

Accompanying the tenth recommendation of the Department of Public Works
(House, No. 113). Mercantile Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Seven.

AN ACT TO PROVIDE FOR THE CONTROL OF OUTDOOR ADVERTISING
ADJACENT TO THE INTERSTATE AND PRIMARY SYSTEMS AND
FOR THE ADMINISTRATION OF SUCH CONTROLS.

*Be it enacted by the Senate and House of Representatives in
General Court assembled, and by the authority of the same, as
follows:*

1 SECTION 1. The General Laws are hereby amended by
2 inserting after chapter 93 the following chapter:—

3 CHAPTER 93A.

4 CONTROL OF OUTDOOR ADVERTISING.

5 *Section 1.* In this chapter unless the context otherwise
6 requires, the following words shall have the following meanings:

7 1. "Interstate system" means that portion of the national
8 system of interstate and defense highways located within this
9 State, as officially designated, or as may be hereafter so desig-
10 nated, by the department of public works of the commonwealth,
11 and approved by the Secretary of Commerce, pursuant to the
12 provisions of Title 23, United States Code, "Highways".

13 2. "Primary systems" means that portion of connected
14 main highways, as officially designated, or as may hereafter
15 be so designated, by the department of public works of the
16 commonwealth, and approved by the secretary of commerce,
17 pursuant to the provisions of Title 23, United States Code,
18 "Highways".

19 3. "Outdoor advertising" means by outdoor sign, display,
20 light, device, figure, painting, drawing, message, plaque, poster,
21 billboard, or other thing which is designed, intended or used

22 to advertise or inform, any part of the advertising or informa-
23 tion contents of which is visible from any place on the main
24 travelled way of the interstate or primary systems.

25 4. "Safety rest area" means an area or site established and
26 maintained within or adjacent to the right of way by or under
27 public supervision or control, for the convenience of the travel-
28 ing public.

29 5. "Information center" means an area or site established
30 and maintained at safety rest areas for the purpose of informing
31 the public of places of interest within the state and providing
32 such other information as the department of public works may
33 consider desirable.

34 6. "Department" means the department of public works
35 of the commonwealth.

36 *Section 2.* No outdoor advertising shall be erected or main-
37 tained within six hundred and sixty feet of the nearest edge of
38 the right-of-way and visible from the main travelled way
39 of a highway in the interstate or primary systems except the
40 following:

41 (a) Directional and other official signs and notices, which
42 signs and notices shall include, but not be limited to, signs and
43 notices pertaining natural wonders, scenic and historic at-
44 tractions, as authorized by the department or required by law.

45 (b) Signs, displays and devices advertising activities con-
46 ducted on the property upon which they are located.

47 (c) Signs, displays and devices advertising the sale or lease
48 of property upon which they are located.

49 (d) Signs, displays and devices located in areas which are
50 zoned industrial or commercial under authority of law.

51 (e) Signs, displays and devices located in unzoned com-
52 mercial or industrial areas which areas shall be determined from
53 actual land uses and defined by regulations to be promulgated
54 by the department.

55 *Section 3.* The outdoor advertising authority established
56 under chapter ninety-three of the General Laws may issue per-
57 mits for the erection and maintenance of outdoor advertising
58 coming within the exceptions contained in subsections (d) and
59 (e) of section two hereof, subject to the approval of the depart-
60 ment and in accordance with the regulations to be promulgated
61 by the department governing the issuance of these permits.
62 Such regulations shall be consistent with the national standards

63 promulgated by the secretary of commerce pursuant to Title
64 23, United States Code and agreements made under section
65 nine of this chapter.

66 *Section 4.* Any sign, display or device lawfully in existence
67 along the interstate or the primary system on the effective
68 date of this act and which is not in conformity with the pro-
69 visions contained herein shall not be required to be moved until
70 July first, nineteen hundred and seventy. Any other sign,
71 display or device lawfully erected which does not conform to
72 this act shall not be required to be moved until the end of the
73 fifth year after it becomes nonconforming.

74 *Section 5.* The department is authorized to acquire by
75 purchase or otherwise or to take by eminent domain under the
76 provisions of chapter seventy-nine of the General Laws, and,
77 notwithstanding the provisions of said chapter seventy-nine to
78 the contrary, to pay just compensation upon the removal of the
79 following outdoor advertising signs, displays and devices:

80 (a) Those lawfully in existence on October twenty-second,
81 nineteen hundred and sixty-five.

82 (b) Those lawfully on any highway made a part of the inter-
83 state or primary system on or after October twenty-second,
84 nineteen hundred and sixty-five, and before January first,
85 nineteen hundred and sixty-eight, and

86 (c) Those lawfully erected on or after January first, nineteen
87 hundred and sixty-eight. Such compensation, notwithstanding
88 the provisions of chapter seventy-nine to the contrary, is au-
89 thorized to be paid only for the following:

90 (a) The taking from the owner of such sign, display or de-
91 vice of all right, title, leasehold and interest in such sign, dis-
92 play or device; and

93 (b) The taking from the owner of the real property on which
94 the sign, display or device is located, of the right to erect and
95 maintain such signs, displays and devices thereon.

96 *Section 6.* For carrying out the purposes and provisions of
97 this chapter and of Title I of the federal "Highway Beautifica-
98 tion Act of 1965", the department may expend any funds made
99 available for the laying out, construction, reconstruction, re-
100 surfacing, relocation or improvement of highways notwith-
101 standing any provision of law to the contrary.

102 *Section 7.* Any outdoor advertising which violates the pro-
103 visions of this act shall be deemed a public nuisance. The

104 department shall have the same power to abate and remove
105 any such nuisance as is given the board of health of a town
106 under sections one hundred and twenty-three to one hundred
107 and twenty-five inclusive, of chapter one hundred and eleven,
108 and the provisions of said sections shall, so far as applicable,
109 apply in the case of a nuisance as herein defined. The remedy
110 provided herein shall be in addition to any other remedy pro-
111 vided by law.

112 *Section 8.* The superior Court shall have jurisdiction in
113 equity upon the petition of the department, to restrain the
114 erection or maintenance of any outdoor advertising erected or
115 maintained in violation of any provision of this chapter, and to
116 order the removal or abatement of such outdoor advertising
117 as a nuisance.

118 *Section 9.* The department is hereby authorized to maintain
119 maps and to permit informational directories and advertising
120 pamphlets to be made available at safety rest areas, and to
121 establish centers at safety rest areas for the purpose of informing
122 the public of places of interest within the commonwealth and
123 providing such other information as may be considered de-
124 sirable.

125 *Section 10.* The department is hereby authorized to enter
126 into agreements with the United States Secretary of Commerce
127 as provided by Title 23, United States Code, relating to the
128 control of outdoor advertising in areas adjacent to the inter-
129 state and primary systems, including the establishment of
130 information centers at safety rest areas, and to take action in
131 the name of the commonwealth to comply with the terms of
132 such agreement.

1 SECTION 2. Nothing in this act shall be construed to abro-
2 gate or affect the provisions of any lawful ordinance, regula-
3 tion or resolution, which are more restrictive than the provisions
4 of this act.

1 SECTION 3. The provisions of this act are severable, and if
2 any of its provisions shall be held unconstitutional by any
3 court of competent jurisdiction, the decision of such court shall
4 not affect or impair any of the remaining provisions.

1 SECTION 4. All other general or special laws, or parts thereof,
2 inconsistent herewith are hereby declared to be inapplicable
3 to the provisions of this act.