent to the activities, and those lands directly opposite on the other side of the highway to the extent of the same dimensions; provided, those lands on the opposite side of the highway are not deemed scenic or having aesthetic value.

j. "Commercial or Industrial Activities" mean for purposes of subsection i those activities generally recognized as commercial or industrial by zoning authorities in this state, except that none of the following activities shall be considered commercial or industrial:

(1) Agricultural, forestry, grazing, farming, and related activities including wayside fresh produce stands.

(2) Transient or temporary activities.

(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.

k. "Traveled Way" means the portion of a roadway for the movement of vehicles, exclusive of shoulders.

l. "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.

m. "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.

n. "Maintain" means to allow to exist.

## Section II Scope of Agreement

This agreement shall apply to the following areas:

1. 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 Interstate and Primary Systems within the State of Wyoming in which outdoor advertising signs may be visible from the main-traveled way of either or both of said systems.

## 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, 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:

1. In zoned commercial and industrial areas, the State may notify

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 signs consistent with the intent of the Highway Beautification Act of 1965 and with customary use. In such areas, the size, lighting, and spacing requirements set forth below shall not apply.

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

#### Size of Signs

1. No sign face within the State of Wyoming shall exceed the following limits:

- a. Maximum area--1200 square feet
- b. Maximum length--60 feet
- c. Maximum height--25 feet

2. No more than two facings visible and readable from the same direction on the main-traveled way may be erected on any one sign structure. Whenever two facings are so positioned, neither shall exceed 325 square feet.

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

4. The maximum size limitations shall apply to each side of a 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 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.

~~b. No new sign shall be erected closer than 500 feet to an existing off-premises sign adjacent to an interstate highway; provided, that signs may be erected closer than 500 feet if the sign structures on the same side of the interstate are not simultaneously visible and are separated by a building or other enclosed structure.~~

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c. Signs may not be located within 500 feet of any of the following which are adjacent to the highway; unless such signs are in an incorporated area:

- (1) Public parks
- (2) Public forests
- (3) Public playground
- (4) Scenic areas designated as such by the state highway department or other state agency having and exercising such authority
- (5) Cemeteries

~~d. No sign may be located on an interstate highway or primary highway with full access control within 500 feet of an interchange, or intersection at grade, or rest area measured in both directions from the point of widening as constructed.~~

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~~e. The location of sign structure situated on the primary highways in commercial or industrial zoned or unzoned commercial or industrial area between streets, roads or highways entering or intersecting the main traveled way shall conform to the following minimum spacing criteria:~~

~~(1) Where the distance between centerlines of intersecting streets or highways is less than 1000 feet, a minimum spacing between structures of 150 feet may be permitted between the intersecting streets or highways.~~

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~~(2) Where the distance between centerlines of intersecting streets or highways is 1000 feet or more, minimum spacing between sign structures shall be 300 feet.~~

~~f. The Commission may, for good cause shown, permit a variance in the restrictions set forth herein.~~

2. Interstate Highways and Primary Highways with full access control on the 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. Said 500 feet to be measured along the Interstate or freeway from the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way.

3. Non-freeway Federal-aid Primary Highways

a. Outside of incorporated villages and cities - no two structures shall be spaced less than 300 feet apart.

b. Within incorporated villages and cities - no two structures shall be spaced less than 100 feet apart.

4. The above spacing-between-structures provisions do not apply to structures separated by buildings or other obstructions in such a manner that only one sign facing located within the above spacing distances is visible from the highway at any one time.

5. Explanatory Notes



a. The minimum distance between structures 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.

#### 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 Federal-aid 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 State.

At any time that a bona fide county or local zoning authority adopts regulations which include the size, lighting, and spacing of outdoor advertising, the State may so notify the Administrator and control of outdoor advertising in the commercial or industrial zones within the geographical jurisdiction of said authority will transfer to subsection 1, page 5, of this section.

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 and unzoned commercial and industrial areas shall apply only to those signs erected subsequent to the effective date of this agreement except for those signs erected within 6 months after the effective date of this agreement in zoned or unzoned commercial or industrial areas on land leased prior to such effective date, provided that a copy of such lease be filed with the State highway department within 30 days following such effective date.

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 re-negotiate this agreement or to modify it to conform with any amendment.

Section V Effective Date

This Agreement shall have an effective date of June 8,  
1971.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of June 8, 1971.

STATE OF WYOMING

By B. W. Bridgford  
B. W. Bridgford, Chairman  
Wyoming State Highway Commission

UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION

By F. C. Turner  
Federal Highway Administrator