AGREEMENT
FOR CARRYING OUT THE NATIONAL POLICY RELATIVE
TO ADVERTISING ADJACENT TO THE NATIONAL
SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS

In order to promote the safety, convenience and enjoyment of public travel and the free flow of interstate commerce, and to protect the public investment in the National System of Interstate and Defense Highways (hereinafter referred to as the "Interstate System"), the Secretary of Commerce, acting by and through the Federal Highway Administrator, hereinafter referred to as the "Administrator", and the Department of Highways of the State of Ohio, such Department of Highways being hereinafter referred to as the "State", do hereby agree as follows:

1. Definitions. (a) The term "Act" means section 131 of title 23, United States Code, as amended by section 106 of the Federal Aid Highway Act of 1959 (P.L. 86-342, 73 Stat. 612).

(b) The term "national standards" means the National Standards for Regulation by States of Outdoor Advertising Signs, Displays and Devices Adjacent to the National System of Interstate and Defense Highways promulgated by the Secretary of Commerce pursuant to the Act, and in effect on the date of this agreement. Said national standards, as they were published in the Federal Register on November 13, 1958, (23 F.R. 8793) and amendments published in the Federal Register on January 12, 1960 (25 F.R. 218) and March 26, 1960, (25 F.R. 2575) are hereby incorporated herein by reference.

(c) Unless the context requires otherwise, the terms used herein shall have the same meaning as in the Act and the national standards.

2. Scope of Agreement. Except as otherwise expressly set forth herein this Agreement shall apply to areas adjacent to all portions of Interstate System highways within the State that are constructed upon any part of a right of way, the entire width of which has been acquired subsequent to

July 1, 1956. The said areas (hereinafter designated "Adjacent Areas") are those within 660 feet of the edge of the right of way of Interstate System highways, determined in accordance with the national standards.

There shall be excluded from application of the said national standards any segments of the Interstate System which traverse commercial or industrial zones within the boundaries of incorporated municipalities, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, or which traverse other areas where the land use, as of September 21, 1959, was clearly established by State law as industrial or commercial.

3. State's Obligation. The State hereby agrees that, in accordance with the terms of this Agreement, it will control or cause to be controlled the erection and maintenance of outdoor advertising signs, displays and devices in Adjacent Areas within such State consistent with the Act and the national standards.

4. Plan for Controlling Adjacent Areas. The State further agrees that its control of Adjacent Areas shall, as a minimum, be in conformity with the Act, and the national standards, and shall be carried out pursuant to the Plan.

5. Exceeding of Standards. Nothing contained herein shall prohibit the State from exercising control of outdoor advertising signs to a greater degree than that required or contemplated by the national standards and the Act.

6. Plan for Controlling Areas Adjacent to Interstate Highways.

State has presented or will present a "Plan for Controlling Areas Adjacent to Interstate Highways." The Plan shall consist of a narrative statement setting forth the methods and procedures the State will follow in controlling outdoor advertising, and shall include a set of maps color coded to show the

segments of the Interstate System considered eligible for payment of an increased Federal share of the cost of construction, and the segments which are not considered eligible. The State shall promptly submit to the Administrator additions to or amendments of the Plan when the selection, designation, or modification of Interstate highway routes or other reasons make such action necessary or desirable. The State may from time to time submit to the Administrator any proposals for amendment of the Plan. If approved by the Administrator, such additions or amendments shall become a part of the Plan.

7. Increase of Share. The Federal share payable on account of any project on the Interstate System provided for by funds authorized under section 108 of the Federal-Aid Highway Act of 1956, as amended, to which the Act, the national policy, and this Agreement apply, shall be increased by one-half of one per centum of the total cost thereof, if and when funds are appropriated and made available for such purposes. However, no additional cost that may be incurred in carrying out this Agreement, no cost incurred in connection with any segment of highway excluded from the application of the national standards, and no cost of any project not payable from funds authorized by section 108 of the Federal-Aid Highway Act of 1956, as amended, shall be included in such total for purposes of determining the amount of such increase.

8. The Obligation of the Federal Government. Notwithstanding any other provision of this Agreement, the United States shall not be required to make any payments hereunder unless and until Federal funds are duly appropriated in amounts sufficient to enable the Administrator to make payments as provided in this Agreement.

9. Payment Upon Evidence of Compliance. Payment of the one-half of one percent increase in the Federal share will be made by the Administrator from funds appropriated and available for such purpose with respect to any project upon the submission by the State to the Administrator of a satisfactory showing that the State has fulfilled its obligations under

this Agreement in connection with such project, that such project is completed, and that State is continuing to carry out its obligations hereunder with reference to all other highways on the Interstate System.

Advertising signs, displays or devices shall be removed, or caused to be removed, by State as follows:

(a) No outdoor advertising sign, display or device which is inconsistent with the Act or the national standards shall be allowed to remain after July 1, 1964, in areas adjacent to any segment of the Interstate System which, prior to July 1, 1961, either has been completed to the geometric and design standards adopted for that system, or is under contract for completion to such standards.

(b) No outdoor advertising sign, display or device which is inconsis with the Act or the national standards shall be allowed to remain in areas adjacent to any segment of the Interstate System after the date upon which the State highway department has accepted, as completed, a contract awarded on or after July 1, 1961, for the completion of such segment to th geometric and design standards approved for the Interstate System.

No part of the increased Federal share payable under the Act shall be paid to a State highway department on account of any project until outdoor advertising in areas adjacent to that project complies completely with the national standards.

10. Failure to Perform Obligations. If, after receiving payment of any portion of the aforementioned increase of one-half of one percent in t Federal share of the cost of any project, the State shall fail to perform its obligations or continue the same under this Agreement in connection wi any project, the State hereby agrees that, if, without good cause shown to the satisfaction of the Administrator, it fails to perform such obligations within 30 days after the date of mailing by the Administrator of written notice thereof, it will return to the Federal Government all

payments heretofore made under this Agreement. In the event the State does not return all of such payments within a reasonable time, State hereby authorizes the Administrator to withhold from the State an amount equal to such payments out of any Federal-aid highway funds then due or that may thereafter become due to the State.

Notwithstanding any other provision in this section, if the State fails to perform any obligation of this Agreement and such failure is caused by a declaration of a court of competent jurisdiction or by a ruling of the Attorney General of said State that said State is without legal authority to perform said obligation under this contract, then the State will not be required to return to the Federal Government payments heretofore made under this Agreement unless and until sixty days have elapsed after the adjournment of the State legislative session next following such declaration or ruling.

11. Repayment Necessitated by Change in Zoning Within Incorporated Municipalities. If, after receiving payment of any portion of the aforementioned increase of one-half of one percent, which payment is due to the control of advertising by State in an area within the limits of an incorporated municipality as those limits existed on September 21, 1959, the status of any portion of said area is changed to a commercial or industrial zone, the national policy on advertising control shall no longe apply to the area or portion of area the status of which is changed, and State hereby agrees that it will repay so much of any bonus payment made on account of the area to which the national policy no longer applies. In lieu of repayment, State hereby authorizes the Administrator to withhold from the State an amount equal to such payments out of any Federal-aid highway funds then due or that may thereafter become due to the State.

12. Effective Date. This Agreement shall become effective when executed only if it be signed on behalf of both the State and the Administrator prior to July 1, 1961.

In Witness Whereof the State has caused this Agreement to be duly executed in its behalf, and the Administrator has likewise caused the same to be duly executed in his behalf, as of the dates specified below.

_____ (SEAL)

June 28, 1961:

ATTEST:

Robert E. Walbie
Secretary

DEPARTMENT OF HIGHWAYS--STATE OF OHIO

By E. S. Preston (SEAL)
Director--Department of Highways
for the State of Ohio

_____, 19__:

U. S. DEPARTMENT OF COMMERCE
Bureau of Public Roads

By _____
Federal Highway Administrator

June 29, 1961