

Scenic Viewscapes

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Rhode Island Governor unveils gateway beautification initiative

Rhode Island Governor Lincoln Chafee has unveiled a new initiative to beautify the state's gateways with enhancements including murals, landscaping and graffiti abatement efforts along Interstate roads.

The first mural has already been completed on the southern abutment of the Wampanoag Overpass Bridge on I-195 in East Providence. The mural, depicting sailboats in a Narragansett Bay waterscape, was designed by renowned local artist Anthony Russo. The image was selected by the Governor.

"This is another step in beautifying Rhode Island's urban Interstate gateways," said Governor Chafee. "We



(left to right) Artist Anthony Russo, muralist Johan Bjurman and Jonathan Stevens, Governor Chafee's Director of Special Projects.

are proud of our maritime traditions, and this mural celebrates the return of the America's Cup competition after a 30-year hiatus. Images such as this one make Rhode Island a better place to live, work, and visit."

The installation, which included sub-

(continued on page 3)

"Between Beauty and Beer Signs"

The latest edition of the Rutgers Law Review includes a note by law student Susan C. Sharpe — "Between Beauty and Beer Signs" — that argues that digital billboards violate the spirit and letter of the Highway Beautification Act (HBA) of 1965.

After passage of the HBA each state was required to enter into an agreement with the Federal Highway Administration (FHWA) in an effort to help FHWA uphold the legislative intent behind the HBA. Sharpe contends that digital billboards violate the statutory requirements of most state's agreements, which limit the size, spacing and lighting of signs to what was customary use at the time the agreement was signed and generally prohibit billboards with blinking, flashing or intermittent lighting.

(continued on next page)

In This Issue

2 New Film:
Chronicle of the
Billboard Wars

5 New website for
scenic byways
resources

6 Scenic America's
Stafford Award
recipient

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New film examines citizens vs. billboard industry



A new documentary film, “Chronicle of the Billboard Wars,” tells the stories of citizens around the country who have stood up to the billboard industry to say “enough is enough!”

The producers traveled all over America, documenting the work of individuals and organizations that often face difficult political and financial odds in their battles against billboard companies.

Beer Signs (continued from page 1)

Most states signed their agreements in the late 1960s and early 1970s, several decades before the advent of the kind of digital billboard unimagined when the HBA was enacted. Until recently, no published case had addressed the lawfulness of digital billboards under the HBA.

However, in November 2011, the Arizona Court of Appeals decided *Scenic Arizona v. City of Phoenix Board of Adjustment*, invalidating respondent American Outdoor’s digital billboard permit on the grounds that the proposed “billboard’s lighting violates the Arizona Highway Beautification Act” (“AHBA”), the state’s codification of the agreement it negotiated in 1971.

In the best of American traditions, citizens have taken their grassroots fights to city councils, county boards, zoning commissions and state legislatures with a simple message: “People, not corporations, own the public space.”

“Chronicle of the Billboard Wars” profiles these citizens as they build solidarity, organize and fight back against the giant corporations that are looking to

profit from visual pollution. Their stories are compelling and upbeat and show that citizens can stand up and decide how they want their communities to look.

The film was produced by Blightfighters, a project of Scenic Minnesota.

To learn more and to order the film on DVD, visit <http://www.blightfighters.org/shop/dvd>.

The Court of Appeals decision has been upheld by the Arizona Supreme Court.

Sharpe argues that a guidance memorandum issued by FHWA in 2007 that allowed states to interpret billboards that change ads every 4 – 10 seconds as not intermittent reversed FHWA’s prior, consistent policy on changeable message signs, which held that they were unlawful in states whose agreements bar intermittent lighting. Sharpe concludes that FHWA and the states must properly regulate digital billboards to protect the general public and to preserve natural beauty as mandated by the HBA.

To learn more and to download the note visit www.scenic.org/sharpe.

New website will be hub for scenic byways resources

When news of the imminent closure of the America's Byways Resource Center came down last year it elicited concern in the scenic byways community that many of the valuable tools created by the Center would be gone for good. Fortunately, a coalition of byways proponents has stepped forward to ensure that these important tools and resources will remain available to the public.

A new website hosted by the National Scenic Byways Foundation, www.byways101.org, will continue to offer these tools, publications and resources to byways leaders and the public at large. Among the available publications is *Conserving Our Treasured Places: Managing Visual Quality on*



Acadia All-American Road • Acadia National Park, Maine

Scenic Byways, a guide on the scenic conservation planning process created jointly with Scenic America.

The America's Byways Resource Center closed to the public on June 30, 2012 after more than a dozen

years of providing support to the scenic byways community. Scenic America would like to thank the staff of the Resource Center for their hard work and dedication to these special roads.

President signs transportation bill

On July 6 President Obama signed a new transportation bill, Moving Ahead for Progress in the 21st Century (MAP-21). Although the National Scenic Byway Program was not eliminated, and the designation program still exists within the Federal Highway Administration, there is no direct funding or grant program in the new bill for scenic byways.

It appears there is some funding eligibility for byways under the new Transportation Alternatives (TA) program, however, the extent of that eligibility is not yet clear. It is expected that decisions for use of TA funds will be made at the state level. As we learn more, Scenic America will keep you informed of how the new transportation bill will affect the issues we care about, including scenic byways and billboard control.

One of the simplest and most efficient ways to support Scenic America is by donating at work



through EarthShare, a network of more than 400 environmental and conservation organizations.

When you make a pledge to Scenic America through EarthShare, your specified contribution will be automatically deducted from each paycheck and donated to Scenic America and your gifts are tax deductible to the extent allowed by law.

If your workplace is not currently involved, EarthShare will work with your employer to set up a program that meets your company's needs. To learn more, visit them online at www.earthshare.org, call them at 1-800-875-3863 or contact Scenic America's Peggy Lint at 202-588-6387.

Rhode Island initiative (continued from page 1)

stantial surface repairs to the bridge surface, was performed by contractor E.F. O'Donnell & Sons of Providence and their subcontractor, muralist Johan Bjurman of Johnston, R.I. The project qualified for an 80 percent federal match. Russo received a \$2,500 honorarium which was donated by BankRI, Fidelity Investments, and the Rhode Island Commodores.

"Scenic America commends Governor Chafee and the state's transportation leadership for their bold vision and commitment to beautifying the Rhode Island's highways," said Mary Tracy, president of Scenic America. "Communities all over the country are realizing the importance of gateways, and Rhode Island is leading the charge to make beautiful impressions on visitors and residents alike."

The I-195 mural is believed to be the first mural within the Interstate Highway System outside of the Southwestern United States. The installation process took four weeks, which included repairing a deteriorated concrete surface and the addition of an anti-graffiti protective coating.

"This highway beautification program has the potential to strengthen tourism and promote economic development, while also improving the aesthetic character of our State's urban highways," said Michael P. Lewis, director of the Rhode Island Department of Transportation. "We are pleased that we can help create another beautiful spot in Rhode Island."



Three additional murals, all featuring the work of Rhode Island artists, are planned for installation along I-95 in Providence, Pawtucket and Hopkinton later this year. Photos of those will be posted on Scenic America's website, www.scenic.org.

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Handbook offers guides for on-premise sign regulation

A new handbook for city attorneys and local public officials focuses on the legal issues relating to the regulation of on-premise signs. Free Speech Law for On Premise Signs is authored by Professor Daniel R. Mandelker, the Stamper Professor of Law at Washington University in St. Louis, where he is a leading scholar and teacher of land use law, state and local government law, property law and environmental law.

In the handbook, Mandelker instructs local governments on how to regulate on-premise sign displays through content-neutral sign ordinances that are fair, objective, even-handed and supported by accepted government purposes, without creating constitutional problems.

To download the book in electronic format visit www.scenic.org/handbook.

Scenic America Featured in “Giving Library” Launch

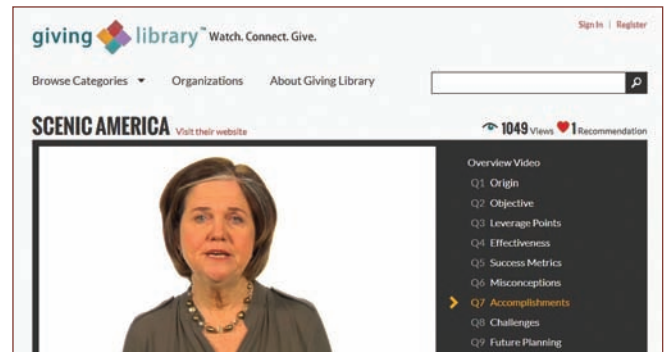
Scenic America is honored to be part of the Laura and John Arnold Foundation’s (LJAF) launch of the Giving Library website. The site is an innovative online library dedicated to providing information about nonprofit organizations through intimate video interviews.

The Giving Library intends to help philanthropists easily locate, study, and engage with organizations that fit their giving criteria. What would have taken months or even years of meetings and travel can now be done in a matter of days, from anywhere.

“We created the Giving Library to help philanthropists explore a large number of giving opportunities in one place and to help them make informed and impactful decisions,” said Laura and John Arnold.

The Giving Library provides two ways to explore participating non-profits: short-format videos that provide a broad understanding of an organization’s work; and long-format video interviews to model an in-depth, face-to-face meeting between a donor and a non-profit.

“We feel extraordinarily fortunate to have been chosen by the Arnold Foundation as one of the organizations included in the launch of the Giving Library,” said Mary Tracy, president of Scenic America. “Our entire experience – from the invitation to the filming – was first rate,



we’re thrilled with the final product, and we’re extremely grateful to the Arnolds and the entire Foundation staff for this opportunity.”

Visit Scenic America in the Library: <http://givinglibrary.org/organizations/scenic-america>

Learn more about the Arnold Foundation: www.arnoldfoundation.org

Despite evidence, no charges in tree poisoning case



No criminal charges will be filed against billboard giant Lamar Advertising, despite evidence that company workers in Florida se-

cretly chopped down or poisoned trees to provide clearer views of its roadside signs.

In disclosing its decision not to prosecute, the State Attorney’s office in Tallahassee said its probe was hampered by uncooperative witnesses, statute of limitations problems, and the death last year of a Lamar executive linked to the tree attacks. But an investiga-

tor for the State Attorney’s office concluded that illicit tree-poisonings were carried out and said he suspects “this was (and may still be) a corporate-wide practice.” The investigator’s report and the deposition of a Lamar employee lay out how it was done, and in disturbing detail. You can find those documents on Scenic America’s website.

Take Action! In response to this and too many other cases of tree killing in states all across the country, Scenic America is asking concerned citizens to let their public officials know that trees are more valuable than billboards and deserve to be protected. **If you haven’t yet, please take a moment to voice your support for trees at www.scenic.org/trees.**

Sen. Lamar Alexander receives Scenic America's Stafford Award



(left to right) Ronald Lee Fleming, Board Chair; Joyce Feld, Scenic Knoxville; Senator Lamar Alexander; Mary Tracy, President; Margaret Lloyd, Board Vice-Chair; Bill Brinton, Scenic Jacksonville.

Senator Lamar Alexander of Tennessee received Scenic America's highest honor, the Stafford Award, during its most recent meeting of affiliates and Board of Directors in Washington, D.C.

Senator Alexander's selection recognizes his longtime, outspoken support for America's scenic and natural landscapes. An early advocate of sustainable tourism, Senator Alexander has sponsored legislation to protect scenic wilderness, spearheaded efforts to improve air quality in national parks (especially his beloved Smoky Mountains) and, as chairman of President Reagan's Commission on Americans Outdoors in the late

1980s, recommended a national network of greenways and designated scenic byways.

During his two terms as chief executive of Tennessee (1979-1987), then-Governor Alexander introduced initiatives to limit tree-cutting and visual clutter along the state's highways, declaring that "tourists come to Tennessee to see the scenery, not the billboards." (Subsequent studies confirm that he was right: Beauty sells!)

More recently, Senator Alexander led the successful effort to block an amendment, tacked onto a defense appropriations bill, which would have allowed the rebuilding of

nonconforming billboards destroyed by hurricanes. Invoking Lady Bird Johnson's landmark 1965 Highway Beautification Act, Senator Alexander called the amendment "a big wet kiss to the outdoor advertising industry" and "a full-scale assault on one of the most important pieces of legislation that helps keep our country beautiful." USA Today said his efforts resulted in "a rare setback for power and money in the Senate."

The Stafford Award is named for former U.S. Senator Robert Stafford of Vermont, for his concern for the environment and efforts to strengthen federal highway beautification laws. Previous recipients include Scenic America founder Marion Fuller Brown of Maine, Governor Pete Wilson of California, Senator John Chafee of Rhode Island and U.S. Transportation Secretary Federico Pena.

"Senator Alexander has been the greatest advocate for 'America the Beautiful' in Congress since Mr. Stafford himself," said Mary Tracy, Scenic America president. "We can think of no one more deserving of this award."

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