

AGREEMENT

(UTAH)

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 18th day of January, 1968, 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 Utah, acting by and through its Governor, hereinafter referred to as the State.

Witnesseth:

WHEREAS, the Governor is authorized by Senate Bill No. 94, enacted by the Thirty-seventh Utah State Legislature, to enter into agreements with the Secretary of Commerce, whose functions, powers and duties in regard to highway matters have been transferred to the Secretary of Transportation by Public Law 89-760, 89th Congress, on behalf of the State of Utah to comply with Title I of the Highway Beautification Act of 1965; and

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, which areas are 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 interstate and primary highways, to promote the safety and recreational value of public travel and to preserve natural beauty; and

WHEREAS, the State of Utah 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.

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 comprehensive local zoning ordinance or regulation, or enabling state legislation, including Highway Service Areas lawfully zoned as Highway Service Zones, in which the primary use of the land is reserved for commercial and roadside services other than outdoor advertising to serve the traveling public.

C. 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, the lands along the highway 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 as determined by the Utah Road Commission.

All measurements shall be from the outer edge of the regularly used buildings, parking lots, storage or processing areas of the activities, and shall be along or parallel to the edge of pavement of the highway.

D. Commercial or industrial activities, for purposes of the unzoned area definition above, mean 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, but not limited to, 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.

Should any commercial or industrial activity, which has been used in defining or delineating an unzoned area, cease to operate for a period of six continuous months, any signs located within the former unzoned area shall become non-conforming.

E. Sign means any 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.

F. 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 customary maintenance or repair of a sign or sign structure.

G. Center line of the highway means a line equidistant from the edges of the median separating the main-traveled ways of a divided interstate or other limited-access highway, or the center line of the main-traveled way of a non-divided highway.

H. Visible means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

I. 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 separate 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.

II. Scope of Agreement

This agreement shall apply to:

A. All zoned and unzoned commercial and industrial areas within 660 feet of the nearest edge of the right-of-way of all portions and of the interstate/primary systems within the State of Utah 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 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 and unzoned commercial and industrial areas, the criteria set forth below shall apply to signs, displays and devices erected subsequent to the effective date of this agreement.

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 erected or maintained in such a manner as to obscure, or otherwise interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct or interfere with the driver's view of approaching, merging or intersecting traffic.

Size of Signs.

1. No sign shall exceed the following dimensions:

(a) Maximum area -- 1000 square feet

(b) Maximum height -- 25 feet

(c) Maximum length -- 60 feet

2. The area shall be measured by the outer limits of the advertising space.

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

4. Back-to-back or V-type sign structures will be permitted with the maximum area being allowed for each facing; and considered as one structure and subject to spacing as herein-
below
~~above~~ provided, but must be erected so that no more than two facings are visible to traffic in any one direction.

Spacing of Signs.

1. Signs may not be located within 500 feet of any of the following which are adjacent to the highway:

(a) Public parks

(b) Public forests

(c) Playgrounds

(d) Cemeteries

2. Interstate Highways and Limited-Access Highways on the Primary System.

- (a) Spacing between sign structures along each side of the highway shall be a minimum of 500 feet except that this spacing shall not apply to signs which are separated by a building or other obstruction in such a manner that only one sign located within the minimum spacing distance set forth above is visible from the highway at any one time.
- (b) No sign may be located on an interstate highway or freeway within 500 feet of an interchange, or intersection at grade, or rest area (measured along the interstate highway 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).

3. Non-Limited Access Primary Highways.

The location of sign structures 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:

- (a) Where the distance between centerlines of intersecting streets or highways is less than 1000 feet, a minimum spacing between structures of 150 feet

(double-faced, V-type and/or back-to-back) may be permitted between such intersecting streets or highways.

- (b) Where the distance between centerlines of intersecting streets or highways is 1000 feet or more, minimum spacing between sign structures (double-faced, V-type and/or back-to-back) shall be 300 feet.

4. 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 above spacing requirements.
- (d) The minimum distance between signs shall be measured along the nearest edge of the pavement between points directly opposite the signs.

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 way of the 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.

IV. Interpretation

The provisions contained herein shall constitute the 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 a municipality 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.

Standards and criteria contained in Section III shall apply to signs erected subsequent to the effective date of this Agreement. Existing signs in zoned and unzoned commercial or industrial areas will be considered to be conforming to said standards and criteria.

In the event the provisions of the Highway Beautification Act of 1965 are amended by subsequent action of Congress, or the provisions of Chapter 51, Section 5, Laws of Utah, 1967, are amended by subsequent action of the Utah State Legislature, 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 when signed and executed on behalf of both the State and the United States of America.

IN WITNESS WHEREOF, the State has caused this Agreement to be duly executed in its behalf, and the Secretary of Transportation has likewise caused the same to be duly executed in his behalf, as of the dates specified below.

WITNESSES:

Brace P. Thurmond
William J. Howe

STATE OF UTAH

By Cain Hampt (SEAL)
Governor

Date Nov 10, 1967

WITNESSES:

SA McIntire

UNITED STATES OF AMERICA

By Lawrence R. Birdwell

Date January 18, 1969

APPROVED AS TO FORM:

Attorney General

Date _____

APPROVED BY:

Date _____