PRIMETIME LIVE REPORTS BILLBOARDS WASTE TAX DOLLARS

On April 1, ABC's PrimeTime Live aired a report by Sam Donaldson on how loopholes in the Highway Beautification Act (HBA) of 1965 have allowed existing billboards to remain standing and new ones to be added despite the $250 million of taxpayer dollars spent for their removal. The program reinforced Scenic America's claim that the HBA is ineffective.

The report, which included interviews with Charles Floyd, University of Georgia professor in real estate, and Scenic America Board member Ed McMahon, cited examples of the Act's ineffectiveness in Las Vegas and Asheville, NC.

In Las Vegas, Donaldson visited a stretch of highway where one billboard was removed at a cost to taxpayers of $38,000, only to have another erected less than 50 yards away. In Asheville, Floyd pointed out three huge monopole billboards. The billboards are allowed in a residential area because at one time there had been a flower shop in one of the homes, making the neighborhood a commercial area for purposes of the HBA. The floral shop is long gone, but the billboards remain.

SCENIC AMERICA SPEAKS TO CONGRESS

On Wednesday, April 28, 1993, Scenic America testified before the U.S. House of Representatives Subcommittee on Surface Transportation regarding the implementation of ISTEA (the Intermodal Surface Transportation Efficiency Act of 1991). The Subcommittee spent five days on the ISTEA oversight hearings, listening to testimony from federal agencies, public interest groups and other concerned organizations. Mary Ann Lasch, Director of Programs, represented Scenic America and addressed the National Scenic Byways Program and transportation enhancements. Lasch testified, "The compatibility of resource conservation and economic development is higher in the scenic byway program than almost any other tourism or conservation program available."

During opening remarks, Chair-
Wising Up, cont'd from page 1

regulates the use of their property: farmers, real estate developers, mining, timber, and grazing interests—and billboard owners.

There is a critical distinction between a "regulation" and a "taking." Any time the government prohibits the use of property in a particular way, it is regulating. Only if the regulation prohibits all possible economic use of the property, does that regulation become a "taking" under the Fifth Amendment.

No one, not even the billboard industry, has a constitutional "right" to make the most money conceivably from their property. The billboard industry is teaming up with other powerful organized groups to push " takings" legislation at the state and federal levels. In Idaho, Florida and other states, the legislation would require the government to compensate anyone who can show the value of his or her land has decreased by a given percentage as a result of regulatory action. The billboard industry also is pushing a separate bill in state legislatures that would require the government to compensate a billboard company for general business losses whenever an individual billboard is removed. That kind of compensation is far beyond any Constitution requirement!

At the federal level, Senator Dole's "Private Property Rights Act" (S. 177) would require a "takeings implications assessment" for virtually all federal policy as well as federal action. This proposed legislation mirrors an executive order issued under the Bush Administration.

There are several reasons for opposing legislation like this and for urging the repeal of the Takings Executive Order: 1) it could seriously weaken the tools available to citizens to protect our collective enjoyment of natural and cultural resources; 2) it would waste taxpayer funds; and 3) it would limit responsible regulation.

Please contact your federal and state legislators and oppose legislation that would give property owners absolute rights at the expense of the public interest. SA
BYWAYS COMMITTEE EMPHASIZES SCENIC PRESERVATION

The National Scenic Byways Advisory Committee plans to complete its activities during a June 2 meeting in Washington, DC. The third meeting of the Advisory Committee held on March 30-31 continued the emphasis on scenic preservation in its discussions.

At that meeting the Committee continued to outline the policy and recommendations for the National Scenic Byways and the All-American Roads Programs. The Committee is interested in developing a program that will recognize at a national level the roads that represent high intrinsic qualities of scenic, historic, cultural, natural, recreational and archeological resources across the nation.

The program will provide the policy for the designation and recognition of these roads. It will also provide funding for scenic byways projects, such as pre-designation planning for state-wide program or potential routes; pre-designation investments to make identified routes eligible, including construction, zoning, land acquisition; and enhancement or improvement of existing roads that have been nationally designated.

The All-American roads program structure was developed at this meeting. The program is planned to recognize, interpret and assure long-term protection and enhancement of American landscapes and folkways. The roads will represent the best of the American experience, showcase the geographical and cultural diversity of the US as a whole and incorporate the best routes representing scenic, historic, cultural, recreational, natural and archeological resources. The Committee agreed that All-American roads should be considered destinations in and of themselves and will emphasize education and interpretation through their special sites, events, accommodations and multi-lingual interpretive programs.

The Advisory Committee had extensive discussions on billboard control for the National Scenic Byways and the All-American roads. ISTEA prohibits new billboard construction on state-designated scenic byways that are on the federal primary and Interstate systems but does not specifically address the National Scenic Byways and All-American roads. Within the Advisory Committee there is a wide range of opinion about the need for the billboard ban on scenic byways. Sally Oldham, Scenic America’s President, has been very effective in advocating for a billboard ban to protect the intrinsic character of these byways. The Committee passed a recommendation to encourage the states to prohibit new billboard construction on National Scenic Byways.

Sally Oldham; Peter Brink, National Trust for Historic Preservation; and David Flitner, Wyoming, representing recreational interests presented a sub-committee report and memo identifying tax incentives and other economic incentives to encourage the creation of scenic byways. Their recommendations included a full deduction of appreciated property including land and conservation easements; and allowance of easements up to two years after a decedent’s death.

The Advisory Committee is expected to review a draft of the final report at the June meeting. FHWA staff will be responsible for finalizing the report describing the Advisory Committee’s policy recommendations for Congress. The report is expected to be completed in late summer.

TOP 20 SCENIC BYWAYS LIST SEEKS 1993 NOMINATIONS

The preparation of the second annual list of the 20 Most Important Scenic Byways is underway. Scenic America is looking for nominations from its members and others who wish to promote scenic byways. Nominations are due by September 1. The list will be released in conjunction with Scenic America’s annual banquet on October 18.

The list, initiated last year, features 10 outstanding and 10 endangered byways from across the nation. The list was created to showcase model byways programs and identify the many threats to scenic byway integrity.

One of 1992’s threatened byways, Montana Route 93, may earn a reprieve. It was included on the list due to the recalcitrance of Montana DOT to work with local citizens in developing a road widening plan sensitive to the scenic character of this approach to Glacier National Park. Montana DOT recently let a contract to study design alternatives for the route that would address scenic character as part of the improvements.

Please help us identify the 20 most important scenic byways for 1993. We are looking for examples of byways programs with strong conservation features that protect the scenic, historic, cultural, natural, recreational and archeological resources along the byway or individual byways that have grassroots involvement and support or byways that truly contain outstanding resources. We’d like to showcase the roles of broad-based advisory commissions and multi-agency participation; clear designation evaluation processes and effective corridor management planning to illustrate how these activities contribute to the quality of scenic byways. On the endangered side, look for byways that demonstrate the impact of little or no protection for scenic byways, lack of a comprehensive state scenic byway program, threats from uncontrolled growth, or simply lack of appreciation of the value of scenic resources.

Nominations must be received by September 1, 1993. Call Scenic America for details at (202) 833-4300. We look forward to receiving your nominations for 1993’s most important scenic byways.
NEWS AROUND THE NATION...

TOBACCO ADS STRIKE OUT IN SEATTLE

Not only is baseball fever contagious, but so is the desire to remove tobacco ads from stadium walls. It began in March when the Seattle Mariners announced that the Marlboro Man would be leaving the Kingdome on New Year's Eve, to be replaced by McDonald's golden arches.

Since that announcement, the Houston Astrodome has also banned tobacco ads, covering their Marlboro ad until another advertiser can be found. Other major league parks which refuse to accept tobacco advertising include Los Angeles' Dodger Stadium and San Diego's Jack Murphy Stadium. In some parks, 1995 will be the last season for tobacco advertising, including Boston's Fenway Park, and the Philadelphia's Veteran Stadium.

With the continued decline of tobacco ads at athletic events, at Cleveland Stadium, New York's Shea Stadium and California Angels' Anaheim Stadium and others, public pressures raise the issue of removal of smoking ads in these ballparks.

UTAH BILLBOARD CONTRIBUTIONS AND CASH COMPENSATION

In March, the Utah State Legislature passed a bill requiring that cities pay billboard companies cash compensation for any billboards that are removed. This bill was strongly supported by the billboard industry, especially Reagan Outdoor Advertising, the largest billboard company in the area. Many cities have expressed their outrage at the terms in the requirement.

Reagan released a financial disclosure statement just before the Legislature adjourned, prompted by stories appearing in the Salt Lake Tribune. The Tribune questioned Reagan Outdoor Advertising's relationship with politicians. Reagan felt that the disclosure was unnecessary since the company had not "made any expenditures from corporate funds for political purposes". However, the disclosure showed more than $23,000 in cash and services to politicians last year.

These contributions included $10,000 in discounted billboard rentals to the campaign of Atty. Gen. Jan Graham; $5,000 to a political-action committee named "CARE"; $6,512 to legislative candidates; and $1,500 to the governor's ball. These stories prompted Gov. Mike Leavitt to pay $20,000 in campaign debt to Reagan Outdoor.

LET'S HEAR YOUR NEWS

We would like to receive stories for News Around The Nation from our members. Send brief stories and newspaper clips to: Scenic America, News Around the Nation, 21 Dupont Circle NW, Washington, DC, 20036. SA

SCENIC TEXAS BLAZES NEW TRAILS by Holly Montalbano, Scenic Texas

In this issue of Viewpoints, Scenic America introduces a new series of reports from our affiliated organizations. The series begins by welcoming Scenic Texas.

Long forgotten, the Lonestar Roadside Council was resurrected as Scenic Texas, Inc. about a year ago to continue the fight for scenic resource protection and against billboard proliferation.

$180 million is currently earmarked by ISTEA for enhancement projects in the State of Texas over the next six years. Scenic Texas is forming a statewide coalition to support the implementation of ISTEA projects throughout the state and to focus public attention on the availability of these funds for local enhancement projects. In addition, Scenic Texas has been working to see that ISTEA funds are spent effectively in Texas and to ensure that state law conforms to the requirements of ISTEA.

On the local level, Scenic Houston, the first Scenic Texas chapter, hopes to work with existing local organizations to promote landscaping initiatives, urban forestry and tree preservation programs. Scenic Houston is also working to encourage design, recreational and landscape standards on Houston highways. Current gaps in local billboard laws allow the virtually unrestricted relocation of billboards in connection with federal highway widening projects. Scenic Houston hopes to close that gap.

Scenic Houston got its start when local civic activists, including Scenic America's past Chairman, Carroll Shaddock, realized that there was no Houston organization with the visual environment as its primary objective.

For more information on Scenic Texas or Scenic Houston call (713) 867-8840 or write Scenic Texas, Inc., PO Box 61411, Houston, TX 77208-1411. SA

Fredericksburg, in the Texas Hill Country, highlights its scenic heritage. Photo: Fredericksburg Chamber of Commerce.
SUPREME COURT: CINCINNATI NEWSRACK ORDINANCE UNCONSTITUTIONAL
Ruling Reaffirms Billboard Bans

On March 24, 1993, the U.S. Supreme Court ruled that Cincinnati’s ordinance regulating newsracks unconstitutionally violated the First Amendment because it was not content neutral. The ordinance banned newsracks that contained commercial speech publications (free TV guides, real estate ads, etc.) but allowed newsracks that contained traditional free speech publications (ordinary newspapers).

The decision should be helpful for billboard control advocates because in explaining its ruling, the Court expressly reaffirmed its 1981 decision in Metromedia. In that case, the Court upheld the city of San Diego’s ban of offsite advertising billboards while allowing onsite advertising signs that identified the premises and goods or services offered at the site. The Court elaborated by saying “only the onsite signs served both the commercial and public interest in guiding potential visitors to their intended destinations.” Moreover, the Court quoted its decision in Metromedia, saying “a city may believe that offsite advertising, with its periodically changing content, presents a more acute problem than does onsite advertising.”

The Court distinguished the Cincinnati case because it involved commercial versus noncommercial speech while San Diego dealt with two types of commercial speech. The Court also found that Cincinnati could not reasonably have believed that there would be a noticeable aesthetic difference achieved by banning newsracks that contained commercial speech, but not other newsracks. SA

Amicus Brief in Durham Case Offers Useful Arguments

The issue of whether Durham, North Carolina’s city ordinance phasing out billboards over a six year period is a taking of property that requires cash compensation to the billboard owner is on appeal to the U.S. Court of Appeals for the Fourth Circuit for a second time.

In 1988, in Durham I, the federal appeals court ruled that trial courts must conduct detailed fact findings on 13 factors to determine if a city ordinance phasing out billboards constitutes a taking. The trial court, the U.S. District Court for the Middle District of North Carolina, reexamined the ordinance against the 13 factors and ruled again that it was not a taking. Naegle Outdoor Advertising appealed.

The Southern Environmental Law Center and the National Trust for Historic Preservation filed an amicus curiae brief in February, 1993, which argues that the trial court’s ruling should be upheld because the six years was a reasonable amortization period. The record shows that the billboard owner recouped his investment more than four times in the six year period.

In addition, the amicus brief makes other arguments why the billboards could not be entitled to cash compensation. First, the Takings Clause of the Fifth Amendment only applies to real property, but the billboards are personal property that must be removed when the lease expires. Therefore, billboards can be rendered economically worthless by regulation without violating the Takings Clause. Second, value based solely on use of the public domain has never been compensable under the Constitution. Since billboards derive all their value from their direct use of the public highways, they are not compensable. SA

Scenic America Announces Advocacy Network Campaign

There are four key elements to effective advocacy: “Who you know” that can influence legislation and policy makers; a willingness to contact those you know; timing and the combined impact of individual efforts.

Scenic America is in the process of developing a more sophisticated and extensive advocacy network of people we can count on to contact “who they know” at critical times on visual resource issues. But in order to target our resources most effectively, we need your help to create an expanded and refined database of people to take action. The database will include information on who you know at the local, state, and national level, when and about what issues you are willing to be contacted, and what actions, calls, letters, and visits you are willing to take.

Don’t underestimate your power. Your willingness to make even one call to a key legislator for two minutes out of an entire year makes you a valuable Scenic Resource Advocate.

If you are interested in becoming a Scenic Resource Advocate, please copy and mail back the form below and an application for the Scenic Resource Advocacy Network will be sent. All information collected for the Advocacy Network will be treated as confidential. SA

Please send me information on becoming a Scenic Resource Advocate.

Name ___________________________________________ SA Member: Yes_____ No_____
Address __________________________________________
__________________________________________________
__________________________________________________
Send to: SCENIC AMERICA, 21 Dupont Circle, NW, Washington, D.C. 20036 Tel. (202) 833-4300
"THIS SUNSET----BROUGHT TO YOU BY MCDONALD'S"

Illustration by Alex Gonzalez

Space Marketing in Roswell, Ga., is at it again. Now that Columbia Pictures has agreed to advertise the next Schwarzenegger movie, "Last Action Hero," on the side of a Conestoga rocket, they've moved onto the next promotion. It's a mile-long billboard orbiting the Earth, as big as the full moon to the naked eye.

This space billboard, set for launch in 1996, would be made of mylar, a thin, lightweight plastic, and covered with a reflective corporate sponsor's logo. Once in orbit, it would inflate like a balloon, falling back to Earth in a month or so.

Promoters are touting this as an "environmental billboard" in that "the rocket's prime responsibilities will be the monitoring of the Earth's environment," including measurement of ozone levels as well as other atmospheric conditions.

However, many astronomers and environmental groups, including Scenic America, don't see it as an environmental mission. Scenic America has taken a leading role in opposing the space billboard. Staff member Frank Vespe appeared on a CNN report about the billboard, noting that Scenic America has long opposed the increasing commercialization of everyday life and the degradation of scenic resources. He asserted that people don't want to see "this sunset brought to you by McDonald's."

Scenic America is part of a coalition of scientific, environmental and consumer groups formed by the Center for the Study of Consumerism that is opposing this latest advertising disaster. The coalition's letter-writing campaign urges officials to not allow this mile-long billboard into the skies.

STAFFORD AWARDS

Scenic America is pleased to announce that its Annual Banquet featuring the Stafford Awards Presentation is planned for Monday, October 18 at the National Press Club in Washington, DC. The Stafford Award is named for Senator Robert Stafford of Vermont, in recognition of his 40 years of outstanding leadership in scenic resource protection.

Established in 1988, the Stafford Award honors those whose actions have significantly supported the enhancement of America's scenic character. Previous recipients include Governor Pete Wilson of California, Senator John Chafee of Rhode Island, and Representative Marie Colton of North Carolina.

Scenic America welcomes nominations from our members of individuals or organizations whose efforts have contributed to scenic resource protection efforts in the areas of billboard and sign control, scenic byways or community appearance.

In past years, Scenic America has held a fall workshop in conjunction with the Annual Banquet. Look for our future workshops to be held in the spring.

PHOTO CONTEST '93: WHAT MIGHT HAVE BEEN

Once again Scenic America invites entries for our photo contest. This year's topic is Endangered or Threatened Scenic Byways. Show us examples of roads that could be really wonderful, if only ...

Have you seen examples of scenic vistas obscured by billboards? Historic districts spoiled by incompatible uses, ugliness or clutter? "Improvements" to roadways that ruin the scale, context or character of the roadside? You recognize it when you see it, now capture it on film.

Keep your camera ready and get those entries in by August 1, 1993. Slides and prints, color or black and white are all acceptable. Look for the winners in the fall Viewpoints. Winners will also receive a copy of our soon-to-be-released video on tree conservation and our Tree Conservation Ordinance Manual, jointly published with the American Planning Association.
THE COMPUSERVE EARTH FORUM: TOOL FOR VISUAL ENVIRONMENTALISTS

Written by Paul Whiting, Scenic America Member

What do computers have to do with our visual environment? This powerful communications tool enhances the sharing of concerns and information on the visual environment. Over ordinary telephone lines, we can communicate faster than mail, avoid telephone tag, and enjoy some advantages lacking even in the fax machine.

Readers of this newsletter know well what visual environmentalism is. But just what is computer networking? A computer network is a group of computer users connected by telephone. One such network is CompuServe, with over one million subscribers. In addition to simple user-to-user messaging, however, there are the CompuServe forums. The Earth Forum is based on environmental issues, and it was here I raised my concerns for the visual environment.

A lively discussion followed with messages from across the country. Here’s a sampling:

“I recall driving through Vermont for the first time and thinking ‘something is different.’ I kept remarking to my wife about the beautiful countryside. Then it hit us – there were no billboards. A great idea whose time has come.”

“I am strongly against billboards and have been for sometime, but my feeling became stronger against them after living in Germany for five years where one finds fewer outside signs. Businesses do have signs on their store fronts and a small sign can be hung out from the building.”

In only two weeks, this discussion generated enough comments for an eighteen page print-out! The potential is enormous, and I believe computer networking can be of great help to members of Scenic America. I’m sure readers will think of other uses for this powerful tool.

Paul Whiting has prepared a fact sheet on computer networking. Call or write for a copy. SA

FROM SCENIC AMERICA’S BOOKSHELF

VIDEOS
• Signs, Signs: The Economic and Environmental Benefits of Community Sign Control **
This best-selling video is designed for citizens, business owners, planners, and public officials to increase awareness about the importance of strong sign controls. Case studies of Raleigh, NC; Holland, MI; and Houston, TX.

• Gift of the Journey **
Lady Bird Johnson and William Least-Heat Moon, author of Blue Highways, describe ways in which scenic country roads and urban parkways can be identified and protected.
**1-5 videos, $19.95 each; 6-10, $15.95 each; 11 or more, $12.95 each; P & H for first video $3.00, $1.50 each additional video.

BOOKS & BULLETINS
Technical Bulletins
$5.00 each, any 3 for $10.00, all 6 for $18.00
These six bulletins are excerpted from a book on the economics of preserving community character to be published by Scenic America and the American Planning Association in 1994. The bulletins can be used to advocate and measure the economic values of improving community appearance.

Trees Make Cents: Documents numerous case studies of the positive influence of tree and landscape protection on property values and other economic measures. Five valuation methods are discussed.

On The Value of Open Space: Reviews several case studies which clearly demonstrate the economic benefits of open space. Also analyzes methods to preserve open space.

The Value of Nature and Scenery: Covers the impact of scenic and natural areas on local economies from tourism, wildlife-associated recreation, river recreation, trail-use recreation and scenic byways, as well as the economic impacts on property value.

AVAILABLE IN JUNE!!!
Wetlands NOT Wastelands: Promotes wetlands for their environmental and economic values and analyzes wetland protection and construction of mitigation areas, and the flood control, drinking supply, aquifer recharge, and recreational functions of wetlands.

Aesthetics and Commercial Districts: Analyzes the economic contributions of the aesthetic factors that create successful commercial districts: trees and landscaping, historic and cultural preservation, signage and safety.

Does Preservation Pay?: Illustrates the many economic contributions of historic preservation activities to increase construction, jobs, retail activities, tourism, property value and tax base in communities.

To Order: send $3.00 postage and handling plus check to Scenic America. SA

Scenic America, a nonprofit 501(c)(3) organization, is the only national group devoted solely to preserving and enhancing the scenic character of America’s communities and countryside. If you want to work to protect the quality of the scenic environment, you can join Scenic America by contacting us at 21 Dupont Circle, NW, Washington, DC 20036 (202) 333-4300. Individual memberships begin at $20. Organizations and municipal memberships are $50 for local and state agencies and $100 for national agencies.

Karl Kruse, Chairman
Sally G. Oldham, President
Christine Butler, Staff Associate
Deborah Dull, Director of Policy and Government Relations
Mary Ann Lasch, ASLA, Director of Programs, Editor
Kevin Schmidt, Staff Associate
Frank Vespe, Development Associate
Amy Vitro, Office Manager
Elizabeth Brabc, ASLA, Consultant

Scenic America Viewpoints is a publication of Scenic America and is available free to its members.

All photos: Scenic America unless credited.
ADVISORS AGREE: SA MEMBERSHIP IS WISE INVESTMENT

You say you've read all the way through this issue of Viewpoints, seeing how Scenic America is fighting for our shared scenic environment, and you're not even a member yet!

Seeing all this, you may still ask, "Why should I join this organization? It seems to be doing all right without me."

There's a simple answer to that: Joining Scenic America is the best investment you can make in your scenic environment. Our programs are helping communities just like yours across the nation to identify and preserve their unique scenic character.

We're providing advice and assistance to activists. We're researching important scenic resource issues. We're fighting for scenic conservation measures at the federal level.

In short, we're doing all we can to ensure that the scenic resources and quality of life we treasure are still there for our children. And their children.

But Scenic America is entirely supported by private foundations and individual contributions. We need your support if we are to succeed.

Your $20 membership -- an amount that works out to less than six cents a day -- entitles you to our quarterly newsletter, as well as special updates and alerts on issues of national, state, and local concern. And it taps you into a nationwide network of scenic resource advocates.

So, please, help us in our fight for America's scenic environment. Become a member of Scenic America -- and bring along a few of your friends.

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One Person's Trash ... Another Person's Treasure

Do you realize that gifts of office equipment to Scenic America can help us and your tax picture at the same time? Please think of us if you are upgrading your office equipment and just cleaning out no longer used items. We probably would be delighted to have your old stuff! Call Amy Vitro, Scenic America's office manager, with offers at (202) 833-4300. The following are samples of large and small items we wish we had to serve you better:

- wide carriage printer
- heavy duty 3-hole punch
- color TV and VHS VCR
- heavy duty paper cutter
- PCs - 386 or better, IBM comp.
- paper, folders, clips, etc.
- VHS Camcorder and film
- Plain paper fax

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JOIN SCENIC AMERICA ..... YES, I WANT TO HELP SAVE OUR SCENERY!

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Please accept my tax-deductible contribution of $ in addition to my membership.

Name ___________________________ Tel. ___________________________
Organization __________________________________________________
Street _________________________________________________________
City ___________________________ State ______ Zip ______________

Send to: SCENIC AMERICA, 21 Dupont Circle, NW, Washington, D.C. 20036 Tel. (202) 833-4300

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Primetime, cont'd from page 1

Congress banned the erection of new billboards on scenic byways with the passage of the Intermodal Surface Transportation Efficiency Act. Scenic America President Sally Oldham states, "It is high time Congress reformed the Highway Beautification Act by placing a moratorium on all new billboards."

SA