

A G R E E M E N T

STATE OF COLORADO

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 9<sup>th</sup> day of July, 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 "Administrator," and the State of Colorado, represented by the Department of Highways acting by and through its Executive Director, 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) of 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 Colorado 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 State of Colorado and the Federal Highway Administrator entered into an agreement dated June 30, 1965 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; and

WHEREAS, the State of Colorado elects to maintain the control as set forth in such agreement except where the control required by Section 131 of Title 23, United States Code, is more restrictive;

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

#### Section I

##### 1. Definitions

- A. 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. Zoned commercial or industrial areas means those areas which are zoned for business, industry, commerce, or trade pursuant to a State or local zoning ordinance or regulation.
- C. National System of Interstate and Defense Highways and Interstate System mean the system presently defined in and designated pursuant to subsection (d) of Section 103 of Title 23, United States Code.

- D. Federal-aid primary highway means any highway within that portion of the State highway system as designated, or as may hereafter be so designated by the State, which has been approved by the Secretary of Transportation pursuant to subsection (b) of Section 103 of Title 23, United States Code.
- E. Traveled way means the portion of a roadway for the movement of vehicles, exclusive of shoulders.
- F. 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 opposition directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas.
- G. 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 information contents of which is visible from any place on the main-traveled way of the Interstate or Federal-aid Primary Highway Systems.
- H. 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.

- I. Maintain means to allow to exist.
- J. Safety rest area means an area or site established and maintained within or adjacent to the highway right-of-way by or under public supervision or control, for the convenience of the traveling public.
- K. Visible means that the advertising copy or informative contents are capable of being seen without visual aid by a person of normal visual acuity.

Section 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 Colorado in which the outdoor advertising signs may be visible from the main-traveled way of said system.
- B. All zoned commercial and industrial areas within 660 feet 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.

- C. All zoned 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 Colorado 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 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 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.
- B. In all other zoned commercial and industrial areas, the criteria set forth below shall apply:

#### Size of Signs

1. The maximum area for any one sign shall be 1,200 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 area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof which will encompass the entire sign.
3. 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.
2. Interstate Highways and Freeways 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. Official and "on-premise" signs, as defined in Section 131(c) of Title 23, United States Code, 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.
  - b. 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 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 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 A of this 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 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 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.

VI. Effective Date

This Agreement shall have an effective date of July 9,  
1971.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of July 9, 1971.

ATTEST:

STATE DEPARTMENT OF HIGHWAYS  
STATE OF COLORADO

\_\_\_\_\_  
Chief Clerk

  
\_\_\_\_\_  
Executive Director

UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION

By   
\_\_\_\_\_  
Federal Highway Administrator