This (with New York included) accounts for 23 of the 26 States which rely on the "unzoned area" exemption to protect signs. As noted 11 of them did so *on the firm basis*. As shown in Appendix 1, they are: (in 1966) Louisiana, Michigan, Mississippi, Missouri; (in 1967) California, Georgia, Indiana, West Virginia; (in 1968) Kansas, Maryland, Oklahoma.

All of these except Louisiana, Mississippi, Missouri, California and Maryland are shown in solid capitals in the first chart (States that very significantly opened up rural areas). But as Appendix 1 further shows, Louisiana and Missouri went a long way towards doing so, and Mississippi, California and possibly Maryland (which repudiated the Federal-State agreement made for it before the passage of its law) have gone further than the BPR likes. In fact the BPR has not made an agreement with any of these 11 "independent states" except California (*where it by-passed defining such unzoned areas!*) and *Maryland* (repudiated as just noted).

The other 3 of the 26 States relied on the "*actually zoned exemption*" to protect rural roadside businesses, including signs. They are Montana, South Dakota and Wyoming. In these States the legislatures themselves actually zoned large rural areas as commercial (not only for signs, but for motels, restaurants, resorts, and so on). However, this initial zoning is subject to local, fine-tooth re-zoning and other protections of topographic features deemed worthy of protection, as shown in Appendix 1.

As you know, actual zoning is not subject to a "subsection (d) agreement" with the BPR. Thus the approach of these three States might seem the answer to the rural area problem. However, this is not so, for most States insist on trying to save the rural areas through the "unzoned areas exemption".

To speak now of the 26 States as a whole, it is interesting to note one of the patterns. Of the 9 States which took action significantly to open up rural areas, 7 of them (Michigan, Georgia, Indiana, Montana by actual zoning, South Dakota by actual zoning, Kansas, and Oklahoma) have done so by permitting signs in the "approaches" to municipalities and, in some cases, intersections and interchanges. And the defined "approaches" have been large—measured in miles, as for example up to 15 miles in South Dakota, 12 miles in Indiana, 10 miles in Montana and Oklahoma, and so on. See Appendix 1.

It is also interesting to note increasing unrest and *very serious discontent* on the part of the States. In 1966, only 1 out of 9; in 1967, 6 out of 13; and in 1968, 2 out of 4 States took action to significantly open up rural areas far beyond the narrow limits contemplated by the BPR. In this regard, it is also significant that a number of Open-End States (North Dakota, for example) have resisted signing a Federal-State agreement, and that 22 States on the continent have thus far refused to take *any* legislative action to comply at all.

We respectfully suggest that Congress should take note of the anguish of the States. It is significant, we believe. Whether or not you agree with or condone the legislative means by which so many States have opened up the rural areas, their having done so is symptomatic.

You have heard private citizens express their views as to the destruction that will result under the Federal Act if the BPR has its way. Now we have added the testimony of many State Legislatures which have struggled to so shape their Compliance Laws as to avoid destruction.

The highway program has of course been traditionally one of *partnership* between the Federal Government and the States. We believe that their plight should be heeded. State Legislators are on the local level where they can *see* potential results. They too have fiscal problems, and they must face many despairing constituents.

State legislators have said: We are told that we must pass a law that in *our judgment* will be unreasonably destructive and unfair, condemn far more signs than necessary, and somehow try to find the money to pay our 25% of the just compensation for such signs (while at the same time damaging our economy by putting many out of business or jobs). If we don't, we lose 10% of our highway funds, which we can't afford either. And these funds come from the citizens of our State!