

Introducing.....

The

National Coalition News

Published by the National Coalition to Preserve Scenic Beauty

Vol. 1, No. 2

April 1981

NATIONAL COALITION HOLDS FIRST MEETING IN WASHINGTON, D.C.

March 4, 1981 was a historic day for the advocates of beautification. The National Coalition to Preserve Scenic Beauty held its first official meeting in Washington. Delegates from seven states, representing fifteen organizations met to organize and develop a program to coordinate the efforts of groups across the country working to protect scenic beauty. Delegates elected officers, approved bylaws and designed a program for the coming year. Marion Fuller Brown was elected President; Drs. Charles Floyd and Yale Maxon, Vice Presidents; Ruth H. Becker, Secretary and Robert Struble, Jr. Treasurer. The following were elected Directors for a one-year term:

California	- Dr. Yale Maxon	New Jersey	- Mrs. Webster Sandford
Georgia	- Dr. Charles Floyd	Ohio	- Eugene Smith
Illinois	- Raymond Mostek	Oregon	- Lloyd Keefe
Kentucky	- Mrs. W. Lyons Brown	Pennsylvania	- Ruth Becker & Robt. Struble
Maine	- Mrs. Brooks Brown, Jr.	Virginia	- Mrs. B. Powell Harrison
Michigan	- Clan Crawford		Ross Netherton
Mississippi	Virginia Lacey	Texas	- Carroll Shaddock
Missouri	- Dr. Daniel Mandelker	Washington	- John Spaeth

The following were asked to serve as members of the Coalition's Advisory Board:

Rosalie Bell, Garden Clubs of Virginia
Ernest Bonner, Planner, Oregon
Ronald Crissman, former Secretary of Transportation - Vermont
Phyllis Dorsey, President, Ohio Roadside Council
Fred Farr, former Director Highway Beautification Program
Ellie Kelley, Legislative Chairman, Garden Club of America
Matt Kemeny, Information Specialist, Oregon
Thomas Kimble, Executive Vice President, National Wildlife Federation
Peter H. Kostmayer, former U.S. Congressman, Pennsylvania
Thomas McCall, Governor of Oregon
Rick Middleton, Sierra Legal Defense Fund
Mrs. Robert Parks, President, Oregon Roadside Council
Robert Stafford, Senator from Maine

(Coalition members who wish to recommend other qualified persons to serve as members of the Advisory Board are welcome to do so and should send their suggestions to Mrs. Becker as soon as possible.)

The Coalition which begins its operations with \$6000 in donations and 35 founding members hopes to expand its membership to 100 members and its financial base to \$20,000 in the coming year. The Coalition will include as part of its work effective control of outdoor advertising, landscape planting, reduction of illegal vegetation cutting on the right-of-way and litter reduction through recycling and container deposit legislation. Temporarily housed in Philadelphia, the Coalition plans to move its offices to Washington, D.C. when it achieves its funding goal. During this first year it will broaden its membership and provide and distribute information to state &

To Contact N.C. by telephone: Call (215) 732-9136 daytime; (215) 356-6380 evenings.

local organizations which are engaged in beautification work and call attention to action which should be taken to make their views known to federal officials.

The Coalition will have its work cut out for it because....

The MEETINGS OF THE NATIONAL ADVISORY COMMITTEE ON OUTDOOR ADVERTISING AND MOTORIST INFORMATION HAVE BEEN TERMINATED BY THE ADMINISTRATION. Committee members were informed less than 72 hours prior to their final meeting (scheduled for March 5-6) that the meeting was cancelled "due to budget and travel limitations." The Administration's move, which took Committee members and many FHWA people by complete surprise, has some interesting ramifications. First, full Committee discussion of its subcommittee reports (one on suggested legislative changes to the '65 Beautification Act and the other on suggested administrative changes) will not take place, preventing any meaningful final committee report. Second, it makes a mockery of the many hours of deliberation, evaluation of citizen input and study of reams of written reports by Committee members and FHWA staff. Third, it shows a unique concept of economy by the present FHWA administration when \$350,000 has already been spent to finance the Committee's work, but \$20,000 to complete that work cannot be justified. And last, but of equal importance, it makes the testimony of private citizens who used their own money to travel to FHWA hearings to express their opinions on Outdoor Advertising and Motorist Information an exercise in futility.

The Advisory Committee was originally organized because a sufficient number of voters felt the '65 Highway Beautification Act was not achieving its objective--to protect the public's investment in its highways. Public criticism expressed at FHWA hearings and the interests of groups ignored by the law would have been voiced through the subcommittee reports to the full Advisory Committee. Without a report, this citizen input will gather dust as part of the Advisory Committee's unfinished work, an indication that some of our elected and appointed officials believe they are free agents, who need not respond to the voice of the people.

The need to reconvene the Advisory Committee for one final meeting is a view shared by all its members. One of the industry representatives on the Committee, Ross Barrett of Metromedia has suggested that those who can, pay their own way and also contribute to a travel fund to help finance the expenses of those committee members who cannot afford to pay, so cost is no longer an issue. The issue now is whether citizen opinion has a right to be heard. If you share our belief that it does, then write to your Congressman and ask that the National Advisory Committee on Outdoor Advertising and Motorist Information be reconvened for one last meeting so that it can conclude its work and give a final report.

FHWA RESEARCH ON "VARIABLE MESSAGE" SIGNS STOPPED

Shortly after Ray Barnhart, new Federal Highway Administrator, took office, he ordered a freeze on all pending projects not already under contract. As a result FHWA research on the safety aspects of commercial electronic variable-message signs (CEVMS), for which FHWA had solicited proposals, but not yet awarded the contract, was stopped. Although an appeal will be made for reconsideration of the project, vital to determine the impact of CEVMS on driver safety, prospects are slim that it will be granted. The new Administrator has made no secret of his views that the Federal Government should not be involved in the Highway Beautification Program.

U.S. SUPREME COURT HEARS ARGUMENTS IN SAN DIEGO BILLBOARD CASE

On February 25 the United States Supreme Court heard oral arguments in the case of Medromedia, Inc. vs. City of San Diego. Having already received written briefs and arguments from both parties, the Court is now in a position to make a decision. As in all Supreme Court cases, there is no way to tell when the decision will be announced.

In the oral arguments the central issue was whether billboard advertising is entitled to the same protection given freedom of speech by the First Amendment. Metromedia lawyers argued that billboards should not be treated as a form of land use, which is subject to local planning and zoning rules. Rather they said, it should be regarded as a unique form of communication and protected as one of the community's fundamental rights. If billboard advertising is regarded in this way, the argument went on, the Constitution allows it to be restricted only for some other over-riding public interest.

San Diego attorneys on the other side argued that even if one regarded billboards as a form of communication, the law permits commercial speech to be regulated as to the time, place and manner it is exercised, so long as there are other alternative means of communication available to be used instead of the billboard. The basic issue now before the Supreme Court is whether San Diego or any other city has the right to prohibit billboards without violating the free speech Amendment of the Bill of Rights.

GEORGIA ADVISORY COMMITTEE TO DETERMINE SITES OF "LEGAL" TREE TRIMMING

In Georgia a new law sets up an Advisory Committee to the State Department of Transportation to determine where "legal" tree trimming on the right-of-way may take place. Members of the committee include the State's House and Senate Transportation Committee Chairmen, the Director of Operation for the Department of Transportation, two representatives of the Outdoor Advertising Industry, a Garden Club representative and a representative from the Georgia Conservancy. We hope this new concept is a sincere attempt to deal with the many incidents of illegal cutting which have occurred in Georgia and not an effort to legalize what is now being done illegally.

NEW YORK CONGRESSMAN INTRODUCES PROPOSAL FOR REVISION OF BILLBOARD CONTROL LAW

Rep. Donald Mitchell, Republican, 31st District, N.Y., has introduced a bill HR 1742 which is similar to the bill introduced by Senator Robert Stafford of Vermont (S.344) in the last session of Congress. The bill proposes that control of Outdoor Advertising be returned to the states, allowing states who want to exercise control to do so and not penalize those who do not.

MAINE REWRITES BILLBOARD LAW TO MEET FEDERAL COURT'S "UNCONSTITUTIONAL" RULING

After a 3-judge U.S. First Circuit Court of Appeals ruling that its Traveler Information Services Act was unconstitutional because it restricted freedom of speech in violation of the First Amendment, the Maine Legislature moved to rewrite the law.

Maine's law prohibited display of any off-premise sign along highways subject to the law, and authorized a program of official signs and directional markers as an alternative to information that billboard companies claimed their signs provided. The Court said, in substance, that if Maine's law had prohibited only commercial signs, it might well have been a valid and acceptable restriction, but the original law made no distinction between commercial messages (legally subject to control) and displays on political, cultural, social or religious subjects, which traditionally have enjoyed the fullest legal protection of the First Amendment of the Constitution.

The December 1980 Circuit Court ruling overruled an earlier U.S. District Court decision (Summer 1978) which resulted when two billboard companies--John Donnelly and Sons and National Advertising--challenged the law when it went into effect January 1 of the same year. Since the 1978 ruling Maine has committed \$2.5 million to remove half the approximately 1600 billboards in the state. The law, which had designated 1984 as the year the billboard phase-out would be completed, also permitted political candidates to put up roadside signs only within three weeks of an election.

Although we share the court's concern for the protection of free speech, we wonder why the wishes of Maine's citizens for a sign-free environment do not also deserve equal consideration.

HOUSTON'S BILLBOARD ORDINANCE UPHELD IN FIRST COURT CASE

In Houston, Texas proponents of sign control won the first challenge to the city's sign control ordinance. A sign administrator has been appointed and a staff of almost 40 persons are working to enforce it. Eleven truckloads of political signs were picked up after the November election and more than five thousand signs have been cleared off city property as of February 1981. The challenge now facing Billboards Limited! is how to deal with the infamous '78 amendment to the '65 Highway Beautification Act which requires compensation for removal of signs from Federal-aid and Primary Highways for reasons other than the '65 Act.

SEATTLE SETTLEMENT WITH ACKERLEY ADVERTISING CALLS FOR REMOVAL OF 216 SIGNS

After Ackerley Advertising, one of Seattle's largest billboard companies, made the mistake of trimming 200 city-owned trees in front of their billboards, the city fathers were so upset that they voted to ban all new billboards in Seattle. Last fall the U.S. Federal Court upheld the legality of Seattle's billboard law and Ackerley will remove 216 of the offending billboards, and re-erect half of them in non-scenic areas.

THE NATIONAL COALITION TO PRESERVE SCENIC BEAUTY NEEDS YOUR FINANCIAL SUPPORT as well as your letter-writing skills, your eyes and your ears. If you hear anything about illegal cutting of vegetation on the right-of-way, attempts to control outdoor advertising or attempts to circumvent that control, container deposit law efforts or anything related to our goals, NOTIFY US AT ONCE. With your help we can leave a heritage of beauty for future generations. Without your help there can be no unified effort to protect scenic beauty. The choice is yours.

(Detach Here)

Mail to:

National Coalition
c/o PA Roadside Council
225 S. 15th St., Mezzanine
Phila., PA 19102

DUES

Individual	\$ 25
Student	\$ 10
Local Organizations	\$ 50 - \$100
State Organizations	\$150 - \$200
National Organizations	\$250

Name _____ Organization _____

Address _____ City, State and Zip _____

Tel. No. _____ Amount Enclosed \$ _____
(area code)