

INDUSTRY EFFORTS TO SCUTTLE BEAUTY BILL DEFEATED

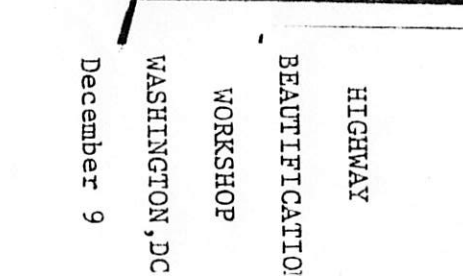
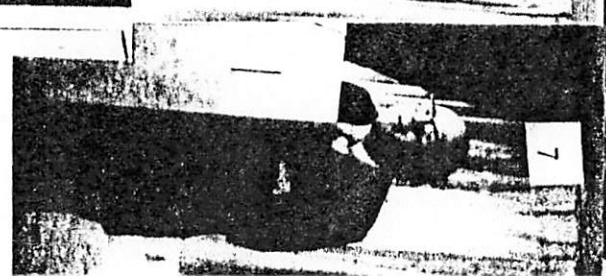
Section 121 was dropped from the 1982 Transportation Bill in the joint House-Senate Conference Committee as Senator Robert Stafford (VT) once again proved his dedication to scenic beauty. Stafford made it clear to House members that unless Section 121 was deleted, there would be no 1982 highway bill. Stafford was supported in his efforts by Senators Kentsen (Tex.), Chafee (RI), Moynihan (NY) and not opposed by Senators Domenici (NM), Abdnor (SD), Symms (ID), Burdick (ND), and Randolph (WVA). Friends in Washington report that the volume of mail, calls and telegrams protesting Section 121 was in great part responsible for making legislators aware of its content and objectives. This is the first time in more than a decade that the outdoor advertising industry has been stopped in its attempt to further weaken the Highway Beautification Act. National Coalition members are to be congratulated on a job well done! (Ed. Note: Section 121 was originally part of HR 6211, which later became Section 119 of HR 6965 and was changed again to Section 121 of HR 7360. If enacted, it would have changed the purpose of the Beautification Act from "protecting scenic beauty" to "promoting communication through the use of the outdoor medium." It would also have required the cutting of trees and bushes blocking a clear view of billboards or the payment of cash compensation for them.)

ANNUAL MEETING SET FOR MARCH 26 IN WASHINGTON, D.C.

The second Annual Meeting of the National Coalition to Preserve Scenic Beauty will be Saturday March 26 at the DuPont Plaza Hotel, DuPont Circle at 1500 New Hampshire Avenue. Attendance will be limited to individual members, delegates from member organizations and invited guests. Program details are now being worked out and members will receive notices in mid February. Certain to be an important part of the program is a strategy planning session on closing existing loopholes in the Beautification Act, reducing control areas to the interstate highways and 25% of the primary highways which are scenic, the issue of cash compensation and a moratorium on new signs.

WORKSHOP GETS UPDATE ON HIGHWAY BEAUTIFICATION

Representatives from Maine to California, representing twenty organizations, met in Washington, D.C. for a one-day workshop in an effort to reverse the continuing destruction of the Highway Beautification Act. Dr. Charles Floyd used slides—which required no explanation—to show some of the abuses which have occurred under the Act. The billboard/free speech issue was discussed by Dr. Mandelker, who suggested that the Act's control be limited to Interstate and scenic portions of Primary highways. He pointed out that the Act, as it now exists, requiring cash compensation for billboards removed, effectively amends the constitutions of the states and poses a serious threat to the integrity of local land use planning. Marion Fuller Brown described how Maine had worked with the Act to take down its billboards. Myron Laible of FHWA described some of the problems his department had in enforcing the Act because of conflicting directives, staff and funding constraints. Some of the legal issues were described by FHWA Counsel Ed Kussy. At the afternoon session, Rick Middleton of the Sierra Club Legal Defense Fund gave a general outline of the



(1) A packed house listens to (2) Ed Kussy, FHWA (3) Ed McMahon, Georgetown University Law School (4) Dr. Charles Floyd, U. Of GA and Dr. Dan Mandelker, Washington University Law School in St. Louis answer a delegate's question (5) Rick Middleton, Sierra Club Legal Defense Fund (6) Marion Fuller Brown, former Maine legislator (7) Cian Crawford, Billboards Limited, Tex., (8) Rep. Steven Bartlett, newly elected Congressman from Texas addresses the group at lunch (9) .

HIGHWAY
BEAUTIFICATION
WORKSHOP
WASHINGTON, DC
December 9

suit Sierra Club Legal Defense Fund has taken out against FHWA for failure to enforce the Beautification Act in South Carolina. Middleton also discussed what could be done with the existing law if it remains unchanged. He said that he was encouraged because the workshop's attendance was about three times larger than when the National Coalition held its first meeting in Washington a year ago. "The American public continues to support environmental issues, and there is latent support for a new effort for highway beautification, which we have to tap," he added.

The remainder of the workshop was devoted to a discussion of future strategy. Professor Ed McMahon recommended an aggressive membership campaign, starting with the existing membership. Each member will be asked to bring in three new members in the coming three months. He also suggested strengthening our cooperation with other environmental and municipal groups, an aggressive fund raising program and focusing on a single issue that is easy to understand, such as a moratorium on all new billboards. The second "stratagizer" was Carroll Shaddock of Texas. He urged the National Coalition to not get caught up in the issue of "cash compensation," because it is a concept not easily understood by most people. Instead, he advocated working on a moratorium on all new signs, a direct goal which could capture the public's imagination and support.

(Editor's Note: A full summary of the Workshop's proceedings is available to National Coalition members for \$5.50. Please allow two weeks for mailing.)

"BEAUTIFICATION ADVOCACY GROWING," REP. BARTLETT TELLS NC WORKSHOP

Rep. Steven Bartlett, newly elected Congressman from Texas, gave words of encouragement to delegates attending the December 9 National Coalition Workshop. Speaking to delegates at lunch, Bartlett said that he believes the forces opposed to billboard proliferation are beginning to gain ground. Some of the new support is coming from conservatives emerging from local government, where their attempts to control billboards were frustrated by the pro-industry federal legislation. He pointed out that support for beautification is not limited to conservatives, but cuts across philosophical and party lines. He urged the group to:

- * write letters and personally contact lawmakers
- * encourage city councils and state legislators to join in the battle to protect scenic beauty
- * make its services available to support future legislation on Beautification and related issues

FLORIDA SUPREME COURT UPHOLDS MUNICIPAL RIGHT TO MINIMIZE "SIGHT POLLUTION"

An April 1982 ruling by the Supreme Court of Florida declared that "cities have the authority to take steps to minimize sight pollution." This decision arose from the case of the City of Lake Wales v. Lamar Advertising Association of Lakeland, Florida. When the City of Lake Wales denied a permit to Lamar Advertising to erect a 300 sq. ft. sign in a commercially zoned area, Lamar sued the city. A lower court ruled that the city's ordinance, which limited the size of signs in commercial and industrial areas to 200 sq. ft., was "unconstitutional and discriminatory." The city then took the case to the Second District Court of Appeals, which concurred with the lower court's ruling. The Florida Supreme Court, however, over-ruled the opinions of the lower courts. It declared that a municipality does have the right to restrict the size of off-site advertising signs and to make distinctions between on-site and off-site signs on the basis of scenic beauty.

The National Coalition News is published several times a year by the National Coalition to Preserve Scenic Beauty, a non profit corporation located at 44 E. Front St., Media, PA, 19063. Articles for this issue were written by Julie Kronfeld, Joanne Carter and Ruth Becker. Special thanks to Bobbie Spaeth for her excellent summary of the Dec.9 workshop.

FHWA LETTER TORPEDOS NEVADA HIGHWAY BEAUTIFICATION PROGRAM

A letter written by FHWA Chief Counsel Donald L. Ivers to Eric Rubin, attorney and chief lobbyist for OAAA (Outdoor Advertising Association of America) played a major role in a recent court ruling. During recent court action, called to determine which Clark County, Nevada signs met the Court's criteria for removal, Rubin offered the letter in evidence. In the letter Ivers stated, "Whether a particular state wishes to press forward with on-going sign removal programs is, at the present time, essentially a state option.... Apparently the signs at issue in the Clark County matter are all nonconforming and are subject to removal if the state wishes." The letter was fatal to the State of Nevada's case and its efforts to implement the Highway Beautification program in Clark County. The judge ruled that the "apparent change" in the U.S. Department of Transportation's policy had removed the "necessity" for the state of Nevada to condemn the nonconforming signs. Thus, the signs in question will remain even though they are located in an area which the Nevada Supreme Court has ruled is not a legitimate commercial zone for purposes of the Highway Beautification Act. It is understandable that the State has taken the position that not only its removal program, but the entire highway beautification program is dead in Nevada.

THIRTY 20 YEAR-OLD TREES CUT IN CALIFORNIA TO MAKE BILLBOARDS VISIBLE

In October thirty 20 year-old eucalyptus trees, 30 feet high, were cut to stumps along the Nimitz Freeway near San Jose--to make billboards more visible. A permit was issued by the California Department of Transportation to Leonard & Co. to take down the state-owned trees. The Department, which has a policy of "trimming to make signs visible," based its decision on the belief that the signs were there before the trees. The trees had won a temporary reprieve from the billboard firm's ax when a front-page article in the San Jose Mercury News drew public attention to the company's plans to cut. Mercury News publisher P. Anthony Ridder, who saw the cutting said, "People who had been looking at trees for the past God-knows-how-long now get this perfect view of a dump." Hunter Scribner, a local Caltrans highway supervisor said, "To my knowledge this is the first time anyone has cut the whole tree" (in the guise of trimming). He added that Leonard & Co. planned to replace the cut trees with white oleander, which he said, "eventually would be all right." (and fast growing, too, we hope).

OTHER NEWS OF INTEREST

WATT CONTINUES PING PONG GAME WITH CONGRESS ON WILDERNESS AREAS While the recent lame duck session of Congress added more than 120,000 acres of new wilderness areas to the jurisdiction of the Bureau of Land Management, Interior Secretary James Watt withdrew 800,000 acres from protection. Plans are to unleash developers, miners and drillers to encourage development in the areas.

NATIONAL COALITION TO PRESERVE SCENIC BEAUTY RECEIVES GRANTS - The National Coalition was the fortunate recipient of two foundation grants, one from the Babcock Foundation and another from the Rockefeller Foundation.

CONSUMER GROUPS CALL FOR CHANGE IN ALCOHOLIC BEVERAGE ADVERTISING - A consumer coalition led by the Center for Science in the Public Interest (CPSI) is asking American manufacturers of beer, wine and distilled spirits to stop advertising on college campuses and to stop using ads that associate liquor with sexual, professional or athletic prowess. The Coalition also suggested that the industry follow the lead of Seagrams' Distillers Co., which advises consumers through magazine ads to use good judgment when drinking alcohol.

MASSACHUSETTS BOTTLE BILL PASSES, BUT OTHERS LOSE - Massachusetts voters again approved container deposit legislation, keeping the number of states with bottle laws at nine. These include Maine, Michigan, Oregon, Vermont, Connecticut, Iowa, Delaware and New York. Four deposit referenda in western states met with defeat in November. In Iowa, a beverage container bill will be introduced for the 10th time when the legislature reconvenes.