

2. The failure to recognize that the majority *wants suitably placed* signs, as the famous Oregon referendum proved. (If signs were offensive per se, they would not exist for they would not do a good job of advertising. Who is a better, tougher "censor" than the media buyer?)

3. The failure to recognize that the Federal Act's first kind of "permissive area" (areas *actually zoned* commercial or industrial) simply do not exist in any material degree in the countryside.

4. As a corollary, allowing rural off-premise signs, therefore, *only* in the other kind, the second kind, of "permissive area" ("*unzoned commercial or industrial areas*") despite the fact that commercial and industrial areas, in the literal "city sense" (a literal sense so destructive that we doubt Congress intended it), do not exist in the countryside.

5. Providing for the unworkable *agreement process* in relation to the second kind of "permissive area"—requiring that such unzoned areas be determined by Federal-State agreements.

DISCUSSION OF FOREGOING

The *fundamental question* under the Federal Act is the question of *where* off-premise signs may be placed. (Questions as to their size, lighting and spacing have proved almost totally academic). With this in mind, let us look at the two kinds of off-premise signs.

City Signs.—Cities, with minor exceptions, have long been zoned—basically as residential or commercial (with numerous variants of these terms). And because *everyone*, including government, agrees that signs do not belong in residential zones, almost all city signs have long been situated in commercial zones. They automatically fall under the preferred "zoned exemption", as to which no Federal-State agreement is required. On the basic question of where, city signs are almost totally unscathed by the Federal Act and the Compliance Laws passed thereunder.

Rural Signs.—But the "zoned exemption" is virtually useless for rural off-premise signs. The sociological fact of life is that zoning is largely restricted to areas of high population density. Thus the countryside is largely unzoned. And where it is zoned it is not zoned in terms of "commercial", though county zoners often allow signs and other commercial uses in such zones as "agricultural", "open", and the like. So rural signs must (with exceptions in 3 states, as noted in Appendix 1) rely on "unzoned commercial exemptions". But because the definition of unzoned areas *must be agreed to* by the Secretary (acting through the Bureau of Public Roads), and because the BPR absolutely refuses to agree to any definition that would allow a reasonable number of rural signs to live, the "unzoned exemption" is almost equally useless for our members and the businesses that need to advertise in the country.

The Figures.—The resulting inevitable destruction of the rural (the Highway Advertising) industry is admitted by the BPR. As stated at page 6 of the January 10, 1967, Report of the Undersecretary of Commerce to Congress (Senate Document No. 6), there are at least 1,100,000 *existing* off-premise signs subject to the Federal Act. That report:

Projected Removals Per The Act as Follows:

Rural Signs (i.e., Signs to be Removed for Being in "Illegal" Areas) 839,000 by 7-1-1970.

City Signs, Basically (i.e., Signs to be Removed for Being in Violation of Regulations on size, spacing, etc.).

Referring to the first column and existing rural signs, surveys by RBA members show that even under the BPR's slightly liberalized definition of unzoned commercial areas (since the January 10 report) the removal of existing rural signs would be between 85% and 95%, depending on the State involved!

The 178,000 signs originally projected for removal in the second column *would* have hit city signs. But the BPR has changed policy; by its Federal-State agreements it fully exempts existing signs from size, lighting, spacing regulations.

Thus *no existing city signs* (with possible, relatively minor exceptions) will be removed—they are totally untouched! But the rural sign industry will be destroyed.

Why this discrimination? This question is the more impossible to answer in view of the fact that rural signs are *at least* as essential and suitable as city