

Sign Control News

Newsletter of the Center for Sign Control • A project of the Coalition for Scenic Beauty

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TEXAS PROPOSES TOUGH NEW BILLBOARD REGULATIONS

Emergency rules drawn up by the Texas Highway Commission after the passage of the state's new billboard control law this summer would impose tough new restrictions on billboard blight. According to the Houston Post (11/19/85), the new rules would impose a height limit on billboards of 42.5 feet where there was no limit before, cut the maximum size of billboards in half from the current 1,200 square feet, and require 1,500 feet between billboards instead of the present 500 foot requirement. Predictably, a billboard industry representative, testifying at a commission hearing, said the rules "made no sense whatsoever." The rules, according to the billboard industry, would make Texas the toughest regulator of billboards. The industry representative was unaware of states like Alaska, Hawaii, Vermont, and Maine which completely ban highway billboards.

The Post article reports that the city of Houston and the Houston Chamber of Commerce, backed by Billboards Limited, are urging permanent adoption of the rules. These groups said, "Texas taxpayers have spent \$26 million in the last 13 years buying up non-conforming highway signs and should not have to go deeper into their pockets."

Robert Randolph of the Houston Chamber of Commerce told the commission that curing billboard blight would benefit the state economically by attracting industries that are concerned with the "quality of life." Let's hope the Texas Highway Commission continues to feel that way as well.

BEAUFORT COUNTY WINS; SIGN ORDINANCE STANDS

On November 6, 1984, voters in Beaufort County, South Carolina voted to abolish all billboards along county roads. Now, Beaufort County has won a lawsuit filed by Peterson Outdoor, which charged that the county's billboard control ordinance was unconstitutional, according to the Beaufort Gazette (12/3/85). Fourteenth Circuit Court Judge Clyde Eltzroth upheld the county's ban on commercial billboards but said that non-commercial billboards could not be banned because of the constitutional right of free speech.

"We are absolutely thrilled with the decision," Beaufort County Attorney Ladson F. Nowell III told the Island Packet (12/4/85). "This is a victory for the county."

Beaufort County, says the Island Packet, is the first county in the state to impose a billboard ban. Under the ordinance, billboards will be removed from roadsides through amortization within seven years of the time when county inspectors issued the sign permit. According to the ordinance, drivers will see no billboards along roads in unincorporated areas by 1991.

The judge's decision is being felt beyond the Beaufort county line. "This will have a tremendous effect here," Charleston city Councilman Mary Ader told the Island Packet (12/5/85). "Beaufort has set the precedent for the whole thing." Charleston's new sign control law, banning billboards except in heavily industrialized areas, takes effect in March.

The city of Myrtle Beach also won a lawsuit recently concerning its sign ordinance. Its city code enforcer, Frank Sauvageau told the Island Packet, "We are very encouraged by the decision. The part about amortization being just compensation reads right down our alley."

The moral to this story: Once again courts have upheld the rights of local governments to strictly regulate or ban billboards to stop visual pollution and protect their quality of life.

STATES STILL CAN GET FEDERAL MONEY TO TAKE DOWN BILLBOARDS

The Federal Highway Administration says that as of October 31, 1985 thirty-four states still had not exhausted the money allotted to them for the removal of non-conforming signs. The problem may be that some billboards the funds are supposed to remove are still tied up in the courts. In some states, projects to take down the billboards themselves have been delayed. Whatever the case, the FHWA is still holding onto \$8,964,803 that these states have not yet claimed.

Robert Harter of the FHWA told SCN that he does not see any indication of any more money being appropriated by Congress. When the money runs out, that's all there is.

The following states, according to FHWA, have not used up their funds for the control of outdoor advertising:

AL	IA	NE	RI
AR	KS	NV	SC
CA	KY	NH	SD
CO	LA	NY	TN
FL	MD	ND	UT
GA	MA	OK	VT
ID	MI	OR	WA
IL	MN	PA	WV
IN	MT		

YOUR TAX DOLLARS AT WORK: SUBSIDIZING BILLBOARDS

According to FHWA, as of September 30, 1985 the federal government has spent \$163,524,387 toward projects to control billboard pollution, most of the money going to pay billboard companies to take down non-conforming billboards along one stretch of the highway so they can use the money to erect new billboards on other sections of the highway. An additional \$42,375,304 has been spent in the bonus program to states involved with the 1958 Bonus Act that have upgraded portions of their roads and kept them billboard free.

Legislation pending in Congress, S. 1494 introduced by Senator Slade Gorton (R-WA), would end this recapitalization subsidy to the billboard industry by repealing the requirement of the Highway Beautification Act which requires federal funds for billboard removal. Under the Gorton bill, states and localities would use their own laws to determine whether or not to compensate billboard companies for cleaning up roadside blight.

UGLY IS NOT GOOD FOR BUSINESS: NEWPORT NEWS AND HAMPTON GET RELIGION

The discovery by the Houston Chamber of Commerce that, in the words of Coalition President, Charles Floyd, "ugly is not good for business," is being shared by cities and counties all over the country. Maine, Vermont and Hawaii have completely banned all billboards, with positive effects on their tourism industry and quality of life. These bans have had absolutely no effect (except perhaps a positive one) on the overall economy of those states.

Now, the Virginia cities of Hampton and Newport News area is getting the same message. A report prepared by the Virginia Peninsula Economic Council (P.O. Box 6000, Newport News, VA, 23606), "Competitive Factors Analysis and an Action Agenda for Economic Development," identifies improper land development and environmental blight as significant constraints in the region's economic development.

Key components of urban blight said the report are commercial strip developments, open storage areas, "neon signs, billboards, and the like--which

have played and continue to play a major role in the region's physical deterioration process. Cumulatively, these characteristics and conditions have seriously eroded the attractiveness of the two Peninsula cities to outsiders considering a move into the local area."

EL PASO PLANNING COMMISSION SAYS WHOA! TO BILLBOARD CLUTTER

It all began when the good citizens of El Paso, Texas decided to restore the city's 19th century train station. On commemoration day 2½ years ago, those who turned out to praise the project's completion also witnessed the completion of a monopole billboard that blocked the view of the station from the freeway. The billboard was eventually taken down by its owner, but the uproar it caused resulted in the City Planning Commission taking a hard look at sign regulation in El Paso.

Now, the Commission has recommended to the City Council that it approve a sign ordinance that has been over two years in the making. The proposed ordinance took shape after months of meetings between city planners, sign companies, and concerned citizens.

"I watched the give and take process," recalls Jim Fraizer of the City Planning Department. He told SCN that the ordinance they came up with "couldn't have been more fair."

According to the El Paso Times (11/8/85), the measure calls for the establishment of a council-appointed seven member sign advisory board composed of three licensed sign contractors and four citizens "who have no economic or business interest in sign or advertising companies."

The proposed ordinance would require sign permits to be issued for the first time and would prohibit billboards in or near historic areas, advertising on vehicles, and portable signs. The measure is expected to go before the City Council in mid January.

BILLBOARD FIGHT CONTINUES IN ILLINOIS

Illinois State Representatives Gene Hoffman and Thomas McCracken want to overturn a provision in the Illinois outdoor advertising statute that has been interpreted by Illinois courts as denying localities the right to stop billboards from going up in commercial and industrial areas even though local ordinances prohibit signs in those areas. A bill they have introduced in the State Legislature aims to give local municipalities the power to determine if and under what conditions billboards can be erected in their jurisdictions. The bill was not reported out of the House Transportation Committee this year, but the authors say they will introduce it again in 1986.

Hoffman told SCN that the industry cannot continue to put up billboards wherever they please. Under present law, "communities can't stop a billboard from

going up in their commercial or industrial area," he said. Although billboards can only be erected in these areas, "the billboards tower so high that when they are turned on at night, the billboard lights up the adjoining neighborhood."

Hoffman says he wishes more people would tell their legislators that they support the bill. "The difficulty," he explains, "is that when the industry knows we're introducing this bill, every sign company contacts their legislator, regardless of whether it affects them." The legislator said that the Chicago corridor is experiencing the worst billboard blight.

Editor's Note: For further information on the Illinois legislation write to: John Cross, House Republican Staff, Room 221, State Capitol, Springfield, IL 62706, or phone (217)782-5529.

PENNSYLVANIA DUTCH COUNTRY SEEKS TO STOP SIGN CLUTTER

Lancaster County, Pennsylvania is home to the largest population of Pennsylvania Dutch or, as they are sometimes called, the Amish. Driving on its roads, you can see picturesque farms, horse and buggies, and billboards.

Billboards? Yes, billboard blight has come to one of Pennsylvania's most important tourist areas. The Lancaster New Era (10/31/85) reports that the Pennsylvania Dutch Tourist Bureau, fearing that the spread of roadside blight is polluting the area's scenic beauty, recently appointed a task force to study sign clutter. It is a matter the Bureau calls important in maintaining the county's quality of life.

Bureau member Tom Strauss told the New Era that the task force's top goal is to have a uniform, county-wide ordinance that either the county commissioners or municipal supervisors will enforce. At the moment, no such county-wide sign regulations exist, though many, but not all, municipalities have their own rules.

Bruce G. Shoemaker, task force chair, told the New Era "The issue has been on our minds for a long time. Obviously, from a tourist bureau standpoint, people come here for the scenic beauty and the signage issue is just one that goes against all our marketing efforts." Shoemaker said that the tourist industry is unfairly criticized for the growing sign problem, explaining that the industry accounts for perhaps 5 to 10 percent of the signs.

In setting up the task force, the Bureau stated "It is important for Lancaster County to have an orderly, well-kept signage appearance. Nothing can ruin the pristine rural image of a community faster than sign clutter."

NO MORE TOBACCO ADVERTISING ON BILLBOARDS?

While the billboard industry is fighting a frontal assault on its perceived "right" to litter America with billboards, a position taken by the powerful

American Medical Association (AMA) is cutting more ground out from underneath the industry. The Washington Post (12/11/85) reports that the governing body of the AMA, meeting in Washington, has decided by an almost unanimous vote to oppose all tobacco advertising and to seek national legislation prohibiting it.

Tobacco advertising accounted for 30% of all billboard advertising in 1984 and that figure is expected to go higher in 1985 (see SCN, July-Sept. 1985). A ban on billboard advertising would deal a crushing financial blow to the industry.

Several voting members acknowledged that the AMA's decision to pursue a legislative ban on tobacco advertising raises constitutional questions, but they said it was worth a court battle. The AMA's general counsel Kirk Johnson told the Post, "We expect a challenge. We are willing to fight for it."

Already the American Lung Association and the American Heart Association have called for bans on tobacco advertising. But, the new position of the AMA provides greater resources and political leverage to the campaign. Billboard control advocates are lending their support to the AMA's efforts.

The Post quotes AMA Delegate Dr. Robert E. McAfee as saying, "The reason this route is being taken now reflects the frustrations physicians have felt for a long time. It's the number one health problem in this country."

Meanwhile, Sen. Bill Bradley (D-NJ) and Rep. Fortney Stark (D-CA) have introduced bills in the U.S. Congress that would prevent cigarette companies from deducting cigarette advertising costs as a business expense on their tax returns.

BILLBOARDS INVADE SKI SLOPES

If you think skiing is one way to escape from billboard blight, think again. Breath-taking scenes of a winter wonderland may not be the only thing you behold on your chair lift ride to the top of the mountain. In more and more ski resorts, sign companies are persuading resort owners to let them put up billboards on ski lift poles.

San Francisco Chronicle (12/3/85) columnist Steve Rubenstein documents the arrival of billboard pollution this year to the Sierra Nevada: "It's too horrible to describe what they did to a wonderful ski slope in the snowy Sierra woods—they stuck billboards all over the place. There are about 40 of them, attached to the poles that hold up the ski lifts. Skiers ride up to each tower in their little chairs. And there they are.

"The skier on a chair lift, dangling 50 feet in the air, is a captive audience. Someone watching TV can always get up and leave when a commercial comes on. For a skier on a chair lift, this is not a good idea."

These ski-lift billboards have appeared recently in seasons past at resorts in the East and in the Rocky Mountains.

The Chronicle columnist concluded that "Pepsi may be the choice of a new generation, but the choice of the old generation is a ski slope with nothing but trees and snow. There was one just down the road. That's where I went."

TENNESSEE GROUP WANTS TO MAKE DRIVING ENJOYABLE FOR RESIDENTS

The newly formed group, the Governor's Commission on Tennessee Outdoors, is seriously considering ways to clamp down on roadside billboards, says an article in the Nashville Banner (11/9/85). The organization was established by Governor Lamar Alexander to study outdoor recreation in Tennessee.

Why is this outdoor group focusing on roadside pollution? Doug Cameron, executive director of the organization, told the Banner that in a 1984 statewide planning recreation report, 61.2 percent of the state's residents listed driving for pleasure as an activity they had participated in over the last year. The Tennessee group feels that driving for pleasure is considered by residents as one of the highest forms of recreation and billboard pollution detracts from an otherwise enjoyable outing.

So far, the Commission has looked at buying all the billboards in the state or placing a moratorium on all new billboard construction. The group estimates that buying all the billboards in the state could cost up to \$150,000.

"The political realities are unbelievable," Cameron said to the Banner. "The billboard lobby is tremendously powerful. But the people who go to outdoor recreation areas have to drive and they feel billboards have a negative impact."

The Banner reports that one of the members of the Commission, Opryland President Bud Wendell, said Opryland would be willing to take down all of its billboards in the event some legislation was proposed. He told the Commission he believes the only thing signs are good for is giving directions and other road signs could accomplish that just as easily.

TENNESSEE SIGN CONTROL ADVOCATES ORGANIZE, DISCUSS NEXT MOVES

The Greater Knoxville Beautification Board is sponsoring an information meeting January 29 in Nashville in the 18th floor conference room in the city's Performing Arts Center beginning at 1:00 P.M. in order to discuss the current condition of sign control in Tennessee. Billboard control advocates from across the state are slated to attend. One of the meeting's highlights will be presentation by Ben Smith from the Tennessee's Governor's Safe Growth Program on the governor's proposals to strengthen sign controls in the state. The Beautification Board is also planning to form Tennesseans for Scenic Beauty for the purpose of preserving the state's natural beauty. For more information, call (615) 521-2464.

Sign Control News is published by the Center for Sign Control, a project of the Coalition for Scenic Beauty. The center provides research, information, and counsel to associate members interested in improving the quality of America's urban and rural environments through the control of signs and billboards. *Sign Control News* is available free to members of the Coalition for Scenic Beauty. Coalition membership fees are as follows: Individual memberships start at \$20; for clubs, associations, organizations, private businesses, or government agencies fees are \$50 for local organizations, \$100 for state or regional organizations, and \$150 for national organizations. To join, send check payable to the "Coalition for Scenic Beauty" to Coalition for Scenic Beauty, 44 East Front St., Media, PA 19063. Phone: (215) 565-9131.