None of them provides for *any* flexibility or discretion like that contemplated by the criteria from the Senate Committee Report. All of them rely entirely on the rigid yardstick method (with a *minor* exception in Utah where discretion can be exercised to *reduce* the area).

Seven agreements provide for one activity and a 500 foot yardstick. One provides for a 700, and one for a 400, foot yardstick; Delaware and Utah, for a 600 foot yardstick.

Minnesota's unratified agreement requires *two* pre-existing commercial activities; and Vermont's agreement, *three.*

CONCLUSION

It is interesting to note from *Appendix 1* that Utah and West Virginia, *in their Compliance Laws,* "initiated" their concepts and properly laid down criteria for reaching agreement as to such "unzoned areas" that are very similar in principle to those quoted above from the Senate Committee Report. Utah's criteria, however, were *only suggestive;* its law was still "Open-End". But West Virginia's criteria were firm. *Result:* the BPR (with a minor exception) overrode the criteria suggested by Utah and forced through an agreement on its own terms. But the BPR has not made an agreement with West Virginia.

We would be happy to try to answer any question. In behalf of Roadside Business Association and my own company I thank you for the privilege of appearing before you.

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APPENDIX 1

THE 26 COMPLIANCE LAWS—THEIR PROVISIONS AS TO WHERE RURAL SIGNS MAY BE

Following are abstracts of the Compliance Laws of the 26 continental States which have thus far passed them, insofar as such laws tell us where *rural off-premise* signs are allowed.

All such laws (except Vermont's, after its 1968 amendment) allow signs (1) in areas actually zoned industrial or commercial, and (2) in "unzoned commercial or industrial areas". These standard provisions are not here quoted. Rather, the following abstracts are for the purpose of showing how the States have *applied* the concept of these two kinds of "permissive area".

The term "Open-End", as we here use it, means that the Legislature has given *uncontrolled discretion* to the Highway Department to reach an agreement as to the second kind of "permissive area".

Where a law is not designated as "Open-End", its definitions or other provisions are *firm*—laid down by the legislature itself, as its proposal (in most cases) for an agreement. Most such States provide for judicial review in case agreement can't be reached on such a basis.

The laws are abstracted alphabetically by the years in which passed—i.e., in the order shown at page 6 of the statement to which this appendix is attached.

PASSED IN 1966

*Kentucky: Open-End.* (*Note:* Although the 1966 Act was amended in 1968, the net result is still Open-End since the 1968 Act gives the Commissioner of Highways discretion to determine, in reference to unzoned areas, how close to a preexisting other kind of commercial use a sign must be. It is interesting to note that the 1968 law makes spacing more liberal than that provided for in Kentucky's Federal-State agreement signed December 11, 1967, so that said agreement must now be renegotiated.)

*Louisiana:* "'Commercial and Industrial Areas' consistent with zoning principles and standards applicable in this state, include: * * * all unzoned land within 1000 feet of any commercial or industrial activity other than outdoor advertising; all land lying within 1000 feet of any two such unzoned areas; and all other unzoned lands appropriate for outdoor advertising which are determined to be unzoned commercial or industrial areas by any court of this state." (Section 461.4, Title 48, Louisiana Revised Statutes, as enacted by Act 474, Laws 1966.)

(*Note:* The 1966 Act's permitting of signs in such areas is clear despite the last paragraph in said Section 461.4 which grants the Highway Department power to modify the "above restrictions if necessary to comply with the standards approved by the Congress * * * and to insure that the Department will receive