

4. The Vermont Legislature recently enacted a statute which, in effect, socializes the outdoor advertising industry in the State of Vermont. Briefly speaking, that statute (Chapter 333, Laws 1968) would prohibit all outdoor advertising signs except on-premise signs in areas adjacent to all highways within the State. In lieu of private enterprise outdoor advertising, the State Highway Department would erect and maintain official business directional signs, presumably upon the right-of-way of public highways. Each business within the State would be entitled to a maximum of four official business directional signs. I am informed that there are approximately 10,000 registered businesses within the State of Vermont.

(a) I would like to have your comments on the safety aspects of erecting this clutter of signs within the highway right-of-way.

*Answer:* One of the stated purposes of the 1968 Vermont law is to promote highway safety. The law contains specific safeguards with regard to the erection of official business directional signs. Provided the basic guidelines and goals of the law are followed in the administration and implementation thereof, we can foresee no traffic hazard resulting from the erection of these official signs.

(b) I would like to have your further comments on the aesthetic value of putting this clutter of signs within the highway right-of-way.

*Answer:* One of the main purposes of the Vermont law is the preservation of its scenic resources. Properly administered, following the goals of the laws itself, we fail to see how the official business directional signs will have an adverse effect on esthetics.

(c) In view of the criticisms which have been directed toward the "fuel, food, lodging" signs erected on the Interstate highway, I would like to have your comments as to whether adequate information can be communicated to highway users through this socialized advertising sign program.

*Answer:* The official business directional sign system is only one means of communicating with the motorist provided for or contemplated under the Vermont law. Others include information centers or sign plazas, guide books, etc. We fail to see that there will be any serious problem of lack of communication.

(d) Should publicly owned highway rights-of-way be used for advertising private businesses?

*Answer:* The official business directional signs are not advertising in the common meaning of the term. They provide directional information and are similar in basic form and purpose to the signs authorized under Section 131(f) of the Highway Beautification Act. This section permits the erection and maintenance of these signs within the rights-of-way of the Interstate System.

5. I have before me a letter dated February 12, 1968, from Federal Highway Administrator Lowell K. Bridwell to Governor Hoff of Vermont concerning this recent Vermont outdoor advertising law. Mr. Bridwell comments in part as follows:

"We commend the Legislature of Vermont for considering this farsighted proposal. It is certainly consistent with the overall objectives of the Highway Beautification Act of 1965 and the highway beautification program. We look forward to observing its development and implementation."

In hearings before the Subcommittee on Roads in May of 1967, Mr. Bridwell testified with regard to the Highway Beautification Act of 1965, as follows:

"It specifically recognizes the rightful place of outdoor advertising by stating that it shall be permitted and, in fact, promoted, within zoned and unzoned commercial and industrial areas subject to certain limitations mutually agreed to between the Secretary and the States."

(a) In view of this, and in view of the many pronouncements of Members of Congress to the effect that outdoor advertising is a legitimate business, which should be regulated and controlled but not eliminated, how can it be consistent with the overall objectives of the Highway Beautification Act of 1965 to pass a law which would socialize the outdoor advertising industry and prohibit all outdoor advertising visible from any road or highway except on-premise signs and signs erected by the State?

*Answer:* One of the specific provisions of the Highway Beautification Act is that nothing contained therein shall prohibit a State from establishing stricter limitations with respect to outdoor advertising than those established under Section 131. In effect, the Act provided minimum standards of control which were expected of every State. A number of States have enacted legislation exceeding the requirements of the Federal Act; several have virtually eliminated