

A G R E E M E N T

State of Missouri

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 executed on this 22<sup>nd</sup> day of February, 1978,<sup>2</sup>  
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 "Administrator", and the State of Missouri, acting through the State Highway  
Commission of Missouri, hereinafter referred to as "State":

WHEREAS, Section 131(d) of Title 23 of the United States Code provides for  
agreement between the Secretary of Transportation and the several States for determination  
of the size, lighting, and spacing of signs, displays, and devices constituting outdoor  
advertising consistent with customary use and which may be erected and maintained within  
660 feet of the nearest edge of highway right-of-way and within areas adjacent to the  
Interstate and primary systems of highways in Missouri which are zoned industrial or  
commercial under authority of State law or in unzoned commercial or industrial areas  
as defined herein; 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 primary highways, to promote  
the safety and recreational value of public travel, and to preserve natural beauty; and

WHEREAS, the State of Missouri desires to implement the provisions of Section  
131 of Title 23 of the United States Code, in order that the State may continue to  
receive the full amount of all Federal-aid highway funds apportioned to said State.

It is, therefore, agreed by the parties hereto as follows:

1. Definitions.

a. The term "act" as used herein means Section 131 of Title 23  
of the United States Code, commonly referred to as Title I of the Highway  
Beautification Act of 1965.

b. "Interstate highway" includes any highway in the State of  
Missouri officially designated as a part of the National System of Interstate and  
Defense Highways.

c. "Freeway primary highways" include those highways in the Missouri Federal-aid primary system which have been constructed as divided, dual-lane, fully controlled access facilities with no access to the thruways except at established interchanges.

d. "Primary highways" as used herein refer to those portions of the Missouri Federal-aid primary system so designated by the State and approved by the Administrator.

e. "Main traveled way" means that portion of the highway on which through traffic is carried. In the case of a divided highway, each of the separated roadways for traffic in opposite directions is a main traveled way. Such definition does not include outer roadways, turning roadways, or parking areas.

f. "Sign" means any outdoor display, device, notice, figure, painting, drawing, message, poster, billboard, sign, or other device intended or used to advertise or inform, any portion of the advertising or informative content of which is visible from the main traveled way of an Interstate or primary highway.

g. "Erect" means to construct, build, assemble, place, create, paint, or draw except such activities when performed incidental to the change of an advertising message or to normal maintenance or repair of an already existing sign structure.

2. Scope of Agreement. This agreement shall apply to those areas which constitute zoned or unzoned industrial or commercial areas within 660 feet of the nearest edge of the right-of-way of the Interstate and primary systems within the State of Missouri from which outdoor advertising signs, displays, and devices may be visible from the main traveled way of said systems and subject to the limitations hereinafter set forth.

As used herein, the words "unzoned commercial and industrial area" shall be defined as follows: That area not zoned by State or local law or ordinance and on which there is located one or more permanent structures used for a commercial business or industrial activity or on which a commercial or industrial activity is actually conducted whether or not a permanent structure is located thereon, together with the area along the highway extending outwardly 600 feet from and beyond the edge of such activity. All measurements shall be from the outer edges of the regularly used buildings, parking lots, landscaped, storage or processing areas of the commercial or industrial activity and along and parallel to the edge of the pavement of the highway.

On nonfreeway primary highways where there is an unzoned commercial or industrial area on one side of the road in accordance with the preceding paragraph, the unzoned commercial or industrial area shall also include those lands directly opposite on the other side of the highway to the extent of the same dimensions.

Unzoned land shall not include:

- a. Land on the opposite side of an Interstate or primary freeway highway from an unzoned commercial or industrial area as hereinabove defined.
- b. Land zoned by a State or local law, regulation, or ordinance.
- c. Land on the opposite side of a nonfreeway primary highway which is determined by the proper State authority to be a scenic area.

"Commercial or industrial activities" as used herein shall mean those which are generally recognized as commercial or industrial by zoning authorities in this State, except that none of the following shall be considered commercial or industrial:

- a. Outdoor advertising structures.
- b. Agricultural, forestry, ranching, grazing and farming, including seasonal roadside fresh produce stands.
- c. Temporary or seasonal activities.
- d. Activities more than 660 feet from the nearest edge of the right-of-way or not visible from the main traveled way.
- e. Activities conducted in a building principally used as a residence.
- f. Railroad tracks and minor sidings.

As used herein, the words "zoned commercial or industrial area" shall refer to those areas zoned commercial or industrial by the duly constituted zoning authority of a municipality, county, or other lawfully established political subdivision of the State, or by the State.

3. 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. Size of signs.

1. The maximum area for any one sign shall be 1200 square feet with a maximum height of 30 feet and a maximum length of 60 feet, inclusive of border and trim but excluding the base or apron, supports, and other structural members. The area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof which will encompass the entire sign.

2. 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, but such sign structure shall be considered as one sign.

b. Spacing of signs.

1. Interstate highways and freeways on the Federal-Aid Primary System:

a. No two sign structures shall be spaced less than 500 feet apart.

b. Outside of incorporated municipalities, no structure may be located adjacent to or within 500 feet of an interchange, intersection at grade, or safety rest area. Said 500 feet shall be measured from the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way.

2. Nonfreeway Federal-aid primary highways:

a. Outside incorporated municipalities, no two structures shall be spaced less than 300 feet apart.

b. Within incorporated municipalities, no two structures shall be spaced less than 100 feet apart.

3. The above spacing-between-structure provisions do not apply to signs which are separated by buildings, natural surroundings, or other obstructions in such manner that only one sign facing located within said distance is visible at any one time.

4. No sign shall be located in such manner as to obstruct or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging, or intersecting traffic.

5. The measurements in this section shall be the minimum distances between structures 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 involved.

6. Official and "on premise" signs as defined in Section 131(c) of the Act shall not be counted nor shall measurements be made from them for purposes of determining compliance with spacing requirements.

c. Lighting. Signs may be illuminated with the following restrictions or prohibitions:

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 so as to prevent beams or rays of light from being directed at any portion of the traveled ways of the Interstate or primary systems and which are of such intensity as to cause glare, impair the vision of the driver of any motor vehicle, or otherwise interfere with any driver's operation of a motor vehicle are prohibited.

3. No sign shall be illuminated in such manner as to interfere with the effectiveness of or obscure an official traffic sign, device, or signal.

4. Application and interpretation. In zoned commercial and industrial areas, the State may notify the Administrator as notice of effective control that there have been established within such areas laws, regulations, or ordinances which are enforced with respect to the size, spacing, and lighting of outdoor advertising signs consistent with the intent of the Highway Beautification Act of 1965 and its supplements and with customary use. Thereafter control of outdoor advertising in zoned commercial and industrial areas within the geographical jurisdiction of the county, city, or other political subdivision shall attach.

The provisions contained herein relating to size, spacing, and lighting in zoned and unzoned commercial and industrial areas shall apply only to signs erected subsequent to the effective date of this agreement

5. Amendment or renegotiation. In the event the provisions of the Highway Beautification Act of 1965 are amended by subsequent action of the Congress or if State legislation shall amend or if for any reason the Administrator shall execute with other States agreements which are more liberal than those contained herein, the parties reserve the right to renegotiate and modify the same.

6. Effective date. This agreement shall be effective upon passage of the required supporting legislation.

In Witness Whereof the parties have executed this agreement as of  
MAR 5 1972

UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION

By

*R. Turner*  
Federal Highway Administrator

STATE OF MISSOURI  
STATE HIGHWAY COMMISSION OF MISSOURI

By

*Thomas A. Davis*  
Director of Highways

ATTEST:

*Gene Hollibaugh*  
Secretary

APPROVED AS TO FORM:

*Walter Kader*  
Chief Counsel