

February 18, 2010

Ms. Muriel Bowser, Chair  
Committee on Public Services and Consumer Affairs  
Council of the District of Columbia  
1350 Pennsylvania Avenue, NW  
Washington, D.C. 20004

Re: the “Billboard Blight Removal Approval Resolution of 2009”

Chairwoman Bowser and Members of the Committee, my name is Mary Tracy and I am the President of Scenic America. I appreciate the opportunity to speak here today about this important issue.

Scenic America is the only national nonprofit organization dedicated solely to the stewardship of our nation’s natural beauty and distinctive rural and urban community character.

We are here today because you have before you the erroneously titled “Billboard Blight Removal Approval Resolution of 2009.” The title is misleading because the resolution would not reduce billboard blight, but rather would result in substantially more square footage of outdoor advertising spread out across the city.

As a national organization, Scenic America has helped cities all across the country in their fights against billboard blight. What is happening in the District is not terribly unique except for one profound difference - Washington is the nation’s one and only capital and our country’s face to the world.

Compared to other large U.S. cities, the District of Columbia has done a remarkable job in protecting its unique historic character and world-renowned streetscapes from the proliferation of outdoor advertising. Cities like New York, Chicago and Los Angeles let their sign problems get out of control decades ago and have been working to clean them up ever since.

Congress had the foresight to stop the proliferation of billboard blight when they banned new billboards in the District in 1931. A breach of that ban a decade ago allowed super-sized wall signs to go up on buildings in the downtown and nearby neighborhoods. Once again the city is poised to allow further sign blight to creep into the District, this time as part of a resolution that is straight out of the billboard industry’s playbook.

That is, the language is crafted so as to give the appearance of benefiting the city’s aesthetics - hence the title “Billboard Blight Removal Resolution” - when in reality the industry gets

what they want: newer signs, more total square footage, and more desirable locations for their signs. The industry's disingenuous language and underhanded tactics apparent in this resolution are not unique to the District.

Los Angeles is still licking its wounds from a fateful settlement that their city attorney made in 2002 with the billboard industry that ostensibly would have greatly reduced sign blight by allowing a number of new signs to go up in exchange for a greater number of old, dilapidated wooden billboards coming down. The ink had barely dried on the settlement when the public learned what the true implications of the agreement were.

The harsh reality was that the settlement allowed for up to 850 new digital billboards to go up around the city. These signs, the newest technology in outdoor advertising, are essentially TVs-on-a-stick: enormous, glaring billboards that rotate ads every 8 seconds, 24 hours a day. Unsuspecting homeowners in L.A. now find the light from these signs blazing through their bedroom windows all night.

A federal appeals court recently ruled that New York City has the right to enforce its rules limiting billboards along its roadways and parks. The city had been in court for years fighting claims by Clear Channel and Metro Fuel that their First Amendment rights were violated by the city's sign laws. These same two companies are at work here in DC - Clear Channel with their huge wall signs and Fuel with their smaller rogue signs attached to the sides of buildings.

Tactics like these are not surprising, though. The billboard industry is among the most litigious in the country and their well-known modus operandi is to put up their signs first and worry about their legality later. They will file lawsuit after lawsuit, often on fallacious First Amendment grounds, in order to delay implementation of the law for years while they reap enormous profits from their signs.

On the other hand, cities that have taken a strong stand against billboard blight have had their laws ultimately backed up by the courts and have had success in reducing the number of signs in their boundaries. Houston, for instance, was run amok with over 10,000 billboards when they passed strict sign laws in 1980 and today there are less than 3,000 billboards left in that city. The city of Jacksonville, Florida has seen a similar reduction in sign blight since passing stringent billboard regulations in 1987.

The lesson here is that the District can't afford to give this industry an inch, because they will undoubtedly try to take a mile. The nation's capital is not only a unique and culturally rich symbol to the rest of the world, but also the leading example in civic pride to other cities around the country. If the billboard industry can encroach upon the hallowed streetscapes of Washington, DC, they can do it anywhere. Let's not let them do it.

Thank you for allowing me to testify on this important matter.