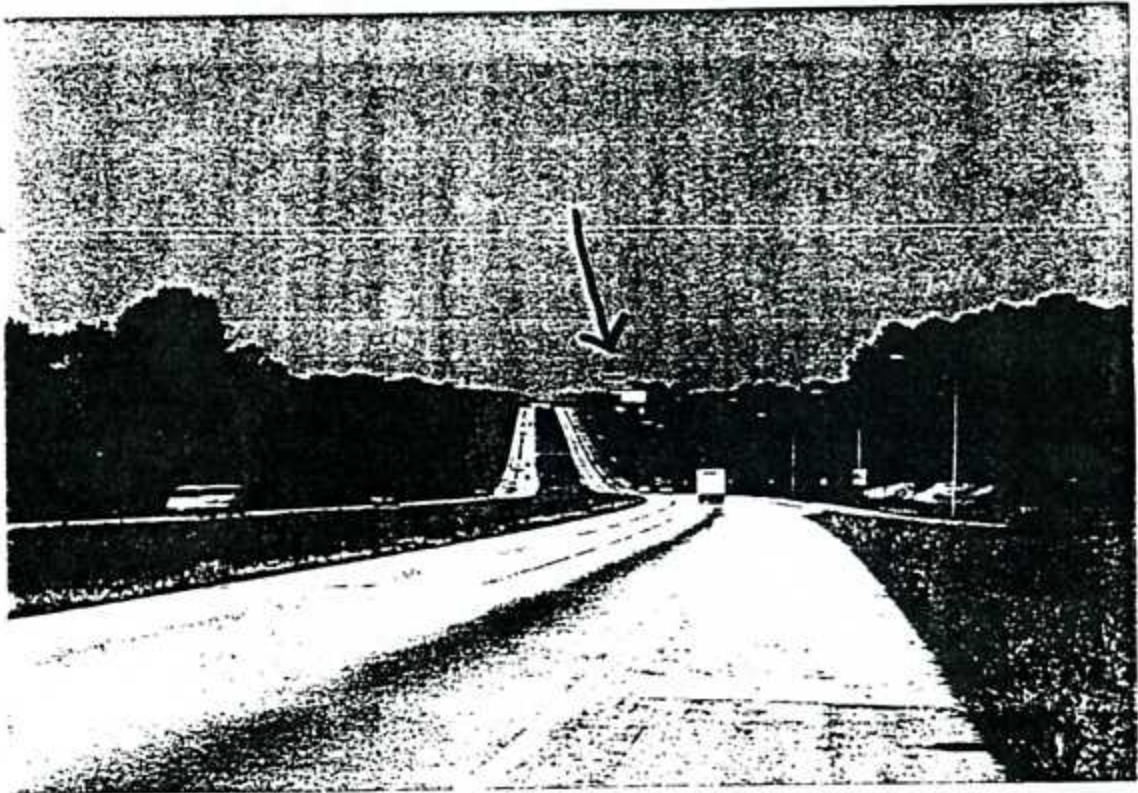


# A LETTER FROM THE UNZONED COMMERCIAL AREA LOOPHOLE

Charles Floyd

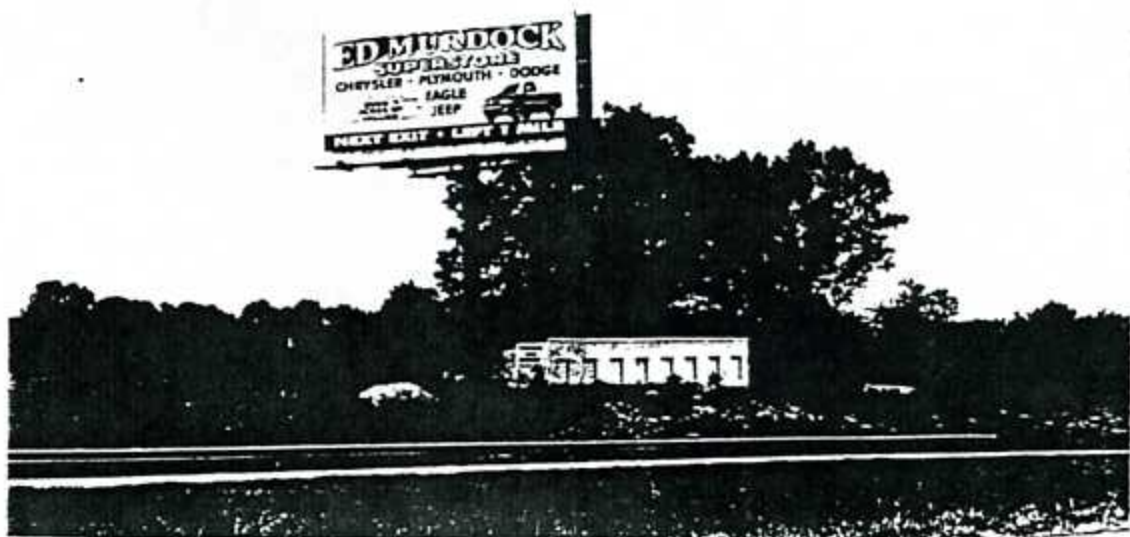
For the few of you who still have some illusions that the Highway Beautification Act protects the visual environment in scenic rural areas, come visit the unzoned commercial area loophole with me.

This picture is of a rural area on I-85 in northeast Georgia. It is just the sort of area that the Highway Beautification Act was supposed to protect. However, in the midst of the trees and pastures we see three large billboards that have just been erected. "How could this be," you ask querulously. "The Highway Beautification Act limits the permitting of new billboards to commercial or industrial areas." This just shows your lack of knowledge of how the Act really works.

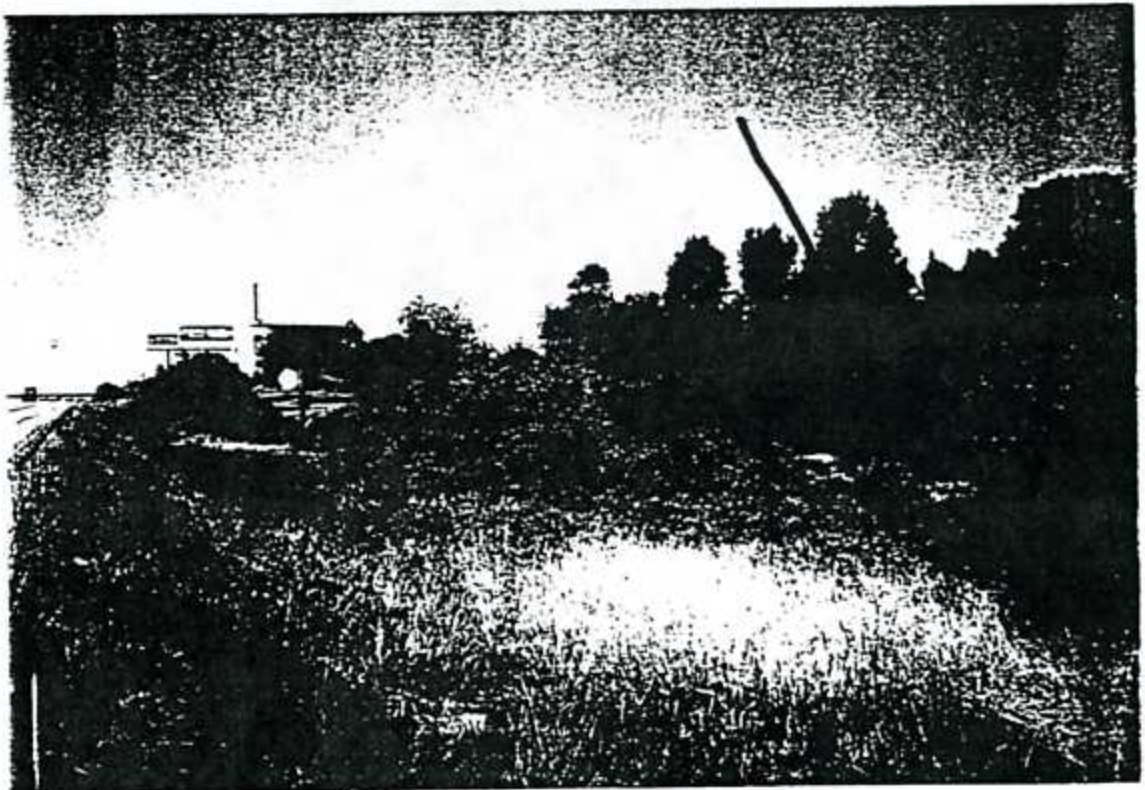
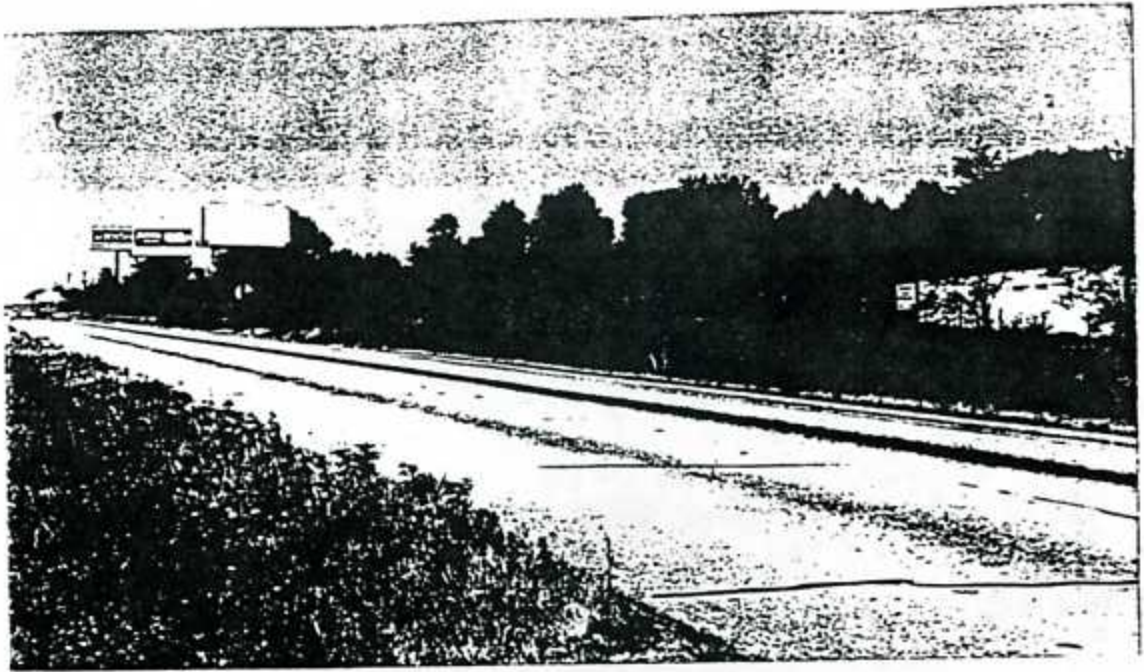


When the Highway Beautification Act was passed, the outdoor advertising industry persuaded Congress that new billboards should be allowed in all commercial and industrial areas, and since many counties were unzoned, new billboards should be allowed in unzoned areas that were truly commercial or industrial in character. What constituted an "unzoned commercial or industrial area" was not defined. The Outdoor Advertising Association of America actually proposed that this designation should be limited to areas 250 feet either side of an area containing at least two businesses. In the agreements that were adopted for most of the states, however, the unzoned area was defined as 800 feet on either side on ANY commercial or industrial activity. Thus, in these states, a commercial or industrial activity, no matter how minor, can justify the permitting of three billboard locations.

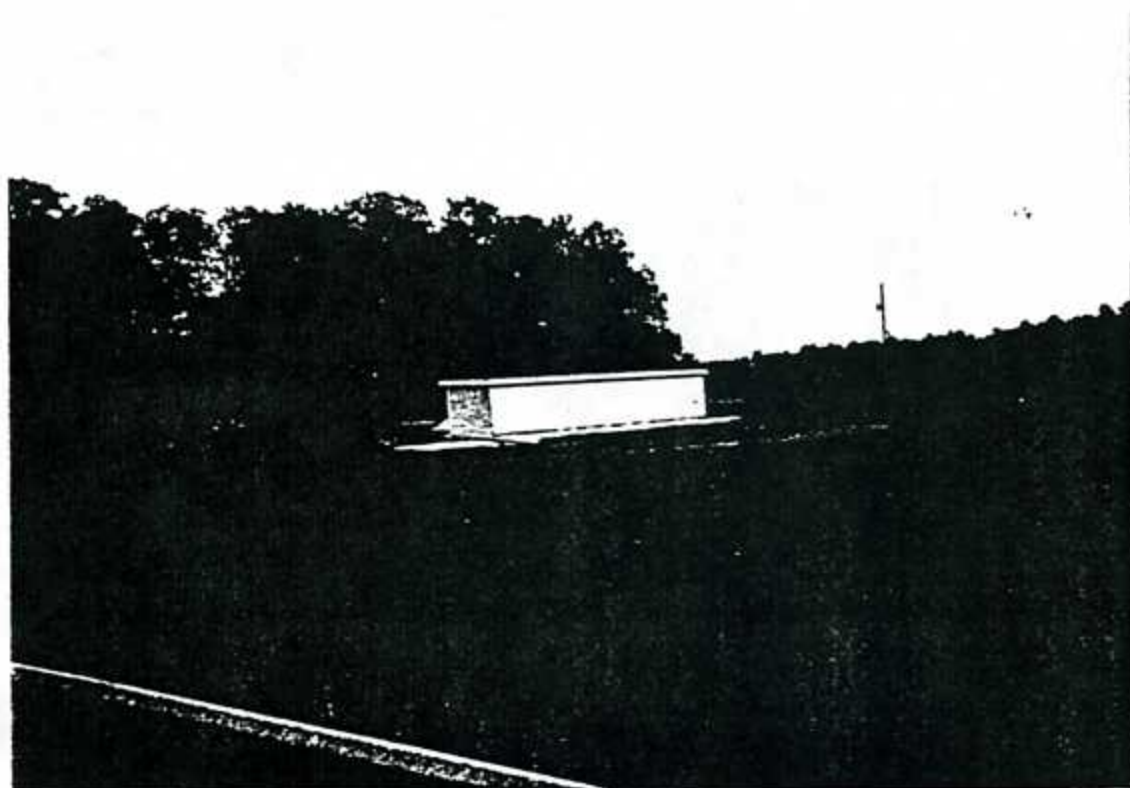
These photographs give a close-up of this "commercial" area. Beneath the middle billboard there is mini-storage facility. The fact that this building is in the middle of a pasture, not on a road, and in a totally rural area means nothing. It qualifies the area as an "unzoned commercial area," and the Georgia Department of Transportation permitted the three billboards. They felt they had to under the law.



But this is not the end of the tale. In this view we see another mini-storage facility, completed just down the road from the first one. The second photo shows the pole for the first of the second set of three billboards.



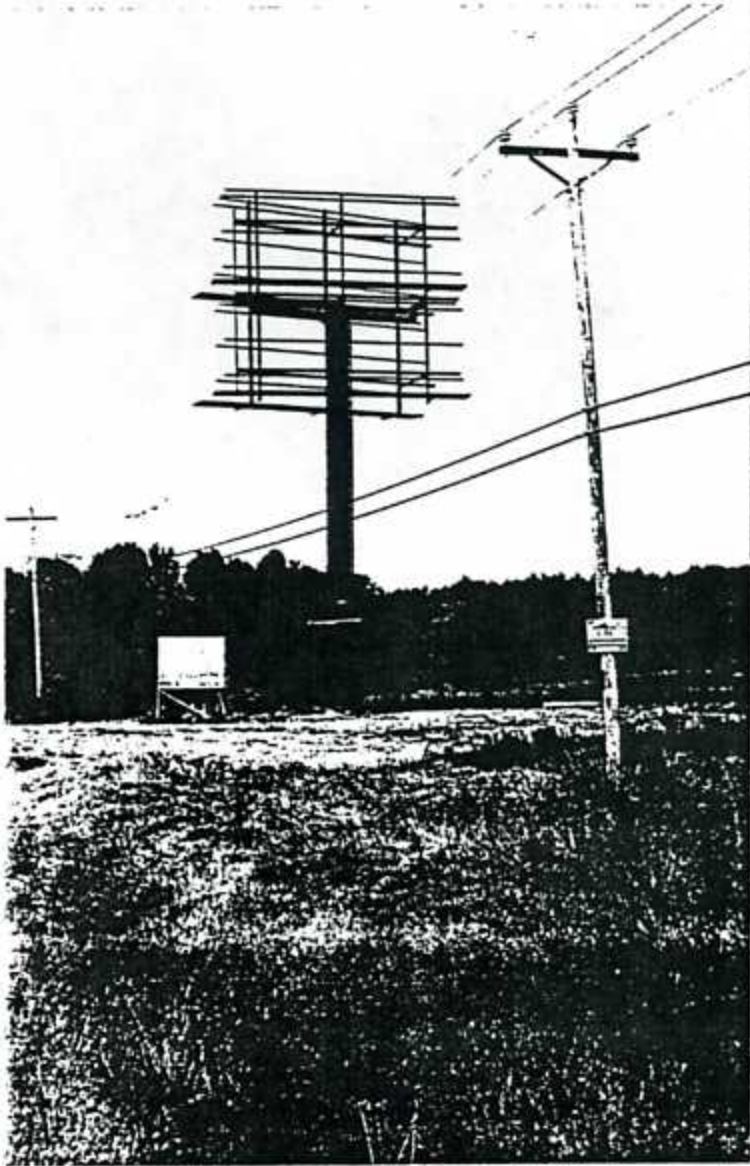
Just up the road on I-85 we see that another self-storage facility has just been completed in a rural area. Guess what's going up next!



A bit farther north on I-85 we see another group of three large billboards. In the second photograph we catch a glimpse of the qualifying activity, the office of an outdoor advertising firm that was built adjacent to the highway.



Here is another new large billboard on a Georgia highway in a rural area. Where is the commercial activity?



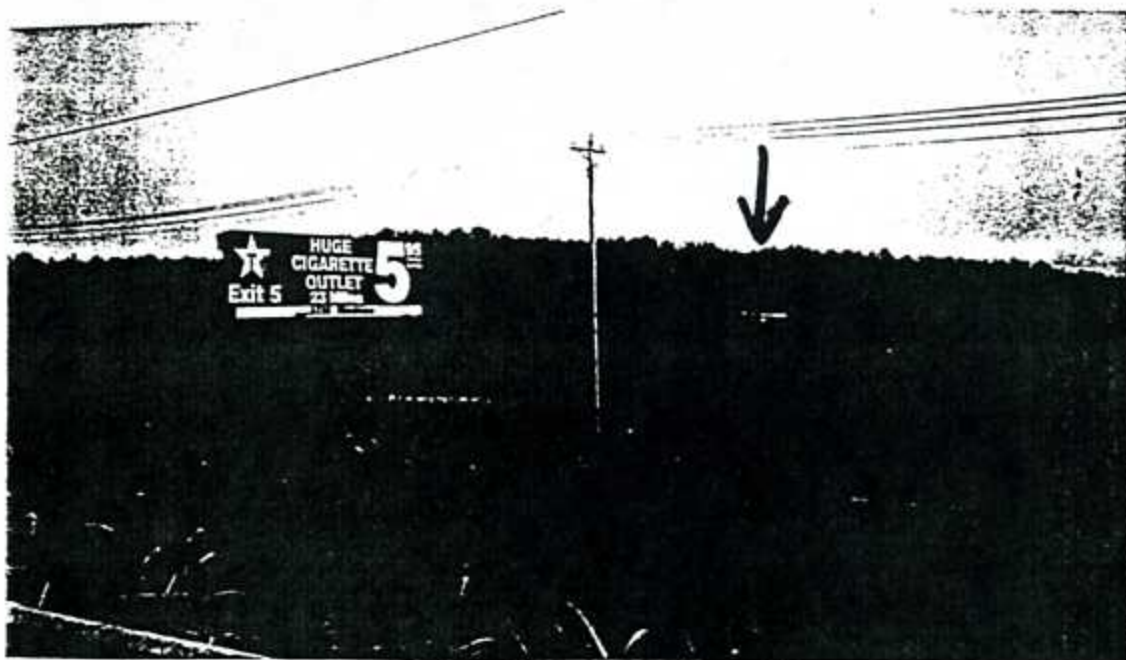
The small sign under the billboard tells us this is the location of a sales firm. The photograph gives us a view of this "commercial" activity from the roadway.



Lest you think such flagrant loopholes are just a Georgia phenomenon, let me give you a few other examples. The following scene is on I-85 in South Carolina, a rural area that has become a strip billboard alley. The first billboards were permitted because of an office for a masonry company.

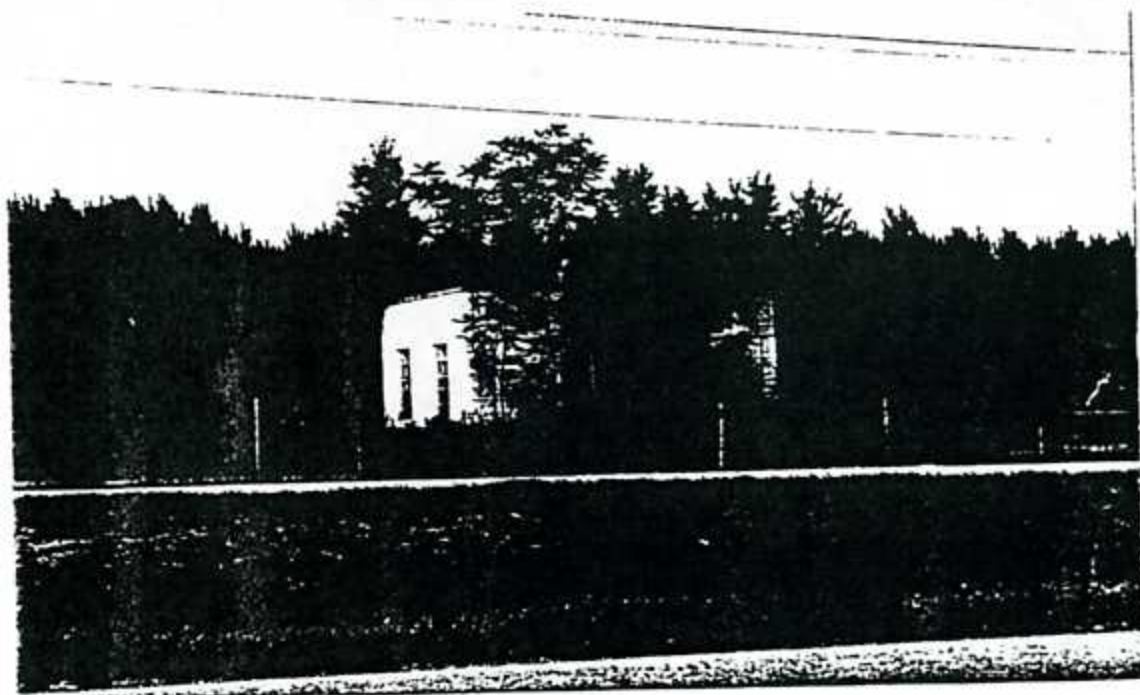
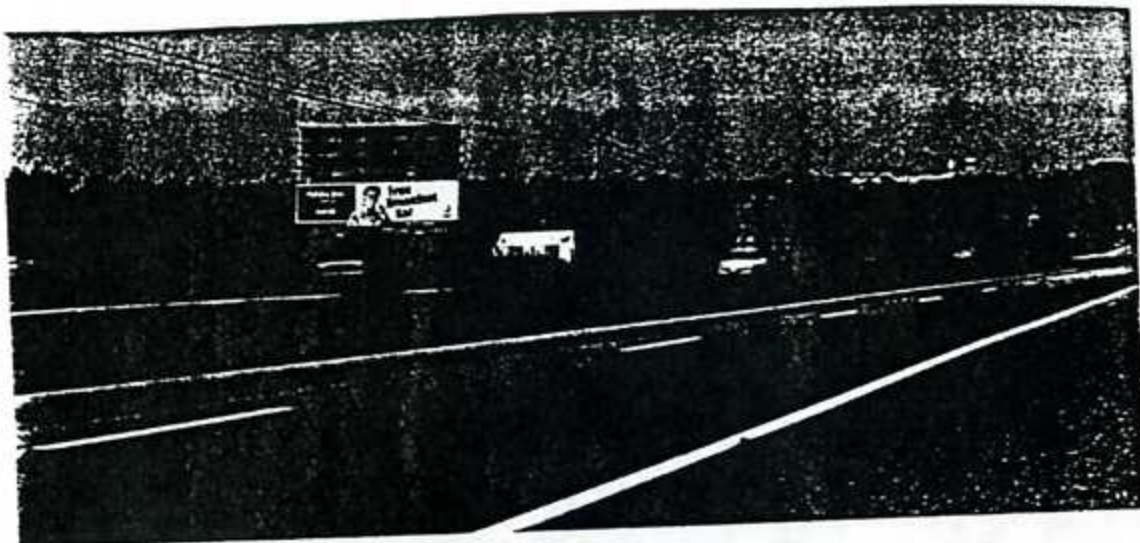


Just to the south three more billboards were permitted on the basis of a campground. If you look to the right of the utility pole you can catch a glimpse of a parked recreational vehicle way back in the trees. (I bet you never thought that a campground was a "commercial" activity.)

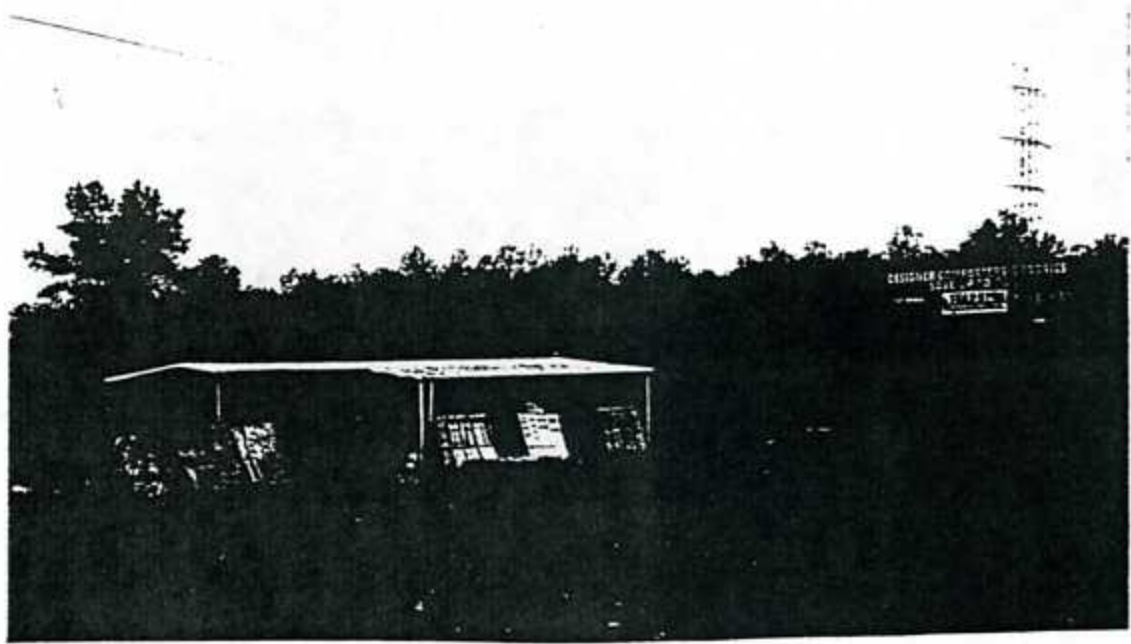




Across the road we see another series of three billboards which were permitted because the old service station building in the center was the "headquarters" for an outdoor advertising company. The second picture shows the derelict condition of the building today. Oh yes -- despite what you may think, the "commercial" activity doesn't have to continue in operation. All an outdoor advertising company has to do is continue it in operation long enough to obtain the permits and build the signs.



Just down the road is the new headquarters for the outdoor advertising company, which serves to permit three more signs.



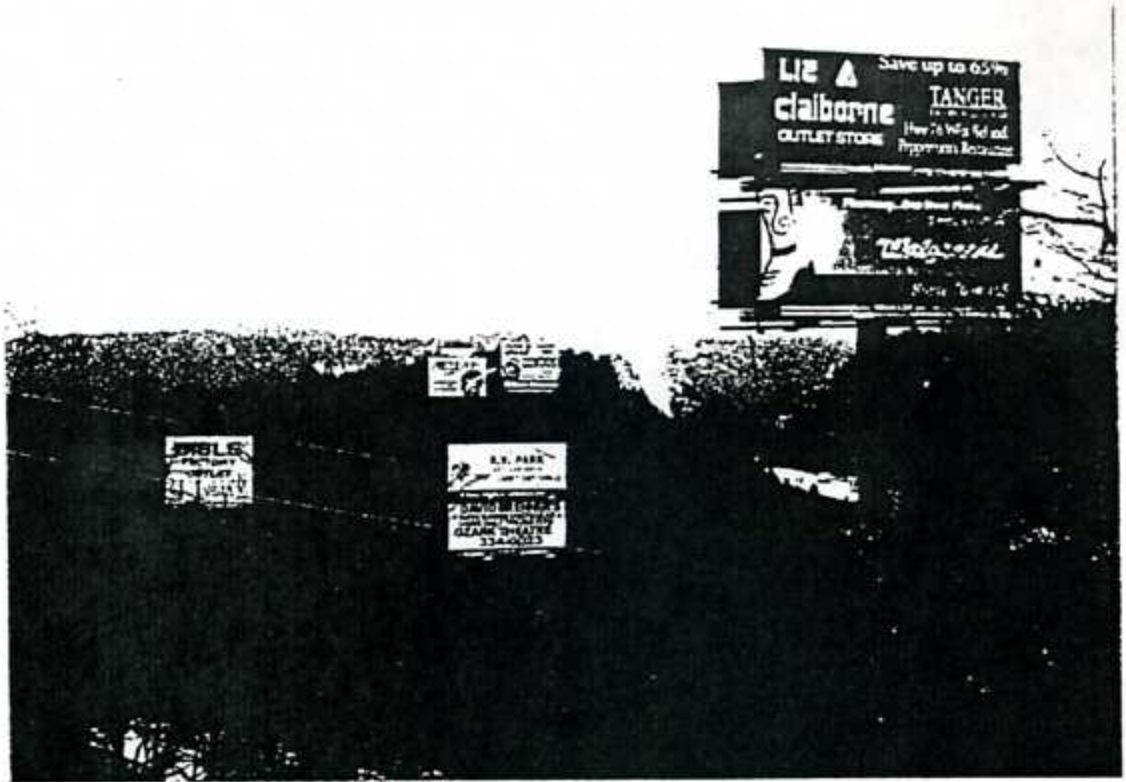
Or here is the office for another outdoor advertising company located on I-26 in North Carolina. Again, it was used to serve as the justification for permitting new billboards.



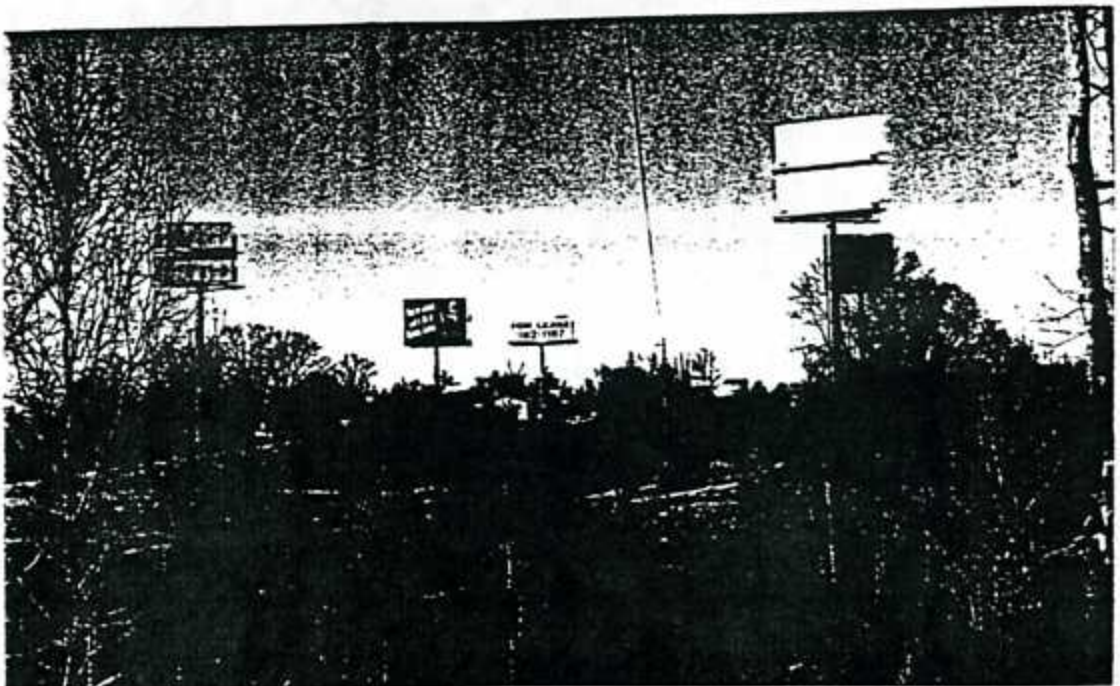
Of course, the outdoor advertising company doesn't have to actually use the building for its headquarters. As in this photo on US-65 in Taney County near Branson, Missouri, the billboard firm can construct a building and put something else there. This "business" will be used to permit two double-stacked billboards.



Or consider these monsters that were permitted on the basis of a go-cart track.



The Missouri Highway Department issued twenty-eight new billboard permits in "unzoned commercial areas" within Taney County during 1994 and 1995 alone. The qualifying activities included a retirement home (normally considered a residential use), recreational vehicle parks, a go-cart track, a mini-storage facility, and various small stores.



The Highway Beautification Act was supposed to protect rural areas from new billboards and restrict them to areas of commercial and industrial activity. These examples illustrate how effective the law is in achieving this objective. Please don't think that these are isolated examples. I assure you I could have gone on and on and on.

Is it any wonder that the outdoor advertising industry refers to the Highway Beautification Act as "the law that works," or that more objective observers refer to it as the environmental movement's greatest failure.