

Scenic America Viewpoints

www.scenic.org

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Transportation Measures Could Mean Trouble for Scenic Conservation

Bills which will be under consideration in the 108th Congress could mean big trouble for scenic conservation, historic preservation and environmental review.

Since passage of the Intermodal Surface Transportation Efficiency Act (ISTEA) in 1991 (and its re-authorization as the Transportation Equity Act for the 21st Century (TEA-21) in 1998), Congress has appropriated a portion of federal gasoline tax revenues to the Department of Transportation for transportation enhancements, scenic byways, land use planning and other programs with direct and substantial community benefits. Scenic America was an early advocate for these programs because of their beneficial impacts on communities, and we have been an effective force for strengthening them during the past 12 years.

For example, the Transportation Enhancements program has funded new trails in Alaska, created and improved railroad museums in Pennsylvania, restored transportation terminals such as Union Station in Los Angeles, and preserved historic sites such as Fort Donelson National Battlefield in Tennessee. (See how your state has benefitted at www.enhancements.org.) The National Scenic Byways Program now includes more than 90 National Scenic Byways and All American Roads in almost 40 states. The program funds a range of



Beautiful homes in Memphis and restored Overton Park now fill the land once designated for an interstate highway.

scenic conservation activities including billboard removal and scenic easements along byways.

TEA-21 expires in September 2003, at the end of the current federal fiscal year and must be renewed. Advocates from thousands of interest groups are focusing their attention on the re-authorization process which will pick up when the 108th Congress convenes in January. As of this writing, there are several threats to the program detailed below:

Loss of Funding

The greatest threat to the transportation enhancements and scenic byways programs is S. 2861, the *Transportation Empowerment Act*. This "pavement only" bill would reverse the gains of ISTEA and TEA-21, terminating programs that have served communities so well, stripping all

funding for transportation enhancements, byways, mass transit, land use planning, and other critical environmental programs. The Senate Finance Committee will take up this bill when it is reintroduced in the 108th Congress.

Streamlining

"Environmental streamlining" is promoted by some as a way to improve government efficiency by reducing the "burdens" of important environmental regulations, most important of which is the National Environmental Policy Act (NEPA) of 1969. Since its inception, NEPA has brought citizens into the review process of federal public works projects through public comment and access to litigation. NEPA is one of the few federal laws that recognizes the visual environ-

continued on page 5

■ **Transportation Measures Could Mean Trouble**
Page 1

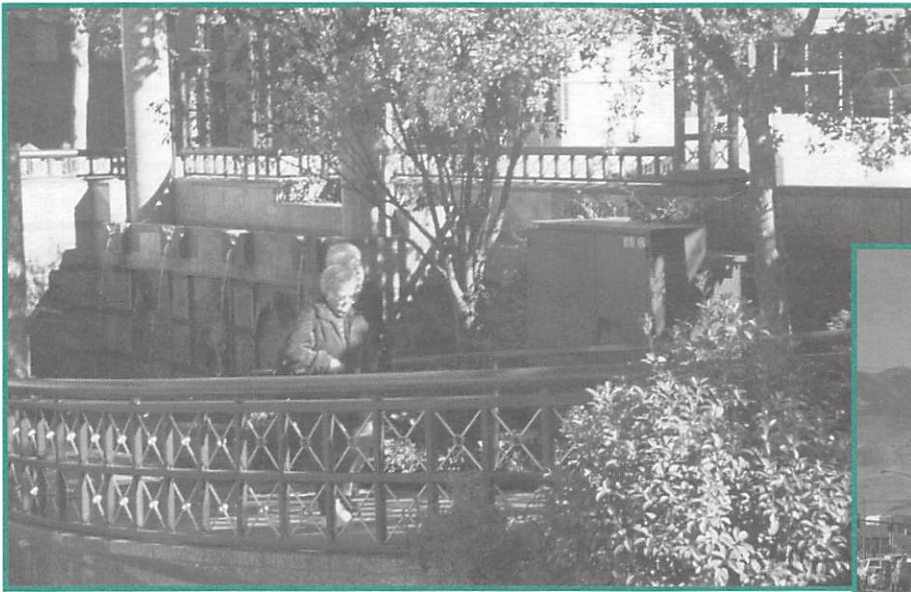
■ **New Facts**
Page 2
■ **Michigan Victory**
Page 2

■ **Hometown Victories**
Page 3

■ **Vision in Times of Threat**
Page 4

■ **Supporting our work...**
Page 6

New Facts for Action



Reno, NV along the river....

.... and along the city's streets



Scenic America's web site has four new free publications that will help communities to fight against billboard blight.

This past summer, through our Roberta M. Henderson Internship Program, Erica Frenkel and Jiayi Wan produced four new fact sheets. *They're Not Mom and Pop Billboard Companies Anymore* exposes the truth behind the billboard industry's claim that they're simply small, hometown businesses trying to survive. *Who Do Billboards Hurt? All of Us!* documents the effects of billboards on homeowners and business owners. *The Trouble with Tri-Vision Billboards* focuses on the huge, heavyweight, multiple-message signs sprouting like high-tech mushrooms across the landscape. (One such sign collapsed and killed three construction workers in Snellville, Georgia in July, 2002.)

Scenic America has also produced a condensed, updated, and plain-language version of Scenic America Director Bill Brinton's paper, *Billboard Legislation and the Takings Issue*, demonstrating just how wrong the industry is when it claims that amortization of billboards is unconstitutional.

Finally, after more than a year of research and analysis, Scenic America has assembled a comprehensive library of state billboard laws, regulations, and case law for every state. We have also produced short summaries of each state's billboard laws, complete with report cards and recommendations for improvement. We plan to have these available on the web site early in 2003.

A Victory for All Michigan Communities!

On December 5, 2002, Debbie Rohe of Scenic Michigan received word that HB 6380, which would have forced Michigan municipalities to allow billboards along most roads, would not move out of the House Transportation Committee.

Pro billboard-industry legislators quietly introduced this bill in late October and hoped it would sneak through the process, thus negating several court decisions in places like Holland and East Lansing that

upheld the right of cities and towns to keep their streets billboard-free. Fast work by Debbie Rohe, Rick Barber, Julie Metty Bennett, and other Scenic Michigan leaders persuaded other legislators to keep the bill bottled up in committee.

This victory doesn't signal an end to the fight. However, it means that Michigan's cities and towns are still safe for the moment. Congratulations to Scenic Michigan and their friends in the legislature!

Hometown Victories for Scenic Conservation



Activists are working hard to keep views like this along New Mexico's Turquoise Trail Scenic and Historic Byway.

As Congress fights over the finer points of homeland security, scenic conservation activists around the country are fighting and winning battles for the security of their hometown scenery.

Los Angeles

As we announced in the Summer 2002 *Viewpoints*, on April 28, 2002, Los Angeles joined the growing family of cities that have stopped the construction of new billboards. Another quote we want to share is that of Councilman Jack Weiss, one of the prime sponsors of the bill: "Let's make it clear: Today, we ... buried new billboards ever going up in the city of Los Angeles. We're asking two fundamental questions. Number 1: Can't this city have a little class, just a little bit of class? And Number 2: Can't this council have a little bit of backbone? ... We are answering both in the affirmative."

While Los Angeles later endured a temporary setback in their efforts to raise billboard permit fees to \$317, we hope that the prohibition and other efforts continue a strong trend for scenic conservation in the City of Angels.

With Houston and Los Angeles in

the fold, two of America's four largest cities now prohibit new billboards completely; and New York City has been implementing tougher regulations on billboards throughout the five boroughs.

Mississippi

Brookhaven and Philadelphia are among six Mississippi municipalities that have prohibited new billboards in the last year. In addition to the billboard bans, Mississippi has now implemented a new state scenic byways program to protect its most beautiful roads.

Spokane, Washington

On November 5, 2002, the voters of Spokane County spoke loudly and clearly. By a vote of 57 percent to 42 percent, voters told their elected officials to remove 19 billboards through amortization in an unincorporated area of Spokane County. The area already prohibits new billboards. Now the voters have chosen to take the existing ones down.

Harpers Ferry, West Virginia

Scenic America member Paul Rosa of the Harpers Ferry Conservancy has had two recent victories in saving the context of historic Harpers Ferry. First,

he and other activists successfully fought off cell towers along South Mountain this past summer. Second, in late October, 2002, the Trust for Public Land acquired a 99 acre farm where Civil War soldiers fought and where African-American leaders met before starting the NAACP. Acquisition of the farm prevented the development of 188 new homes on the site, saving a key portion of the viewshed from haphazard development.

Other places

Amarillo and El Paso, Texas both prohibited new billboards, thanks to the help of Scenic Texas.

Scenic Michigan has been at work too. The towns of Clawson and Livonia won their court battles to keep billboards out of their communities. However, state legislators who support the billboard industry introduced a measure that would require municipalities to allow billboards along most highways. That bill is still pending.

To stay informed about these and other developments, visit Scenic America's web site, www.scenic.org, and subscribe to *The Scenic News*, a free weekly e-newsletter.

THE BIG Picture

BY MEG MAGUIRE, PRESIDENT

Vision in Times of Threat



Kentucky's visionary solution for Paris Pike was a victory for both citizens and transportation officials who worked over a long period to fashion an acceptable approach to greater road capacity.

On a recent trip to New York, my husband and I took a long walk in Central Park. It turned out to be more inspiration than exercise.

Frederick Law Olmstead's and Calvert Vaux's vision, outlined in the 1858 "Greensward Plan," transformed 843 acres of swampy, muddy terrain into the first major park intended entirely for public use. With Manhattan developed only to 38th St. at the time of the Plan's publication, how could these designers have imagined all that would surround the Park 145 years later? But what 19th century romanticism glorified, mid-20th century urban cynicism defiled.

In the early 1970's when I worked for the New York City Parks Department, Central Park was in shambles. Graffiti covered the rocks and boulders that help to define the Park's topography. Tigers and other wild animals paced back and forth in small cages at the antiquated Central Park Zoo. Playgrounds were broken and sterile, and kids played ball on barely-defined fields. It was dangerous too, and a lot of people wouldn't go there.

The second vision for Central Park began with Betsy Barlow Rogers over 20 years ago. She envisioned a strong public/private partnership between the City and the Central Park Conservancy that could raise the funds necessary to rehabilitate the park and maintain it. The results are miraculous. The old zoo is now an urban wildlife center; brilliantly designed playgrounds abound; new memorial benches line curvy paths; ballfields are as good as their suburban counterparts. Under contract with the City, the Conservancy ensures continuing maintenance, public programming and capital restoration of the Park. Both parties have invested nearly \$250 million in operations, capital improvements and programs. And all of it — every dollar — shows!

Vision of Place may seem like a luxury at a time of threat to our national security and threat of environmental rollbacks in Congress (see front page article). How can we save our scenic heritage for future generations when our country's security is at stake, funding for conservation is way down, and too many politicians don't seem to "get it"? Then again, how can we not maintain a Vision of Place? Look what happened to Central Park when the vision was compromised and lost. Look at the cost to restore something precious once we have ignored and abused it.

Our nation's founders had a vision of a democracy where citizens could participate in their government — a radical yet powerful idea that moved ordinary people to take extraordinary action. The vision of a healthy and sustainable environment led to a host of strong environmental laws that have cleaned our air and water, and saved millions of acres of land for public use. And the vision of safe, liveable and beautiful communities has attracted brilliant designers and smart developers since our country's founding.

Central Park has had not one, but two, visions — creation and restoration. On a larger scale, creation has given us America the Beautiful; our responsibility is to be visionaries of restoration and sound future growth. We do this by speaking boldly to our city councils, challenging the consequences of policies that make light of our heritage; by demanding that Congress enact sound laws and regulations; and by exposing special interests that plan to run roughshod over our landscape and our cities and towns. Regardless of other demands, distractions and delays, it is our responsibility — yours and mine — to safeguard our nation's natural beauty and community character, even in times of grave threat.

ment by requiring the federal government to "assure for all Americans safe, healthful, productive and aesthetically and culturally pleasing surroundings."

While environmental review has been blamed for unnecessary delays in highway projects, a Federal Highway Administration (FHWA) study shows that 63 percent of these delays are due to inadequate funding, low priority, inadequate staff, and other administrative and program reasons rather than to environmental review.

Two pending bills will be reintroduced in the 108th Congress: H.R. 5455 *Expediting Project Delivery To Improve Transportation and the Environment Act* (ExPDITE), and S. 3031 *Maximum Economic Growth for America Through Environmental Streamlining* (MEGA Stream Act). These bills would do immeasurable damage to historic, scenic, cultural and natural resources by dramatically reducing the amount of time available for public comment and challenge to proposed transportation projects. Analysis by the Surface Transportation Policy Project, the successful coalition of which Scenic America is a founding member, shows that most efforts directed at "streamlining" project planning will, in fact, dramatically reduce opportunities for citizens to participate in major public decisions; substantially reduce the information available to planners and agency leaders; and result in projects that proceed without considering a range of other alternatives.

For example, ExPDITE specifies that a project can be initiated only to serve any one of four objectives, none of which includes environmental protection, public welfare, historic preservation, or scenic conservation. In effect, this law undercuts all the progress Scenic America and our sister organizations have made on context-sensitive highway design, improvements in the planning and citizen participation processes, and better land use planning.

In recent testimony to the House Transportation and Infrastructure Committee, Richard Moe, President of the National Trust for Historic Preservation said: "In effect this bill virtually destroys protections in federal law for historic places. Preservationists everywhere are alarmed by this assaultand are determined to do everything they can to stop it."

While somewhat more moderate, MEGA Stream also would effectively reduce citizen participation in the process. Only the Secretary of Transportation would be able to determine which alternatives on a proposed highway alignment would be studied, effectively closing debate by offering all or nothing scenarios. It would reduce the agency and public comment times from 90 days to 45 days for most projects, and comment times would be reduced to 30 days for highway and transit projects. In effect, this provision nullifies citizen participation protections under NEPA in favor of well-funded special interests with the money to hire teams of lawyers to meet the abbreviated comment period.

Further, MEGA Stream would require agency personnel to make final decisions on NEPA documents no later than 90 days after the expiration of all comment periods, which in many cases is all but impossible. Consider the U.S. Forest Service's Roadless Rule where more than six million people commented on the draft environmental impact statement. No agency could

possibly evaluate that many comments within 90 days and make an informed decision.

Scenic America is working with the National Trust and other conservation groups to find a middle ground between "you can't build anything" and "build whatever you want." Our coalition has already identified a number of administrative changes that states can adopt to ensure that projects move expeditiously through the review process while preserving the protections of NEPA. One of these is front-loading projects with better planning through context sensitive highway design that respects scenic, natural, historic and cultural resources. In his testimony before the House on October 8, 2002, Michael Replogle of Environmental Defense urged Congress to adopt "... transportation planning and NEPA administration approaches demonstrated to produce less controversial decisions that more effectively advance environmental and public health protection, livable communities, and environmental justice."

"Think of all the highway projects that once slashed through cities and the countryside before citizens had an effective voice in the process. But for activists, we might have had a freeway through the Mall of our nation's capitol, a mega-highway through Kentucky horse country

continued on page 6



Scenic America

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.

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Supporting our work...

Every gift large or small helps Scenic America protect the natural beauty and distinctive community character that makes your city or town so special. There are many ways to make a contribution to the work we do fighting billboard blight, improving the scenic byways program, providing technical assistance to activists across the country, or encouraging federal policy that protects your community's scenic environment. Your cash gifts (check, credit card, stock gifts) or special gifts (deferred or planned giving) provide the resources we need to keep America beautiful. As you are planning your gift, please consider the following options:

- Start an Earth Share campaign at your workplace and encourage employees to make contributions through payroll deductions to 61 leading environmental and conservation organizations, including Scenic America.
- Make a contribution to a scenic legacy through a planned or deferred gift to our Scenic Century Fund to ensure our scenic conservation work is adequately funded for generations to come.
- Determine through your employer's personnel office whether your company will match your contribution to Scenic America, which may double or triple your gift.
- Designate Scenic America as a grantee through your donor-advised fund.
- Honor a special relative or friend by making a meaningful contribution in their memory or in their honor to recognize their love for America's scenic beauty or their life and accomplishments.

Please use the donation envelope in this newsletter if you would like to make a cash gift now. For all other gift options, or for more information on multi-year gifts, please call Joan Woods at 202-543-6200, ext. 12 or email woods@scenic.org.

Transportation continued from page 5

instead of the lovely Paris Pike, or an Interstate through Overton Park in Memphis, Tennessee," said Meg Maguire, President of Scenic America. "We must beat back threats by those who want to go backwards instead of finding new solutions for the future."

Scenic America will also remain on alert for any movement by the billboard industry to further weaken the Highway Beautification Act by preempting even more local control over billboards.

Action Needed: Urge your Congressional delegation to vote "no" on three bills:

1) *Transportation Empowerment Act*; 2) *Expediting Project Delivery To Improve Transportation and the Environment Act* (ExPDITE); and 3) *Maximum Economic Growth for America Through Environmental Streamlining* (MEGA Stream Act). Urge them to first seek administrative changes before they adopt laws that will affect your ability to comment on important federal actions that could reshape your community. Scenic America has heard from Congressional staff that as few as five letters from their home district or state on a particular issue is enough for members of Congress to recognize that the issue is important to voters. Please write today or visit them while they are back in the district for the recess.



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