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New rules would open Bay State to more billboard blight

BOSTON, May 25, 2012 – A proposed set of new regulations on outdoor advertising would see Massachusetts go from having some of the strongest billboard controls in the country to some of the weakest, and result in a proliferation of signs all over the state.

Among the changes proposed by MassDOT’s Office of Outdoor Advertising (OOA) are the state’s first proposed electronic billboard regulations, despite the fact that electronic advertising billboards are currently banned under the state’s agreement with the Federal Highway Administration. The new regulations would allow an electronic billboard to be erected anywhere in the state or swapped for an existing regular billboard, and do not set forth illumination level restrictions for electronic billboards near residential areas.

The new laws would also exempt from regulation billboards featuring “non-commercial” messages. This exemption would be extremely dangerous and potentially very costly because regulating billboards based on content opens the state up to a Pandora’s box of first amendment and free speech lawsuits. The new rules would also allow billboards to be erected without permits, without payment of fees and without regard to other applicable billboard restrictions such as local zoning requirements and spacing and sizing requirements.

“The changes being proposed by MassDOT are unconscionable,” said Mary Tracy, president of Scenic America. “The new rules would see Massachusetts go from being one of the most scenic states in the country to one of the most billboard-friendly.”

The new proposed regulations also give the Director of the OOA broad new discretionary powers to grant billboard permits for billboards that don’t comply with applicable laws and regulations. These new exemptions from regulation put Massachusetts at risk of failing to provide for effective control of outdoor advertising as required by the Highway Beautification Act, which would threaten the loss of a portion of the state’s federal highway funding.

A public hearing on the proposed regulations will occur on **Tuesday, June 5**, from 9 a.m. to 12 p.m., at the State Transportation Building at 10 Park Plaza in Boston, in Conference Rooms 5 and 6. Those unable to attend can express their opposition to the proposed regulations to the OOA at 617-973-8470 or via email at OOAInformation@dot.state.ma.us. The proposed new regulations can be found at http://www.massdot.state.ma.us/Portals/8/docs/ooa/711CMR3_revisions.pdf.

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For more information contact: Rachel Thurlow, Scenic Massachusetts, at 617-720-1656 or thurlow@scenic.org or Max Ashburn, Scenic America communications director, at 202-588-6385 or ashburn@scenic.org