



SCENIC AMERICA

Viewpoints

Spring 1997, Vol. 14 No. 1

NEW REPORT CALLS HIGHWAY BEAUTIFICATION ACT A 'BROKEN LAW'

The Highway Beautification Act is broken and must be fixed, according to a new report from Scenic America.

And a new bill, S. 401, the Scenic Highway Protection Act, introduced by US Senator James Jeffords (R-VT), could do just that.

The new Scenic America study — "The Highway Beautification Act: A Broken Law" — grew out of a survey of state Departments of Transportation and found significant problems with the law and with state record-keeping. The report reveals a billboard control law that costs the American public hundreds of miles of scenic vistas, thousands of roadside trees, and millions of dollars annually.

The report found:

■ **The total number of billboards in America is rising by at least several thousand annually.**

The number of billboards on federal-aid highways rises by 5,000-15,000 annually, which increases the estimated 500,000 billboards already lining our major highways.

■ **The Highway Beautification Act does not adequately protect rural and scenic areas from billboards.**

Thirty-seven states report allowing bill boards to be constructed in unzoned areas, and 35 of those report that unzoned areas are primarily rural and scenic in character.

One business in an unzoned area can serve as the basis for the construction of up to 8 billboards.



The Highway Beautification Act does little to protect rural areas from billboards, like this one near Bryson City, NC.

■ **Thousands of publicly owned trees are destroyed each year to improve billboard visibility.**

Twenty-four states allow for clear cutting or trimming of trees on public land to improve billboard visibility in at least 1,500 locations annually.

Only 12 states charge a fee for permits to cut or trim trees for visibility.

■ **Few nonconforming billboards are removed and virtually all conforming billboards remain from year to year.**

States reported removing just 503 nonconforming billboards in 1995, leaving 73,598 nonconforming billboards still to be removed.

■ **Because of inadequate permit fees, public subsidies to billboard operators total more than \$6 million each year.**

Thirty-eight states report an operating deficit between the revenue from billboard permits and cost to control billboards, ranging from \$17,000 to nearly \$600,000.

■ **Because of the lack of funds dedicated to the beautification program, state DOTs and the federal government often pay only lip service to billboard control efforts.**

In the Federal Highway Administration's annual statistical report

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Protect Goodliest Land

HUMAN COSTS OF BILLBOARD BLIGHT SHOW HBA MUST BE FIXED

By Meg Maguire
Scenic America President

'The Highway Beautification Act Is Broken; The People Need Your Help To Fix It; The Time To Fix It Is Now!'

On March 19, 1997 I delivered this message in testimony before the Senate Committee on Environment and Public Works. Senator James Jeffords (R-VT) has introduced a bill that could control visual blight in America.



It's time for everyone who cares about this issue to contact your elected representatives with this message: **HBA is broken. We need your help to fix it. The time to fix it is NOW.**

Reports, facts, and figures all demonstrate that the Highway Beautification Act is broken.

But billboard blight is about real people all over the country who pay a heavy price because of this well-financed, poorly controlled industry. If you're an ordinary citizen, you may think that the law will protect you from the abuses and excesses of the billboard industry. Think again....

Or ask Claude Painter and Richard McNeely of Pax, WV whose neighbor put up a huge, lighted monopole next door along the Interstate. The 102 ft. high billboard towers over Painter's house, where he has lived for 28 years. The sign reduced the value of their properties by 25%! Together, Painter and McNeely spent \$20,000 trying to get the sign removed.

Forget about lovely starlit country nights on the Painter/McNeely porches. *Charleston (WV) Gazette-Mail* (March 9, 1997), "The light is one of the hardest things for the Painters to deal with. They have thick drapes and blinds in their bedroom, but the light still comes through."

Oh, by the way, the billboard company cut down a 100 year old walnut tree on public property, apparently illegally, to give a clear view to the sign!

How could this happen? This billboard was erected in an unzoned rural area, which, because of a nearby gas station, is considered commercial under the HBA. And the Highway Beautification Act allows erection of billboards along the Interstate system (paid for by our tax dollars) in unzoned commercial areas unless the local government specifically prohibits them.

Fayette County Circuit Judge John Hatcher, who denied an injunction to the Painters and McNeelys, had this to say: "While certainly recognizing that all billboards, small, medium and large, are an ugly pox on the natural beauty of our state...the court can neither order the elimination of all things ugly, nor stand in the stead of a

The Big Picture

local municipal government..."

And in Missouri, this March 9, 1997 story of a pervasive statewide problem from the *St. Louis Post-Dispatch*:

In a rural and scenic area in the Ozarks, Robinson Displays, a billboard operator, created its own business by erecting a small shed that says "RD Storage." The three-sided aluminum shed has sat empty for years. But, because of this sham business, Robinson has erected three huge billboards. The paper explains, "Throughout Missouri, sign companies have stretched the intent of the law by creating 'commercial activity' where there is none in order to put up billboards. Those billboards, which advertise everything from alcohol to tobacco to auto dealerships, have nothing to do with the commercial business located near them."

These stories are typical of the problem with billboards found all over this country. Ironically, with logo signs, tourist oriented directional signs, traveler books, and rapidly advancing technology, billboards become more and more irrelevant to the traveler with each passing day.

Since billboard operators can't control themselves, it's time to enact real billboard controls.

So tell your congressman and your senators: **The HBA is broken. We need your help to fix it. The time to fix it is NOW.**

ISTEA: The Most Important Environmental Legislation...

By Hank Dittmar

Director, Surface Transportation Policy

The Intermodal Surface

Transportation Efficiency Act of 1991 (ISTEA), the most innovative transportation law to date, is up for reauthorization this year. Scenic America and many other conservation, transportation and historic preservation organizations are working to maintain its revolutionary provisions.

Transportation and the environment are inextricably linked. Still, many organizations are working to gut the provisions of ISTEA that offer communities the means — funding and public participation — and the flexibility to protect their history and environment while meeting their transportation needs.

The Surface Transportation Policy Project (STPP), a Washington, D.C.-based coalition of which Scenic America is part, is taking a leadership role in ensuring ISTEA continues to address environmental needs. STPP believes that transportation investment decisions should contribute to protecting our environment, our communities and our economy.

"We are working with STPP to ensure that ISTEA contributes to the conservation of natural, scenic and cultural resources," states Scenic America president Meg Maguire. "We want to build on ISTEA's existing structure and enhance programs that address our environmental concerns." Among the key concerns in the STPP agenda:

■ **Protecting American's Scenic Resources** STPP endorses Scenic America's goals of reforming the Highway Beautification Act and reau-

thorizing and improving the National Scenic Byways Program.

■ **ISTEA and Clean Air**

ISTEA is linked with the Clean Air Act through the Congestion Mitigation and Air Quality Program (CMAQ), which has for the past five years provided \$1 billion per year to

On Capitol Hill

reduce air pollution from transportation. Most of the funds "flexed" or transferred to transit at local option in the last five years have come from the CMAQ program for innovative projects, such as alternative fuel bus fleets. STPP's coalition recommends that the CMAQ program receive greater ISTEA funding in recognition of tighter federal air quality standards and new evidence of the harmful

effects of air pollution. In addition, the program should be expanded to focus on long term environmental sustainability in addition to air quality.

■ **National Initiative on Transportation and the Environment** STPP's coalition proposes that the next ISTEA create a National Initiative on Transportation and the Environment to tackle the problems of air pollution, climate change, wetlands loss and energy dependence that result from transportation. This initiative could be funded within existing revenues or by reserving 3 cents per gallon of the current gasoline tax, thus raising about \$5 billion per year - a fraction of the environmental cost imposed on society.

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Report Details Wasteful Highway Projects

A report issued by Taxpayers for Common Sense and Friends of the Earth in September, 1996, highlights 22 unnecessary highway projects that, combined, would cost taxpayers over \$10 billion.

"Road to Ruin" is a new initiative by the leaders of the Green Scissors Campaign, an effort to focus public attention on environmentally and fiscally destructive government projects. Among the projects in this report are three which Scenic America has previously highlighted as particularly damaging to the visual environment: Corridor H in West Virginia, Route 50 in Virginia, and Devil's Slide in California.

As recounted in our last newsletter, the Devil's Slide bypass was in November rejected by San Mateo County voters, who called instead for the construction of a tunnel to preserve parkland and scenic vistas on this section of the Pacific Coast Highway.

But significant concerns remain for both Corridor H and Route 50. The proposed Corridor H highway would have significant adverse impacts on the scenic environment and is considered by many to be unnecessary, and Virginia officials have refused to build a similar connecting road in Virginia. Route 50 is the east-west spine of Virginia's Piedmont region, and efforts to widen it could degrade this critical scenic and historic area.

Activists Save Trees from Industry Axes



Virginia and Kentucky activists prevented the billboard lobby from obtaining the right to clearcut trees on public land to improve billboard visibility.

Two recent battles demonstrate that citizens can beat the billboard lobby. In both Virginia and Kentucky, citizen activists turned back billboard industry attempts to gain broader authority to destroy trees on public land to increase their signs' visibility from the highway.

After a contentious fight, Virginia legislators finally scrapped House Bill 2604 — the “Virginia Chainsaw Massacre” to outraged citizens — which would have radically extended billboarders' right to destroy mature trees on the public right-of-way. Existing Virginia policy permits trees up to two inches in diameter (about six feet tall) to be cut in front of legal conforming signs. The industry-backed measure would have increased that to nine inches — about 40 feet high — permitted cutting in front of the state's 1,300 nonconforming signs, and allowed destruction of any “unsightly” tree regardless of size. But public backlash to the bill sent legislators scrambling for cover.

Scenic America provided critical advice, assistance, and manpower to support a broad, statewide coalition of individuals, local governments, and public interest groups, which vigorously opposed the bill. Garden Club of Virginia members weighed in heavily on the Bill, as did the Piedmont Environmental Council and other groups.

The bill began life with dozens of “patrons” (co-sponsors), providing a perfect example of the political clout the billboard industry wields in legislatures. But after citizens began to point out what the bill would have done, many legislators deserted the bill. In a rare twist, by the end of

the battle, eighteen patrons had voted against the measure. Many complained they had been misled by the billboard industry that the proposal was a technical change.

Just two weeks before HB 2604 was introduced in Richmond, the Kentucky Transportation Cabinet rejected the billboard industry's campaign to overturn the current ban on tree-cutting in the Bluegrass State. Scenic Kentucky, one of Scenic America's seven affiliates, made defending the ban a priority, enlisting strong support from garden club members, environmentalists, and other concerned citizens.

The billboard industry has tried to get the ban on cutting reversed every year since it was enacted administratively in 1993. Some billboard companies had even offered “compromises” such as planting a new tree for each one cut down, but transportation officials stood firm. Hundreds of people contacted the board to oppose tree cutting. Scenic Kentucky and its allies are committed to continuing their defense of the state's ban.

Twenty-six states currently ban tree-cutting in front of billboards entirely. The Virginia bill would have made that state's policy among the most lax in the nation, allowing the destruction of tens of thousands of roadside trees. Moreover, the bill would have further subsidized billboard blight, even though Virginia DOT already takes in far less in billboard permit fees than it spends trying to control the signs — an arrangement that costs Virginia taxpayers more than \$430,000 annually.

Training Conference Will Help Us Protect 'GOODLIEST LAND'

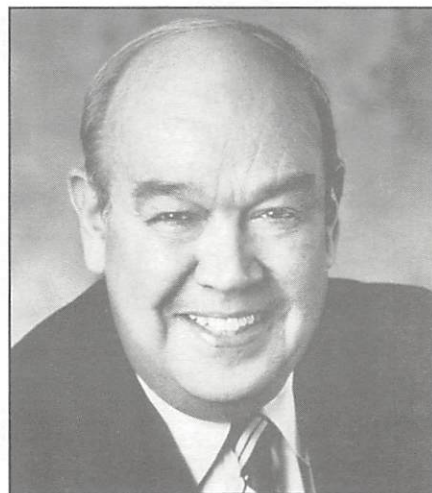
Register now for Scenic America's first National Training Conference, "O, Say, Can You See....Leadership for a Scenic Century," May 11-14 at the Baltimore Hilton and Towers in Baltimore, Maryland. The conference will bring together local citizens, government officials, planners, educators, and transportation officials to jumpstart a scenic conservation movement in America.

Charles Kuralt, author and journalist, will highlight the conference with his speech, "The Goodliest Land," at the Scenic America dinner on Monday night. His speech title echoes what Philip Amadas and Arthur Barlowe, two of the earliest European visitors to America's shores, called the continent in a 1584 report to Queen Elizabeth.

Conference participants may attend a variety of workshops led by top scenic conservation experts. We will offer case studies and hands-on training in sign control, visual assessment, corridor management, and a variety of other issues. On Sunday, participants can take part in one of three field trips: to neo-traditional development Kentlands, to Chesapeake Bay, or on a walking tour of Baltimore. On Wednesday, join other activists in telling Congress what you think at "Scenic Action Day" on Capitol Hill in Washington.

Please book your hotel and transportation early. (The Preakness will be held on the Saturday following the confer-

ence, so hotel rooms and flights are filling up quickly!) Hotel reservations and payments are handled directly through the Baltimore Hilton and Towers. Please call the Hilton at (410) 539-8400 and refer to group number 2803 for reservations. Baltimore



Washington International Airport is served by all major airlines. Ground transportation from BWI to the hotel is available by taxi or BWI Super Shuttle. Registration for the conference is \$225 and certain field trips cost extra. Attendance for the field trips will be decided on a first come first serve basis. We hope to see you there!

For more information, please contact Frances Stevens at (202)-833-4300.

A Broken Law

Broken Law, from page 1
of nonconforming and illegal billboard removal, 34 of 52 states had unexplained discrepancies.

States report that the lack of funding leads to a lack of enforcement.

The Jeffords bill would solve a number of these problems. In addition to placing a nationwide cap on the number of billboards, it would:

1. **Protect rural areas** by prohibiting billboards in unzoned areas;
2. **Protect public trees** by prohibiting "vegetation control";
3. **End subsidies to the billboard industry** by creating a 15% gross revenue tax on billboards to ensure that the beautification program is self-sustaining; and
4. **Restore community rights** by allowing communities to use any constitutionally valid means to remove billboards.

Call or write your Senators and Representative in Congress today to support this key bill. And call Scenic America to receive a copy of the report.



Scenic America is a member of Earth Share, a federation of 43 national environmental organizations working together to secure workplace giving for the environment.

Earth Share is the nation's preeminent nonprofit organization promoting environmental education and charitable giving in government and payroll deduction workplace campaigns.

To learn more, call Scenic America at

202-833-4300.

LETTERS TO THE EDITOR

To the editor:

Jane R. Smith's article, "Snickersville Turnpike Fight Yields Historic Victory" (Winter 1996-1997), describes an important chapter in the story of the conflicts between citizens and public agencies. But it is not entirely fair to the Virginia Department of Transportation (VDOT).

The Snickersville Turnpike Association retained me to examine, briefly, the design that VDOT proposed, after the Association had objected to the original VDOT [plan]. In my report to the Turnpike Association, I recommended minor modifications to the new VDOT design, and [remarked]:

"It is a lovely road... A creative cooperative process has created an innovative design, tailored to the Snickersville Turnpike, and with implications beyond this project..."

In my opinion, VDOT responded in a cooperative fashion and with a technically and environmentally admirable design, which was essentially followed during construction. Many people, myself in particular, have criticized VDOT and other agencies for being insensitive to citizens with environmental concerns. When an agency has been as cooperative as VDOT was in this instance, the agency deserves to be congratulated.

Sincerely,
Joseph Passoneau
Joseph Passoneau and Partners

Scenic America *Viewpoints* welcomes your letters and comments.
Please... keep 'em short

The Most Important Transportation Law

ISTEA, from page 3

■ Land Use and Transportation Pilot Program

Under this proposal, communities that wish to align their land use and transportation investment priorities to reduce the need for expansive new roads would be given new tools. These would include a special grant program and greater freedom to use ISTEA funds for development easements, tradable development rights, revolving loan funds for transit-oriented development and other land use

related investments.

The Interstate era helped create our dependence on automobiles, and while it addressed transportation needs, it also led to problems like air pollution, energy dependence on foreign oil, and sprawl. ISTEA ushered in a new era of transportation policy that helps us balance the interests of accessibility, community, environmental responsibility and fiscal prudence. We should build on and strengthen this law.

STAFF COME, STAFF GO

Scenic Americans arrived at work recently to find that Development Assistant Karen Self had moved on to a public relations position for the Virginia Renaissance Faire. Karen had proven to be an integral part of Scenic America's development and membership efforts in her tenure.

We also recently swapped interns, with Luther Dudich moving on after a productive several months, replaced by Dan Schobel, who has received his Associates Degree from Northern Virginia Community College and plans to attend George Mason University in the fall. Dan will be working with Policy Director Frank Vespe.

We've greatly appreciated the stellar work of both Karen and of Luther, and we wish them well in their future endeavors.

Scenic America, a nonprofit 501(c)(3) organization, is the only national group dedicated solely to preserving and enhancing the scenic character of America's communities and countryside.

Chairman: Roberta Henderson

President: Meg Maguire

Director of Policy, Editor: Frank Vespe

Vice President of Planning and Development: Ray Foote

Director of Affiliates and Grassroots Development: Matt Hussmann

Office Manager: Frances Stevens

Director of Programs: Carol Truppi

Development Assistant: Karen Self

Staff Associate: Dan Schobel

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Phone: 202-833-4300

Fax: 202-833-4304

E-mail: scenica@soho.ios.com

New Book Calls Virginia Piedmont A Threatened Treasure

Virginia, known for its critical role in history and natural and scenic resources, is a threatened treasure. According to Rudy Abramson, author of *Hallowed Ground: Preserving America's Heritage*, the Virginia Piedmont "survives as one of the treasures of rural America...But the region is increasingly threatened - this time by relentless, aimless, accelerating urban sprawl."

Accompanied by magnificent photographs, Abramson focuses the reader's attention on the colorful history of this region and the disturbing future of the area's scenic landscape. Home to American patriots like Thomas Jefferson, James Madison, and James Monroe, the Virginia Piedmont was the foundation for the Virginia Dynasty in American politics. Also, the Piedmont's fields, rivers, forests, and valleys were sites of some of the bloodiest battles in the Civil War. Despite turmoil, the region remained a breathtaking scenic area for all Americans to enjoy.

Today, the Piedmont's unspoiled landscape and pristine beauty face another type of threat, that of

urban development. Urban sprawl and commercial development is sweeping the Virginia Piedmont, mar- rying the distinctive beauty and history of the area. With help from the Piedmont Environmental Council and the Conservation Fund, Piedmont citizens pre- vented The Walt Disney Company from constructing a new theme park. As the author notes, several parks, battlefields, historic homes, and scenic vistas were saved. Yet, with the rapid growth of Virginia, Piedmont citizens will face other development chal- lenges.

Through breathtaking pictorial examples and fasci- nating text, *Hallowed Ground: Preserving America's Heritage* argues for the preservation of the Virginia Piedmont landscape and historical landmarks because of its importance to all Americans. It is a tribute to an America treasure and the citizens who fight to protect it.

Published in 1996 by Thomasson-Grant & Lickle, *Hallowed Ground* is a must read for all Scenic Americans!

New Materials Available from Scenic America

21 Dupont Circle, Washington, DC 20036
Phone: 202/833-4300 - Fax: 202/833-4304

New Fact Sheets

"Facts & Figures about the Highway Beautification Act: Why it's time form reform"..... **FREE** _____

"The Scenic Highway Protection Act: Fixing the Highway Beautification Act"..... **FREE** _____

New Release

"The Highway Beautification Act - A Broken Law" **\$10.00** _____

New Books

"Hallowed Ground - Preserving Ameria's Heritage," By Rudy Abramson **\$40.00** _____

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Foundation To Match Your Gifts

Offering a shot in the arm for Scenic America's work, the Richard King Mellon Foundation will match gifts from individuals, corporations, and other foundations for our programs and services.

The Pittsburgh-based foundation will provide \$225,000 during the next three years to spur stronger giving to Scenic America, provided Scenic America can raise \$300,000 for its core work helping local activists, building a network of state affiliates, and pursuing federal scenic conservation policy.

Scenic America has just launched a campaign to raise the first \$50,000 of this challenge by early summer. Members who make special gifts in the enclosed Challenge Envelope will trigger a matching amount for our work.

"This challenge grant will enable us

to carry out vital programs and services. It comes at a crucial time as we battle increasing billboard proliferation and threats to scenic roads, and as we respond to growing numbers of activists nationwide requesting our help and information," noted Scenic America president Meg Maguire.

"The Mellon Foundation's support is a tremendous vote of confidence in our work," Maguire added, "but more important, it is a call for others to join our cause. We're counting on our supporters to step up to meet this challenge. We hope members will help us kick-off this exciting campaign by sending in a special gift today."

Scenic America focuses its core work in three areas: policy, including seeking reauthorization of ISTEA and reform of the badly flawed Highway

Beautification Act; state support, primarily expanding our network of seven affiliates; and grassroots work, including providing technical assistance, publications, and other help to local citizens.

The Mellon Foundation has long supported land protection, focusing on open space, historic sites, and scenic views. The Foundation has helped purchase many threatened landscapes which are then turned over to the federal government for stewardship. With the Foundation's past support, Scenic America has worked intensively in Pennsylvania to identify, designate, and preserve scenic byways.

Please use the enclosed Challenge Envelope to make your special gift today. Whatever you give will be doubled by the Mellon Foundation to expand our work. Thank you!

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

Citizen Membership: ☐ \$25 ☐ \$35 ☐ \$50 ☐ \$100 ☐ Other \$ _____

Organizational Membership: ☐ \$50 Local or State Organization ☐ \$100 Regional or National Organization

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