

(Note: By this firm definition—narrow though it be—Maryland repudiated the Federal-State agreement made for it without authority by the Maryland Roads Commission on February 13, 1968. For example that agreement provided for a radius of 500 feet, as compared to the 660 feet mentioned above. The agreement also provided that activities not visible from the traveled way or more than 660 feet from the right of way could not be "counted" as a business or industrial activity from which to measure an unzoned commercial or industrial area—limitations that were eliminated in Maryland's said Compliance Law. Such law also granted a greater maximum size than the unauthorized agreement. It would seem therefore that the Maryland agreement will have to be renegotiated.)

New York: On May 24, 1968, Senate Bill 5211, as amended, passed both houses and, if signed by the Governor, constitutes New York's Compliance Law. (The legislature adjourned the following day.)

This law ratifies the Federal-State agreement previously entered into on May 13, 1968 (which agreement superseded an earlier unauthorized agreement dated November 7, 1967).

It thereby adopted the narrow definition of unzoned commercial or industrial areas contained in the May 13 agreement: *unzoned areas within 700 feet of a commercial or industrial activity.* (It is quoted in full in accompanying Appendix 2 where the agreements are abstracted.)

Oklahoma: By a Compliance Law approved April 15, 1968, (House Bill 1116) Oklahoma, in Section 3(d), thereof, and using the "approaches concept" firmly defined unzoned commercial or industrial areas as follows: "* * * any area not zoned by state or local law, regulation or ordinance, and all land which lies within a radius of two thousand six hundred (2,600) feet of any commercial or industrial activity. Furthermore, all land which lies within the applicable allowed distance of an incorporated city or town as determined by the last preceding decennial census as follows: cities or towns with a population of two thousand five hundred (2,500), two (2) miles; cities or towns with a population of two thousand five hundred (2,500) or more, but less than five thousand (5,000), four (4) miles; cities or towns with a population of five thousand (5,000) or more but less than twenty thousand (20,000), six (6) miles; cities or towns with a population of twenty thousand (20,000) or more but less than fifty thousand (50,000), eight (8) miles; cities or towns with a population of fifty thousand (50,000) or more, ten (10) miles. * * *"

APPENDIX 2

THE FEDERAL-STATE AGREEMENTS

Following are quoted the provisions, from their respective sections on definitions, of each of the 17 Federal-State Agreements negotiated by the Bureau of Public Roads under 23 U.S.C. 131(d), insofar as they define "unzoned commercial or industrial areas".

ALASKA

B. *Commercial or industrial activities for purposes of unzoned industrial and commercial areas* mean those activities generally recognized as commercial or industrial by zoning authorities in this State, except that none of the following activities shall be considered commercial or industrial:

1. Outdoor advertising structures.
2. Agriculture, forestry, ranching, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands.
3. Activities normally or regularly in operation less than three months of the year.
4. Transient or temporary activities.
5. Activities not visible from the main traveled way.
6. Activities more than 300 feet from the nearest edge of the right of way.
7. Activities conducted in a building principally used as a residence.
8. Railroad tracks and minor sidings.

D. *Unzoned commercial or industrial areas* mean those areas on which there is located one or more permanent structures devoted to a business or industrial activity or on which a commercial or industrial activity is actually conducted, whether or not a permanent structure is located thereon, and the area along the highway extending outward 500 feet from and beyond the edge of such activity.

Each side of the highway will be considered separately in applying this definition.