

Testimony on LD 1405
By Max Ashburn, Scenic America
To
Maine Legislature Joint Standing Committee on Transportation
April 26, 2011

Mr. Chairman and committee members, thank you for the opportunity to appear before you today. My name is Max Ashburn and I am the Communications Director of Scenic America, a national nonprofit advocacy organization devoted to scenic conservation, the preservation of community character, and the fight against visual blight.

For over 30 years, Scenic America has led a national effort to safeguard the visual character of America's communities and countryside. We are proud to say that the roots of our national movement are firmly planted in Maine, as one of our founding members is Marion Fuller Brown, former state representative from York. It was through the tireless efforts of Ms. Fuller Brown and her colleagues, elected by the citizens of Maine, that historic legislation was passed resulting in the removal of all billboards from the state.

Maine's scenic legacy benefits the health, safety and welfare of its citizens and is a key driver of its largest industry, tourism. However there is now a disturbing push from the sign industry to greatly increase the size, number and type of signs allowed across the state. It is in that context that I come before you today to speak against LD 1405, a bill that would dramatically alter Maine's one-of-a-kind landscapes.

LD 1405 would greatly expand the definition of "on-premise" signs by allowing them to be larger, taller and farther away from the business or point of interest they indicate, as well as allowing them to be closer to the roadway. It allows for "changeable signs" (now commonly known as digital signs) to change 20 times more often than current law, and allows for them to be erected adjacent to the interstate highway system. This bill would open up whole new swaths of the state to signage and would encourage the proliferation of distracting digital signs with changing images.

The suggestion that more, bigger and brighter signage is an effective tool for business, in particular tourism, is just plain wrong. The four states that ban billboards all have economies highly dependent on tourism. Most of the popular tourist destinations around the country have strict sign regulations because they know their appeal is based around their authentic sense of place. Sign control is good for business, especially in a state as dependent on tourism as Maine.

Further, the relevancy of roadside signage as a tool for wayfinding continues to decline every day. The growing ubiquity of smartphones and in-car technology such as GPS means that the motoring public is less reliant on signage than ever before. When a passenger can look

up directions or search for a gas station on an iPhone or a driver can get turn by turn instructions via voice command, whatever usefulness roadside signs once provided completely dissipates.

The nature of the outdoor advertising industry

For over 30 years the billboard industry has known that Maine is off limits, and that's because the law is air tight. If LD 1405 were to pass, it would be an open invitation for the billboard industry to come back into Maine. They will exploit any loophole or weakness in a law, especially if they thought it would give them entrée into a new market, a valuable but rare commodity for the industry, as they are continually being regulated out of communities who don't want them.

The billboard industry is one of the most litigious in the country, and as a regular course of business it threatens communities and citizens with lawsuits - actually suing in many cases - to prevent them from implementing local ordinances restricting or prohibiting signs. In fact there is a concerted effort by the industry right now to circumvent local control over sign regulation all around the country.

Bills have been filed in Missouri, North Carolina, Florida and Texas that would take control over billboards away from communities and put it all at the state level. There is a reason for this: the industry spends millions of dollars a year lobbying state legislatures and donating free billboard space to politicians. In one industry publication, a company noted that it would be difficult for politicians to support billboard control when they are benefitting from billboards themselves.

LD 1405 would take local control away from Maine's communities by preventing a municipality from adopting ordinances on digital signage that are more stringent than those at the state level.

In recent years digital signage has emerged as the most pressing issue for communities looking to control outdoor advertising. Technology has advanced so rapidly that the digital time and temperature clock on a bank's facade looks antiquated compared to new digital screens that offer bright color motion graphics or even full-motion high definition video.

The sign industry sees digital signage as the future of outdoor advertising. All of the top outdoor advertising media companies have aggressive plans for digital sign growth and acquisition. There are several reasons for this: the cost of the technology is continually dropping, the signs require almost no maintenance once installed, the "ad copy" can be changed remotely via computer, and the profit margin on a digital sign is substantially higher than on a static sign.

Some communities have, in a matter of months, found their Main Streets turned into a visual cacophony of high definition television sets, each competing for a driver's attention as he or she travels down the street. You'll have a CVS and a Rite Aid across the street from one another, each vying for driver's attention with signs that blink, scroll and flash with bright text and images touting their latest sale on toilet paper or toothpaste.

What you end up with is a street that looks more like the Las Vegas Strip than a small town commercial district. We've spoken with business owners who've told us they'd prefer not to have the flashy signs out front, but their competitor down the street has one so they feel they'd be at a disadvantage without one. What they would prefer is a level playing field where no one is using the electronic signs. That's what Concord, New Hampshire has done. They've written their codes to prohibit all digital signs but for time and temperature, and the ordinance has been upheld by the Courts.

In addition to the aesthetic concerns posed by digital signs, there are also obvious reasons to be concerned about their effects on driver safety. Billboards by their nature are meant to take your eyes off the road, and bright signs with changing images are even more purposefully distracting. In fact that's how the industry sells the signs to advertisers – "Drivers won't be able to ignore them!"

There are numerous safety concerns inherent in a digital sign that by design becomes the brightest object in a driver's field of vision. A recent human factors study showed that any distraction that takes a driver's eyes off the road for more than 1.6 seconds greatly increases the risk of a crash or near-crash. For very young or very old drivers, digital signage only increases chaos in already challenging driving environments.

Digital signs also contribute greatly to light pollution, which among other things contributes to obscuring the night sky. In addition, a growing body of scientific evidence now suggests that light pollution contributes to air pollution by preventing air-cleansing molecules from activating at night. It is hard to reconcile this bill in a state that has done as much as Maine has to clean up and protect its environment for its residents and visitors alike.

LD 1405 is not representative of progress, it's not pro-business and it's not pro-Maine.

Thank you for your time and I would be happy to answer any questions you may have.

Testimony submitted by:
Max Ashburn
Communications Director
Scenic America
1250 I Street, N.W., Suite 750
Washington, DC 20005
202.638.1839
ashburn@scenic.org
www.scenic.org

Scenic America is the only national 501(c)(3) nonprofit organization dedicated solely to preserving and enhancing the visual character of America's communities and countryside. We accomplish this mission through national advocacy efforts and technical assistance services, local and national projects, and the support of our state and city affiliates.