



SCENIC AMERICA

Sign Control News

Winter, 1992 Vol. 8 No. 4

Transportation Bill Is . . .

VICTORY FOR THE SCENIC ENVIRONMENT

Congress Bans Billboards on Scenic Byways

On December 18, President Bush signed into law the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) which contains a National Scenic Byways Program that bans the construction of new billboards. The \$80 million program will assist states in planning, designing and developing scenic byways programs. (For more information on the National Scenic Byways Program and state programs, see page 4.)

The ISTEA contains other billboard reform including an immediate removal of an estimated 30,000 illegal billboards along federal highways and millions of dollars for cash compensation to remove non-conforming billboards. Though Scenic America and a broad coalition of environmental and public interest groups had sought more sweeping reform of the 26 year-old Highway Beautification Act, this legislation is seen as a significant step forward towards national billboard reform.

The Congressional mandate to prohibit new billboard construction along scenic byways came after weeks of heated debate over billboard reform by a House and Senate conference committee. The final compromise was hammered out between Senator John Chafee (R-RI) and Rep. Bud Shuster (R-PA) in the waning hours of the conference committee. According to sources attending the deliberations, the con-

ference committee ended with the conferees chanting "no new billboards on scenic byways," led by Senator D. Patrick Moynihan (D-NY).

Reps. Sherwood Boehlert (R-NY) and Norman Mineta (D-CA) also gave vocal support for billboard reform during conference deliberations. Though not a member of the conference committee, Rep. Mike Andrews' (D-TX) support for the Scenic Resources Amendment also provided momentum for final passage of the billboard reforms.

Following passage of the transportation bill, Senator Chafee commented on the Senate floor, "[This legislation] will move us closer to achieving the goal of making our scenic byways truly scenic, by allowing individuals to enjoy the beauty of nature without the clutter of billboards and other obstructions. In agreeing to these scenic byways provisions, the conferees intend to send a strong signal that billboards have no place on scenic byways."

Senator Moynihan added, "[Senator Chafee] brought the conference unanimously to this view.... History should be recorded, right here and now, that this is the Chafee amendment, worked out in conference, to his great credit, to the great enhancement of this bill, and to the enhancement of our country."

New Law Encourages Conservation

Passage of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) will create significant opportunities for efforts to conserve the scenic integrity of America's roadsides. Of special note in the bill is the new "Transportation Enhancement" program which will set aside more than \$3.3 billion over the six year life of the bill for conservation activities. This money will be apportioned to states according to the bill's funding formula. The ISTEA also includes a logo sign study and a call for highway design and safety standards to protect scenic and historic values affected by highway projects.

Activities eligible to receive funding under the "Transportation Enhancement" program include control and removal of billboards, landscaping and other scenic beautification, acquisition of scenic easements and scenic and historic sites, scenic highway programs, historic preservation, bike and pedestrian paths, and abandoned rail corridor conversions to trails, among others.

Environmentalists view the "Transportation Enhancement" program as a significant opportunity to ensure that protecting

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Congress' leading billboard reform proponent, Sen. John Chafee (R-RI), pictured with Houston Mayor Whitmire, Rep. John Lewis (D-GA) and others.

President's Message

THE CHALLENGE STILL LIES AHEAD



As President Bush signs the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) into law, Scenic America has indeed achieved a victory for the scenic environment. This transportation bill makes protecting the scenic environment an integral part of national transportation policy. As with all legislation, the fruits of this victory

will be ours only if we each resolve to understand this law and to become actively involved in its implementation.

We cannot wait for state transportation officials to take the lead in fulfilling these objectives. The challenge is ours.

Passage of the ISTEA represents the end of the Interstate construction era and a departure from how decisions about expenditure of Highway Trust Fund dollars have been made in the past. From our perspective, the ISTEA represents a fundamental change in how transportation policy affects the scenic environment. First and foremost, the ISTEA establishes an \$80 million National Scenic Byways Program to protect America's scenic roads from new billboards and over-development.

The billboard prohibition along scenic byways marks the first time in 26 years that Congress has taken steps to reform the Highway Beautification Act. States will also be required to remove illegal billboards within 90 days after enactment of the law. Furthermore, millions of dollars will be available for cash compensation to remove non-conforming billboards, and an additional \$3 billion will be set aside for "transportation enhancement activities," including scenic easement acquisition, scenic byway programs and landscaping projects, among others.

Our victory for the scenic environment will be no victory at all unless we compete to bring to the attention of every state transportation department our questions and concerns regard-

ing scenic byways protection, billboard control and expenditure of transportation enhancement funds.

Communications and knowledge are the keys. Fifteen years ago, I was working at the National Register of Historic Places when Congress enacted the first tax incentive provisions to encourage rehabilitation of historic structures. A year went by and we saw only a handful of preservation projects. But then we became active and started publishing articles, speaking at conferences, and convening groups of public officials and private citizens interested in utilizing the new provisions. A decade later the entire real estate development community knew about historic buildings and was involved in their rehabilitation.

So too must Scenic America take a lead role in implementing this law. The National Scenic Byways Program will only be meaningful if enacted with the management and operation standards and landscape preservation mandated by the law. We must not wait for federal officials to tell state transportation departments that billboards are now banned on scenic byways or that illegal billboards are required to be removed by the middle of March -- we should be the messengers.

Though pleased that millions of dollars are now available to carry out the Beautification Act, Scenic America has taken a firm position that taxpayer dollars should not be used indiscriminately or line the pockets of the billboard industry as has too often occurred in the past. If cash is paid for billboards, values must be determined by an equitable appraisal practice. Moreover, cash compensation should serve an agreed upon public purpose by removing billboards in scenic areas or in jurisdictions that ban new billboard construction.

What will our record for protecting and enhancing America's roadsides look like a decade from now? We have earned some important tools as a part of the ISTEA. If everyone of us resolves to mine the potential of this law, we will truly have a scenic legacy to celebrate by the year 2001!

ISTEA Includes Logo Study and Call for Design Standards

... continued from page 1

the environment is an integral part of national transportation policy. For billboard control advocates, the money provided under the program will help states and local governments remove non-conforming billboards along federal highways through cash compensation. Congress had not appropriated any money for this purpose since 1982. It is also expected that transportation enhancement funds can be used for state enforcement of the Highway Beautification Act.

The ISTEA also requires the Secretary of Transportation to carry out a one year study of the equitable use by states of Tourist Oriented Directional Signs (TODS) and "logo" sign systems. TODS and logo signs are alternatives to

billboards which alert travelers to gas, food, lodging, and camping facilities along Interstate and primary highways. The study is expected to document ways to ensure that small and large businesses can equally participate in state logo sign programs.

Finally, the ISTEA includes language which requires that highway projects located in historic or scenic areas must be designed to standards "that allow for the preservation of such historic or scenic value." This could be a potentially important provision in protecting scenic and historic areas from damaging highway projects.

FOURTH CIRCUIT COURT AND ARIZONA SUPREME COURT ISSUE FAVORABLE RULINGS

The law regarding billboard removal techniques continues to be played out in courts across the country. Two recent cases from the Fourth Circuit Court of Appeals and the Arizona Supreme Court should provide guidance to jurisdictions attempting to remove billboards without cash compensation.

FOURTH CIRCUIT COURT

On October 25, 1991, the U.S. Fourth Circuit Court of Appeals issued a favorable opinion regarding Raleigh, North Carolina's, on-going battle to remove non-conforming billboards through amortization. The unanimous decision held that National Advertising (3M) Company's claim that the ordinance violated its right to free speech and constituted a taking without just compensation was moot because North Carolina's three year statute of limitations had expired.

The city of Raleigh had been in court with Naegele Outdoor Advertising from 1985 until earlier this year defending its 1983 ordinance which requires the removal of non-conforming billboards along non-federal roads after a 5 1/2 year amortization period. The U.S. Supreme Court in 1987 refused to overturn the Fourth Circuit's opinion declaring the ordinance constitutional.

National began its action against the city in 1989, six years after the ordinance was enacted and four years after Naegele sued the city on almost identical grounds. However, in this instance, Raleigh argued that National's claims were irrelevant because North Carolina's statute of limitations had expired. The district court concurred.

On appeal, National claimed the statute of limitations had not expired because the 1983 ordinance did not require the removal of billboards until 1989. The Fourth Circuit Court disagreed saying that "National's contentions miss the mark." The Court concluded, "Permitting National to challenge the 1983 ordinance's amortization scheme more than 5 1/2 years after its adoption would enable National to retain its signs well beyond expiration of the amortization period and would be unfair to the City."

The case is particularly significant because the billboard industry often repeatedly challenges amortization schemes years after their enactment. In doing so, billboard companies are able to retain non-conforming billboards well after expiration of the amortization period. This ruling will help prevent billboard companies from using the courts to delay local billboard removal efforts indefinitely.

ARIZONA SUPREME COURT

On October 15, 1991, the Arizona Supreme Court upheld ordinances from the cities of Mesa and Tucson which bring about the removal of billboards without cash compensation. The ordinances in question require the removal of non-conforming billboards before a property owner can apply for a certificate of occupancy to develop his or her property. The appellants, Whiteco Metrocom and Outdoor Systems, argued that both the Tucson and Mesa ordinances removed billboards in violation of state law which they argued requires cash compensation for billboard removal.

The Court disagreed saying that the cities "did not take positive action" to eliminate billboards and thereby cause the signs to be removed without cash compensation or purchase. Instead, the court held that the ordinances required billboard removal which is "self-inflicted, triggered at least in part by the owner's or lessor's voluntary action in seeking a certificate of occupancy for new development."

Whiteco and Outdoor Systems argued that the status of the signs should not be affected by the landowner's decision to develop the property. The court disagreed saying, "Any other approach may risk granting billboard owners and lessors a perpetual right to threaten public safety and inflict an aesthetic blight on the community...."

Additionally, Outdoor Systems challenged the City of Mesa's statutory authority to completely prohibit off-premise outdoor advertising. The court found the prohibition of off-site signage to be a valid exercise of regulatory authority granted by state law and also cited federal court cases which have clearly recognized that municipalities can prohibit all off-premise signs.

ANDREWS AMENDMENT DEFEATED IN RULES COMMITTEE

In Scenic America's last newsletter, it was reported that Representative Mike Andrews was planning to offer the Scenic Resources Amendment to the Intermodal Surface Transportation Infrastructure Act of 1991. The Scenic Resources Amendment would have banned billboards in unzoned scenic areas, near National Parks and Historic Districts, and would have prohibited tree cutting in front of billboards. Unfortunately, the Andrews amendment was never voted on by the full U.S. House of Representatives.

Under the legislative rules of the House of Representatives, floor amendments must be approved through the Rules Committee. When the \$151 billion transportation bill emerged from the House Public Works and Transportation

Committee, the leadership of that Committee vigorously opposed allowing the Andrews' amendment, and countless others, to be heard on the House floor. Ultimately, only three amendments to the transportation bill were voted on by the full House.

Though the Scenic Resources Amendment did not make it to the House floor during this session of Congress, Rep. Andrews successfully advanced the common sense position that billboards do not belong in scenic and historic areas, and in doing so won over many allies. Rep. Andrews' leadership will continue to be very important in passing meaningful national billboard reform, and Scenic America will continue to work towards the reforms in the Scenic Resources Amendment.

National Scenic Byways

NEW LAW IS SPARK FOR SCENIC ROADS

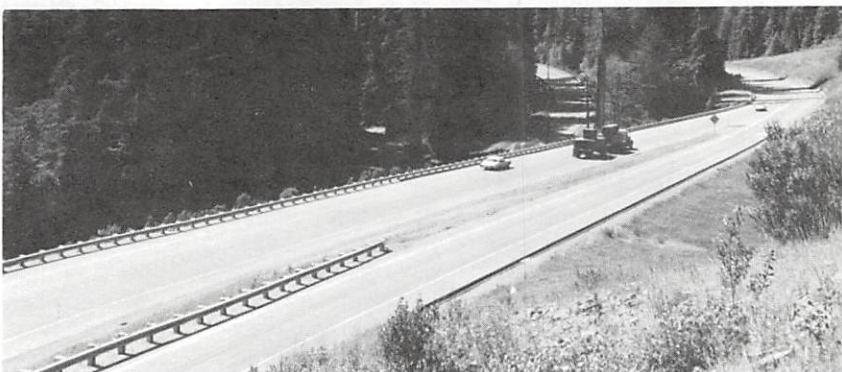
Imagine: a national system of scenic byways, roads leading to and bounded by breathtaking scenery, soaring mountains and sparkling lakes, golden fields and silent forests.

Impossible? For many years, perhaps, yes. But just before Thanksgiving, the House and Senate both passed the Intermodal Surface Transportation Efficiency Act of 1991, the ISTEA. This bill enacts for the first time a national system of scenic byways.

The ISTEA establishes as national policy the identification and protection of America's important scenic and historic roads and will help to ensure that many of these scenic roadways are not degraded by billboards and other inappropriate forms of development.

This law not only establishes the policy, it also provides funding and calls for standards which will enable activists and state Departments of Transportation to create and maintain meaningful scenic byways programs. Scenic America and its coalition partners will be working in the coming year to ensure that the standards agreed upon are stringent enough so that the scenic character of these roads is maintained.

The ISTEA sets aside \$80 million over the six year life of the bill to design and develop a national scenic



Scenic America Photo

byway system. During each of the next three fiscal years (1992-1994), \$10 million is allotted for an Interim Scenic Byways Program. The full-scale National Scenic Byways Program will be funded at \$1 million in 1992, \$3 million in 1993, \$4 million in 1994, and \$14 million annually from 1995 through 1997. The federal share will be 80 percent.

These provisions will be implemented in two steps, with the interim program predominating until full funding for the National Scenic Byways Program kicks in in 1995. Interim program funds will be distributed to states which already have scenic byways programs.

In the interim program eligible projects include protecting the historical and cultural resources in areas

adjacent to the highway, making safety improvements to the roads, and improving facilities for tourists and other travelers. Priority will be given to projects which include a corridor management plan or other mechanism for protecting the road's scenic resources.

The National Scenic Byways Program will be implemented by the Secretary of Transportation, based on the recommendations of a 17-member advisory board. That board will be responsible for recommending minimum criteria for scenic byway and all-American road designation, operation and management standards for protecting the scenic qualities of the roads, revocation of the designation of roads whose scenic character has been degraded, and a host of other areas.

Additionally, the Department of Transportation will be responsible for providing states with technical and financial assistance in planning, designing, and developing their own scenic byways programs.

The success of this program will in large measure depend on activists in each state. To ensure that their states come in for a share of the allotted funding, activists will need to alert state Departments of Transportation of the passage of national legislation and of the eligibility requirements for receiving federal funding. More than anything else, contacting state DOTs and making certain that they understand the new legislation and its implications will help to protect the integrity of the program.

SCENIC HIGHWAYS PROVISIONS IN THE ISTEA

- * Provides \$80 million over six years for planning, designing, and developing a National Scenic Byways Program.
- * An Interim Scenic Byways Program will be funded at \$10 million annually during fiscal years 1992-1994. Funds will be made available at an 80% federal share for planning, safety and facility improvements, protection of historic and scenic resources, and tourist information signage.
- * A National Scenic Byways Program will be implemented based on the recommendations of a 17-member advisory board, which will develop minimum criteria for the designation and de-designation of scenic byways and all-American roads. This program will receive \$1 million in fiscal 1992, \$3 million in FY 1993, \$4 million in FY 1994, and \$14 million annually from FY 1995-1997.
- * The Secretary of Transportation is directed to develop operation and management standards for scenic byways which will protect and enhance the landscape and view corridors.
- * The Secretary of Transportation will provide state Departments of Transportation with technical and financial assistance in planning, designing, and developing state scenic byways programs.

State Scenic Byways

STATE PROGRAMS VARY WIDELY

In the next six years, \$80 million in federal money will be directed to establishing a national scenic byways program. Through fiscal 1994, \$30 million will be steered to those states which already have or will soon have their own scenic byways program.

Thirty-five states currently have scenic byways programs of one sort or another, but these programs vary widely in scope and effectiveness. While some states have recognized maintaining the integrity of the designated roadways as an integral part of a strong scenic byways program, others have viewed their program as little more than a means to attract tourists.

The best programs include provisions to protect scenic corridors and viewsheds. New York, for example, encourages involved communities to prepare a corridor management plan with "an action plan for both short and long term responses to development pressure; [and] a description of the... legal authorities and methods that will be used to implement the program."

California goes even one step further. One criteria for designation is that local governments have taken actions to "protect the scenic appearance of the scenic corridor... including but not limited to (1) regulation of land use and intensity (density) of development; (2) detailed land and site planning; (3) control of outdoor advertising; (4) careful attention to and control of earthmoving and landscaping; and (5) the design and appearance of structures and equipment."

Maine is another state which has enacted some controls along its scenic highways. The state legislation creating the Department of Transportation called on the Commissioner of Transportation to establish a system of scenic highways and "to develop and adopt procedures for the... preservation of the scenic value in the highway corridor." Although Maine has not gone nearly as far as California in its protection efforts, the state will not issue permits for activities or businesses, such as junkyards, which are not compatible with scenic resource preservation.

Another tool used by many states to maintain their scenic byways is designation. These states have provisions which enable them, if a roadway loses its scenic character, to revoke that roadway's designation. This incentive ensures that local governments will have a vested interest in preserving the scenic character of the roadway.

But many states use scenic roadways solely to attract tourists and do nothing to preserve scenic resources. Maryland, for example, assembled a scenic byways program to connect all corners of the state to make it more attractive to tourists. Similarly, the Old West Trail in five Western states is a series of roads designed to attract tourists to various destinations.

State reluctance to interfere in local affairs or to question private property rights is often the biggest obstacle to enacting meaningful protections of scenic roadways. For example, Utah's first criterion for scenic byways is, "No actual or inferred restrictions on commerce or future highway rehabilitation or development shall be assumed by such designation."

Even in states where the legislature clearly intends to protect the road, these concerns are crucial. In Connecticut the effects of roadway widening, safety improvements, and a variety of other highway projects are considered in great detail. But, while "existing land use" is considered as a criteria in designation and detailed efforts are made to protect the right-of-way, no efforts are made to ensure that the scenic character of designated roads is maintained outside the right-of-way.

While the passage of federal legislation represents an excellent opportunity for Scenic America's members, the differences among the various state scenic highways programs serve as a reminder that a scenic byways program by itself does little to protect the scenic environment. Strong regulations and vigilant enforcement are the most important ingredients to ensure the success of a good scenic byways program.

States With Scenic Byways Programs

There is a great diversity in the scope and effectiveness of state scenic byways programs. The following states have been identified by the Federal Highway Administration Scenic Byways Study as having established either legislative or administrative scenic highways programs:

Arizona
Arkansas
California
Colorado
Connecticut
Georgia
Idaho
Iowa
Kansas
Louisiana
Maine
Maryland
Massachusetts
Michigan
Minnesota
Mississippi
Nevada
New Hampshire
New Jersey
New York
North Carolina
Ohio
Oregon
Pennsylvania
Rhode Island
South Carolina
South Dakota
Tennessee
Texas
Utah
Vermont
Virginia
Washington
Wisconsin
Wyoming



Gainesville Wins Amortization Fight

After ten years and a prolonged court battle, billboards will finally come down in Gainesville, FL. In 1981 the city council passed an ordinance prohibiting new off-premise signs and providing a five year amortization period for existing signs. Since the termination of the amortization period five years ago Peterson Outdoor Advertising has successfully kept the city in court and the billboards standing.

At issue were eighteen billboards located on non-federal aid highways. A federal court rejected the company's claim that requiring the removal of the billboards unfairly deprived them of their property. After an unsuccessful appeal, Peterson was forced to reach a settlement with the city. The settlement, approved by the city commission, requires the company to remove all of the signs by December 31, 1991.

Louisiana Parish Bans New Billboards on I-310

The St. Charles Parish Council recently voted to ban billboards along the newly constructed I-310. The interstate, running from the Mississippi River to Interstate 10, affords a spectacular view of the state's marshlands. Aware that the state is considering a ban on billboards in scenic areas, the parish's planning commission recommended that the council get a head start on the situation.

Appeals Court: Baltimore Billboards Must Go

For two years the Baltimore City Council, backed by strong community support, has been working for the removal of 1,300 illegal billboards in its urban communities. A recent judgement by the Court of Special Appeals made the removal imperative.

The billboards in question are owned by Boiscclair Advertising. They are primarily 5 ft. by 10 ft. signs advertising tobacco and alcohol. Erected illegally, the billboards violate a city zoning ordinance which prohibits the placement of billboards within residential communities.

In October, 1990, Baltimore Circuit Judge Joseph H. H. Kaplan awarded the city a summary judgement requiring the removal of the signs within 60 days. A year later the Court of Special Appeals upheld Kaplan's decision.

Unveiling Historic Charleston

Finally giving in to public pressure, National-3M and Classic Outdoor Advertising have agreed to hasten the removal of 45 billboards in historic Charleston, SC. Under the present city ordinance the billboards, mostly smaller structures dating back to the 50's, must be removed by 1995. The city made no special deal for the early removal of the signs and current zoning prohibits their replacement. The removal of these 45 billboards leaves another ninety standing in the city.

Daytona Beach Rejects Industry Proposal

In 1969 Daytona Beach, FL, enacted an ordinance completely banning billboards within the city limits. Today, over 150 nonconforming or excepted billboards are still standing. A proposal by Lamar Outdoor Advertising which would have allowed the signs to remain indefinitely was rejected 9 to 1 by the City Planning Board.

The industry proposal came in response to a February 1992 deadline which forces the company to bring the signs into compliance or pay \$250 for each violation. The proposal would have allowed larger, higher billboards and would have made many non-conforming signs legal. Most important was a "cap and replace" provision to allow the relocation of billboards torn down due to noncompliance.

During the proceedings Planning Board member Lois Wescott questioned if any other industry had failed to come into compliance with an ordinance more than two decades after

it was enacted. "Asinine" was Board member Herb Sussman's term for the proposal, recognizing that "(The billboard industry) has no feeling for our community"

RI Coastal Council Refuses to Resurrect Billboards

Last summer Hurricane Bob upended two billboards standing in a salt marsh of the Palmer River, RI. The structures, which preexisted a statewide ban on new billboards, were the property of Whiteco Metrocom. In late November the company went before the Coastal Resources Management Council to request that the council allow the restoration of the signs as normal "maintenance," forgoing the usual approval process.

Whiteco President Robert J. Semple attempted to justify the action on the grounds that the cost of the repairs would be less than 50 percent of the value of the signs. Several environmental groups were represented at the hearing, including Scenic Rhode Island whose executive director, Sally J. Spadaro, urged the council to preserve "one of the nicest water views in the state." The council rejected Whiteco's request citing the company's failure to deal in good faith regarding a 1987 incident involving the same two signs. Whiteco will be forced to undergo a more rigorous approval process to determine the future of the sites.

Florida Lawmaker Proposes Billboard Ban

Florida state Representative Paul Hawkes (R-Crystal River) is preparing to introduce a bill calling for the removal of all billboards in the state by 1998. If passed, Florida would join Maine, Vermont, Hawaii, and Alaska in banning billboards completely.

The proposed legislation includes a 5 1/2 year amortization period for signs on non-federal aid roads. Sign owners along federal aid roads will receive cash compensation based upon the assessed real property value for the signs. The legislation will replace billboards with a statewide logo sign program.

Hawkes plans to introduce the bill during the next legislative session.

MATERIALS AVAILABLE FROM SCENIC AMERICA

VIDEO

The Gift of the Journey: America's Scenic Roadways, full color, 11 minutes

Video featuring a panorama of scenic roads across America and interviews with Lady Bird Johnson and *Blue Highways* Author William Least Heat-Moon.

Price	Quantity	Total
\$20.00	_____	\$_____

BOOKS

Citizens /Action Handbook on Alcohol and Tobacco Billboard Advertising, by Scenic America and The Center for Science in the Public Interest, 1989; 40 pages;

Documents minority/low-income targeting of alcohol and tobacco billboards. With guidelines for effective public action.

Designing Urban Corridors, by Kirk R. Bishop, American Planning Association, 38 pages, 1989 Designed to assist communities in producing aesthetically pleasing and functional patterns of roadside development. Includes a chapter on scenic roads designations and protection.

Visual Pollution and Sign Control: A Legal Handbook on Billboard Control, by Southern Environmental Law Center, 36 pages, 1987

Shows how to prepare and pass a strong local ordinance. Discusses the Highway Beautification Act, state billboard control efforts, issues in local constitutional law. Includes recommended ordinance provisions.

Aesthetics and Land Use Controls, by Christopher Duerksen, American Planning Association, 45 pages, 1986

Looks at view protection; building design review; landscaping and tree protection; and regulating signs, billboards, satellite dishes, and other forms of outdoor communications.

Street Graphics and the Law (Revised Edition), by Daniel R. Mandelker and William Ewald, 207 pages, 1988

Revised edition of award-winning classic sets of a practical and effective system for controlling sign clutter. Explains how to make on-premise signs more attractive and readable while helping advertisers communicate their message. Includes a model ordinance and legal analysis.

Signs for Main Street: Guidelines, by Norman Mintz for the National Trust for Historic Preservation, 28 pages, 1987

Explains how the physical appearance of any downtown or neighborhood commercial district is critical to economic success and provides information on how the design, construction and placement of signs will enhance "Main Street".

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REPRINTS

"The Great Billboard Double-Cross," Reader's Digest

Classic article which details why the Highway Beautification Act has failed

"Controlling Billboards..."

Summarizes practical lessons learned in drafting a workable billboard ordinance.

"Whatever Happened to America the Beautiful?"

Scenic America general information and membership brochure

"Special Report on the Highway Beautification Act"

Special issues of Sign Control News featuring in-depth articles on aspects of the Highway Beautification Act as well as many informative and revealing charts.

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AT PRESS TIME: HOUSTON EYES BILLBOARD BAN

On December 11, 1991, the Houston City Council's Sign Committee voted 3-1 to phase out all billboards in Houston over a twenty year amortization period.

In response to the vote, Councilwoman Eleanor Tinsley, the council's strongest proponent of the billboard ban, commented, "I am optimistic the council will pass it and we will move toward a more beautiful Houston." Though Houston Mayor Kathy Whitmire, a strong supporter of billboard control, lost a tough re-election race this fall, the city's Mayor-elect is also expected to be sympathetic to the Tinsley proposal.

In an editorial supportive of the council's actions, the *Houston Post* opined, "The council should follow Tinsley's lead and vote in favor of [the billboard ban]. Houston should continue its beautification efforts. We need more trees and green space and less

visual pollution.... The city has demonstrated time and again that a more visually pleasing city can attract new businesses and, thereby, new residents."

Tinsley has campaigned for the past four years for a complete billboard ban in Houston, which has prohibited new billboard construction since 1980. Though Houston has lost over 2,000 billboards since enactment of the 1980 law, 5,000 signs remain. Tinsley has also been instrumental in urging the Harris County Appraisal District to re-evaluate, and consequently triple the value of billboards on Houston's tax rolls.

In reaction to the council's actions, Houston's billboard industry is claiming foul saying that the Tinsley proposal is unconstitutional and "anti-business." Apparently, the industry's cries have fallen on deaf ears.

Scenic America, a nonprofit 501(c)(3) organization, is the only national group devoted solely to protecting scenic resources and cleaning up visual pollution. If you want to work for meaningful controls on visual blight, you can join Scenic America by contacting us at 216 7th St., SE, Washington, DC 20003 (202) 546-1100. Individual memberships begin at \$20. Organizational and municipal memberships are \$50 local and state and \$100 for national.

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