signs. RBA gave testimony on this point before this honorable body on April 12, 1967 (Hearings on H.R. 7797). Please at your convenience see the brief summary thereof attached hereto as Appendix 3.

*What do the States "Say"?*—In the past we have dwelt on the nature of beauty, on the essentiality of rural signs, on destruction, and on the inequities. Let us now see what the States have to say on these matters—what do their actions bespeak? What is their attitude towards the Federal Act, an act which, as found by the Washington University Survey, "* * * *has produced a most peculiar paradox in public policy.* Because of the nature of highway advertising and those who use it, the elimination of highway signs *will strike hardest at the small, independent businessman.*"

Of the 48 continental States, only 26 (not counting New Hampshire's temporary "Moratorium Law" of 1967) have thus far passed a law to comply with the Federal Act! They are:

In 1966:
- *? Kentucky
- Louisiana
- *MICHIGAN*
- Mississippi
- Missouri
- New Mexico
- * Rhode Island
- * Vermont
- * Virginia

In 1967:
- Arkansas
- * California
- * Connecticut
- *GEORGIA*
- Idaho
- *INDIANA*
- *MONTANA*
- * North Carolina
- North Dakota
- *SOUTH DAKOTA*
- * Utah
- *WEST VIRGINIA*
- * Wyoming

In 1968:
- *KANSAS*
- *? Maryland
- * New York
- *OKLAHOMA*

The States shown in Solid Capitals, above, are the States which have gone to great pains to open up rural areas for signs, in the face of, and against, the entreatments of the BPR. The States marked with an asterisk are those (of the continental states which have passed Compliance Laws) which have signed a Federal-State agreement. *Note that in not a single case do the solid capitals and asterisks coincide!*

Illuminating, and attached as Appendix 1, is an abstract of the Compliance Laws of each of said 26 States insofar as they deal with the question of *Where* signs may be *in rural areas.*

All of the 26 States (except now Vermont by its 1968 law) provide that off-premise signs may be allowed in both of the two kinds of "permissive areas": (1) those *actually zoned* commercial, etc., and (2) those that are *unzoned* commercial, etc., areas. Appendix 1 does not quote such standard provisions. But it does show such States *apply* the concept of such "permissive areas".

You will see from Appendix 1 that 23 of the 26 States rely, for the protection of rural signs, on the second kind of "permissive area"—unzoned commercial or industrial areas, even though such areas are to be determined by Federal-State agreements. New York has done so by merely ratifying the Federal-State Agreement previously made for it. The other 22 have done so in two ways:

*"Open-End" Provisions.*—Eleven of them have made no attempt in their Compliance Laws to define, or (with the exception of Utah) even to *guide* the definition of, unzoned commercial or industrial areas. They have delegated the defining of such areas to the *uncontrolled discretion* of their Highway Departments—the definition to be set forth in the Federal-State agreement which they are directed to "negotiate" with the Secretary, or in regulaions consistent with such agreement. There is no reason in Appendix 1 to summarize the laws of such States—we simply designate them as "Open-End".

*Firm Provisions.*—The other 11 States have themselves, in their Compliance Laws, defined unzoned commercial or industrial areas, and on a firm basis, even though often or sometimes knowing that (Unless Congress Should Remove The Requirement) the BPR would withhold its agreement to such definition. The theory running through this kind of law is that the legislature *itself* properly makes the proposal for the agreement as to such "unzoned areas", since the agreement will supply the basic regulatory teeth of the State Compliance Law.