THE AGREEMENTS

Related to the foregoing are the agreements by which unzoned commercial or industrial areas are defined. The pertinent provisions of the 17 thus far signed are set forth in Appendix 2.

They have been signed by (or for) the following jurisdictions:

? Kentucky	X Delaware
Rhode Island	X Maine
Vermont	X Minnesota
Virginia	X Pennsylvania
California	Alaska
Connecticut	Hawaii
Utah	District of Columbia
? Maryland	Puerto Rico
New York	

The first column shows the 9 Continental States for which there are agreements and which we listed earlier. However, Maryland's agreement (made without authority) was repudiated by its legislature in 1968, and Kentucky's law was amended in 1968 to place it at odds with the agreement previously signed for it. *This leaves only 7 fully effective agreements for such States!*

In the second column, the 4 States marked with an "X" have not passed Compliance Laws, the agreements are unauthorized, and their legal effect is zero. The remaining 4 jurisdictions in the second column are not of concern to rural sign companies. In all 4 of them there are only 195 off-premise signs.

The agreement process is one of the two great stumbling blocks to an effective program. The Federal Act does not regulate private citizens, as you know. Thus it is not painful to the Federal Government to delegate authority to the Secretary to make the agreements. It is the *States* whose legislative powers are invaded if they must delegate such "blank check" authority. For the agreements become the *critical* part of the regulatory sanctions which the States must impose on their citizens, or lose 10% of their Federal aid.

And to aggravate this, as wrong as the agreement process is, the BPR is denying many States the right even to participate meaningfully in making the agreements!

In the reports of the two Public Works Committees last year on S. 1467, the concept of "national standards" was firmly laid to rest. Rightly so, for any binding standards on one party's side *negates* mutual agreement.

And the Secretary appeared to recognize this, so testifying before the Senate Committee. *Except* that with *total inconsistency*, he adhered to the edict of his letter of May 24, 1967, to Congressman Kluczynski. In that letter he said in regard to agreements defining unzoned commercial or industrial areas: "*The only absolute requirement upon which we would have to insist would be the existence of at least one commercial activity in any such area*".

Gentlemen, *This Is A National Standard!* It means that, contrary to the Act and wherever the BPR thus forces its way, such unzoned areas (the most critical part of the entire program) are *not* being determined by mutual agreement.

In an effort, we believe, to take the sting out of this illegal position, the Senate Committee's Report No. 542 (August 25, 1967) said at page 9:

"The distance from that establishment will be established in terms of *customary use in the State and the needs of the area as determined by geographic, sociological, economic, and other factors*."

This is an excellent statement of criteria. For application, it demands *flexibility* and a *discretionary* "unzoned area process". This offered great hope, this and general recognition that the agreements were to be initiated by the States.

But these hopes have been dashed. The BPR has gone its own way, ignoring the above-stated wise criteria, forcing its own version of agreements where possible, otherwise refusing to agree.

We ask you to look, at your convenience, at Appendix 2. Four of the Agreements do not define such "unzoned areas" at all. The remaining 13 might *almost* have been cut from the same mimeograph stencil. The evidence of the BPR's bulldozing through about what it wanted is, to us, overwhelming. True, there are a *few* differences in language, but even there the thread of overly-restrictive narrowness continues to show.