ARIZONA-FEDERAL AGREEMENT PROVIDING FOR THE REGULATION OF OUTDOOR ADVERTISING IN AREAS ADJACENT TO THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS AND THE FEDERAL AID PRIMARY HIGHWAYS SYSTEMS.

THIS AGREEMENT, made and entered into this 18th day of November 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 ARIZONA, represented by the Arizona Highway Commission, acting by and through the Director of Highways, hereinafter referred to as the State.

WITNESSETH:

WHEREAS, House Bill 195 enacted by the Twenty-ninth Legislature of the State of Arizona Second Regular Session and signed into Law by the Governor of Arizona on May 18, 1970, provides for the regulation of outdoor advertising along Interstate and Primary highway systems, amending Title 18, Arizona Revised Statutes by adding chapter 7, article 1, sections 18-711 to 18-720 inclusive; and

WHEREAS, the Arizona Highway Commission is directed by section 18-716, Arizona Revised Statutes to enter into agreement with the Secretary of Transportation provided for by section 131(d) of title 23 of the United States code; 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 Arizona desires to implement and carry out the provisions of section 131 of title 23, United States Code, 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:

DEFINITIONS

1. "Business area" means an area outside municipal limits embracing all of the land on the same side of the highway on which one or more commercial or industrial activities are conducted, including all land within one thousand feet measured in any direction from the nearest edge of the actual land used or occupied for such activity, including its parking, storage and service areas, its driveways and its established front, rear and side yards, constituting an integral part of such activity and which is zoned, under authority of law, primarily to permit industrial or commercial activity. However, when one or more commercial or industrial activities are located within one thousand feet of a freeway interchange, the business area shall extend three thousand feet measured in each direction parallel to the freeway from the center line of the crossroad, provided further that the business area shall not extend beyond the limits of the established commercial or industrial zone.

2. "Commission" means the state highway commission.

3. "Freeway" means a divided arterial highway on the interstate or primary system with full control of access and with grade separations at intersections.

4. "Information center" means a site established and maintained at a safety rest area for the purpose of informing the public of places of interest within the state and providing other information the commission considers desirable.

5. "Interstate system" means that portion of the national system of interstate and defense highways located within this state as may now or hereafter be officially designated by the commission and approved by the secretary of transportation pursuant to title 23, United States code.

6. "Main-traveled way" means the portion of a roadway for the movement of vehicles, exclusive of shoulders, on which through traffic is carried. In the case of 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 or parking areas.

7. "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, the message of which is visible from any place on the main-traveled way of the interstate, secondary or primary systems.

8. "Primary system" means that portion of connected main highways located within this state as may now or hereafter be officially designated by the commission and approved by the secretary of transportation pursuant to title 23, United States code.

9. "Safety rest area" means a site established and maintained by or under public supervision or control for the convenience of the traveling public within or adjacent to the right-of-way of the interstate or primary systems.

10. "Secondary system" means that portion of connected highways located within this state as may now or hereafter be officially designated by the commission and approved by the secretary of transportation pursuant to title 23, United States code.

11. "Unzoned commercial or industrial area" means an area not zoned under authority of law in which land use is characteristic of that generally permitted only in areas which are actually zoned commercial or industrial under authority of state law, embracing all of the land on the same side of the highway on which one or more commercial or industrial activities are conducted, including all land within one thousand feet measured in any direction from the nearest edge of the actual land used or occupied by such activity, including its parking, storage and service areas, its driveways and its established front, rear and side yards, constituting an integral part of such activity. As used in this paragraph, "commercial or industrial activities" does not include:

(a) Outdoor advertising structures.

(b) Agricultural, forestry, grazing, farming, and related activities.

(c) Transient or temporary activities including but not limited to wayside fresh produce stands.

(d) Activities not visible from the main-traveled way.

(e) Activities conducted in a building principally used as a residence.

(f) Railroad tracks and minor sidings, and above ground or buried utility lines.

12. "Zoned commercial or industrial area" means an area zoned under authority of law primarily to permit industrial or commercial activity.

SCOPE OF AGREEMENT

This agreement shall apply to the regulation of outdoor advertising in all business areas, unzoned commercial or industrial area and zoned commercial or industrial area within 660 feet of the nearest edge of the right-of-way of all portions of the interstate and primary highway systems within the State of Arizona in which outdoor signs, displays and devices may be visible from the main-traveled way of said systems.

OUTDOOR ADVERTISING 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.

OUTDOOR ADVERTISING AUTHORIZED

1. New.

All outdoor advertising authorized by Title 18, Arizona Revised Statutes, chapter 7, article 1, sections 18-711 to 18-720 inclusive, to be erected in areas zoned commercial or industrial under authority of law or in business areas or unzoned commercial or industrial areas as defined in this agreement, shall after the effective date of this agreement be subject to the specifications for size, lighting, and spacing as set forth in this agreement and may be placed and maintained along the interstate and primary highway systems within six hundred sixty (660) feet of the edge of the right-of-way.

2. Existing.

Outdoor advertising lawfully existing within 660 feet of the edge of the right-of-way along the interstate and primary systems in areas zoned commercial or industrial under authority of law or in business areas or unzoned commercial or industrial areas as defined in this agreement may continue to be maintained as is but need to conform only to the specification for lighting as set forth in this agreement.

OUTDOOR ADVERTISING SPECIFICATIONS

1. Spacing.

Spacing is defined as the minimum distance from other outdoor advertising allowed by the act or these regulations.

On the same side of a freeway - 500 feet.

On the same side of a primary highway not a freeway:

(a) Outside municipal limits - 300 feet

(b) Within municipal limits - 100 feet

Minimum spacing does not apply when outdoor advertising is separated by a building or other sight obstruction in such a manner that only one display located within the minimum distances specified is visible from the highway at any one time.

Spacing distances shall be measured along the nearest edge of the pavement to a point directly opposite the outdoor advertising.

On-premise or sale-of-property outdoor advertising shall not be counted or measured in spacing specifications.

All designated interstate alignment whether present freeway or not shall be considered a freeway for these specifications.

No outdoor advertising shall be erected at interchanges between the intersecting road and a point 500 feet beyond the point of pavement widening at the exit from or entrance to the main-traveled way on interstate highways and primary freeways located outside of municipal limits.

No outdoor advertising shall be placed within five hundred feet of the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way at scenic overlooks or safety roadside rest areas on any portion of a freeway.

2. Size.

Maximum area is 1200 square feet.

Maximum vertical facing dimension is 25 feet.

Maximum horizontal facing dimension is 60 feet. (Includes border and trim, and excludes base, apron supports and other structural members.)

Size limitations apply to each facing.

The maximum area is measured by the smallest square, rectangle, triangle, circle, or combination thereof which will encompass the entire advertisement.

Two advertising displays may be placed in a facing if maximum area for each does not exceed 350 square feet.

Back to back or V-type signs may be placed with maximum area allowed for each facing.

3. Lighting.

Outdoor advertising may be illuminated except as follows:

If visible from the main-traveled way and displaying any red, flashing, blinking, intermittent, or moving light or lights likely to be mistaken for a warning or danger signal, excepting that part necessary to give public service information such as time, date, weather, temperature or similar information.

If any illumination thereon is of such brilliance and so positioned as to blind or dazzle the vision of travelers on the main-traveled way.

MUNICIPAL OR COUNTY CONTROL

If an incorporated municipality or county desires to control outdoor advertising along interstate or primary highways, it may do so upon request to the commission and certification by the commission to the secretary of transportation that the municipality or county has enacted comprehensive zoning ordinances and by ordinance regulates the size, lighting, and spacing of outdoor advertising in zoned commercial and industrial areas along interstate and primary highways, provided that municipalities or counties may not assume control of outdoor advertising under the provisions of this paragraph if the ordinance provisions are less restrictive than the provisions of this agreement.

GENERAL

The provisions contained herein shall constitute the acceptable standards for effective control of outdoor advertising signs, displays, and devices within the scope of this agreement.

Nothing contained herein shall be construed to abrogate or prohibit the state, a municipality or county 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 as amended in 1968 are further amended by subsequent action of Congress, or the provisions of chapter 7, article 1, sections 18-711 to 18-720 inclusive, Arizona Revised Statutes, are amended by subsequent action of the Legislature of the State of Arizona, the parties reserve the right to renegotiate this agreement or to modify it to conform with any amendment.

EFFECTIVE DATE

The provisions contained in this Agreement which conform with the current Arizona Revised Statutes shall become effective when signed and executed on behalf of both the State of Arizona and the United States of America.

The provisions contained in this Agreement which may not conform with the current Arizona Revised Statutes shall become effective when signed and executed on behalf of both the State of Arizona and the United States of America, pursuant to the resolution of the Highway Commission of October 1, 1971 and shall remain in effect until the end of the next regular session of the Arizona Legislature.

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.

For the United States of America

Federal Highway Administrator

For the State of Arizona

Director of Highways
Arizona Highway Department