

November 16th, 2020

Mayor Jorge Elorza
Council President Sabina Santos
Providence City Hall,
Providence, Rhode Island 02903

Cc:
Providence City Council
Providence Planning Director Bonnie Nickerson
Senator Jack Reed
Senator Sheldon Whitehouse
Congressman David Cicilline
Carlos Machado, Division Administrator, FHWA
Peter Alviti, RIDOT Director
Meredith Brady, Chief, RI Division of Statewide Planning
Paul Loether, RI State Historic Preservation Officer

Executive Summary:

Providence City Council should reject Lamar Advertising's proposal to amend the Zoning Ordinance which would allow certain grandfathered signs in Manufacturing zones to be converted to digital billboards, and change the maximum brightness standards for electronic message signs.

Digital billboards are a threat to driver safety as well as human and ecological health. These amendments would not only harm nearby properties, but would also empower the Zoning Board to approve digital billboards adversely impacting the state's roadway system. Further, the "equivalent square footage" is a minimal compensation standard that would reap a major financial windfall for Lamar, a national company who already controls more than 450 billboards throughout Rhode Island.

Dear Mayor Elorza and Providence City Council Members,

As the only national nonprofit that helps citizens safeguard the scenic qualities of America's roadways, countryside and communities, Scenic America actively supports local efforts to preserve scenic beauty and oppose visual blight in cities throughout the United States. For almost forty years, our organization has identified billboards as a particularly harmful form of scenic blight, with significant negative impacts, working with national, state, and local officials to ensure that outdoor advertising is properly regulated.

We have learned that the Providence City Council is considering a proposal by Lamar Outdoor Advertising to amend its zoning ordinance to allow existing non-conforming signs on lots located within manufacturing zoning districts to be converted to digital billboards. The proposal would provide for an offsetting reduction in billboards in Providence, based on sign panel area.

Based on the experiences of cities which have enacted similar laws, as well as robust research evidence, Scenic America recommends that the City of Providence reject the proposed amendment. Billboards are hazardous to driver safety as well as human and ecological health. Imposing local decision upon outside stakeholders can lead to conflicts between cities and affected parties beyond their immediate jurisdictions. Finally, in the interest in good governance, we must recommend a preferred course of action for any billboard conversion proposal.

First, there is a preponderance of evidence demonstrating the negative impacts digital billboards have on public safety by altering driver behavior. Digital billboards create dangerous and unavoidable driver distractions, by design and for the purpose of drawing driver attention away from the road and toward the advertisements. Human error is the leading cause of traffic accidents, and lawmakers have come to recognize the importance of reducing driver distraction by enacting laws to ban cell phone use while driving. As digital billboards have become more common, an emerging body of research indicates that digital billboards may create similar distraction conditions.

As such, sign brightness should be limited during between sunrise and sunset, and luminance levels for any sign type should not exceed those of static signs in typical ambient light conditions. For an extensive list of the dangers which digital billboards pose to drivers, please refer to this compendium of research studies which describe the hazards at length.¹

In addition to harming drivers, digital and brightly lit static billboards harm wildlife. These structures contribute to the growing problem of light pollution, which disrupts the circadian rhythms and related behavior of local wildlife populations. People are not immune to this kind of pollution, and excessive lighting can negatively impact human health as well as ecosystems.²³⁴

Second, the proposed amendment has significant consequences beyond Providence. Any proposal to site a billboard adjacent to an interstate, US, or state highways should not be considered a local matter. We must express concern that the Zoning Board or City Council of a single municipality might make a decision that impacts the entire state. As of 2014, Lamar

¹Compendium of Recent Research Studies on Distraction from Commercial Electronic Variable Message Signs (CEVMS), Jerry Wachtel, CPE President, The Veridian Group, Inc. Berkeley, California, Feb., 2016
<https://www.scenic.org/wp-content/uploads/2019/09/billboard-safety-study-compendium-updated-february-2018.pdf>

²<https://www.sciencedirect.com/science/article/pii/S187770581502113X>

³<https://www.nature.com/articles/srep13557>

⁴<https://www.nature.com/articles/tp2016262>

Advertising had 452 billboard faces (or “panels”) in Rhode Island, and currently holds about 90% of available RIDOT “outdoor advertising” permits required for visual access to many state roads and highways.

A 1990 state statute capped the number of state Outdoor Advertising permits at 237. RIDOT has interpreted that permits are for structures, and many structures have two panels on each. About 177 (39%) of Lamar’s panels are on local roads, outside of RIDOT jurisdiction. Throughout Rhode Island there are 22 of 39 municipalities which are affected by billboards. The highest concentrations are found in the following cities:

Providence	161	(18.5 per square mile)
Cranston	80	(28.6 per square mile)
Pawtucket	53	(8.7 per square mile),
East Providence	33	(16.6 per square mile)
North Providence	22	(5.8 per square mile).

In the Appendix section you will find a more complete table of billboards per municipality, as well as maps of billboard locations.

Third, billboards lower property values and reduce the local tax base. Visual blight constitutes a significant threat to property owners and to overall quality of life in a city. The threats to scenic value posed by the proliferation of both digital and static billboards are broadly recognized, and have served as the impetus for the creation of sign ordinance laws throughout the country. Title 1 of the 1965 Highway Beautification Act explicitly cites the need to regulate signage in order to

“...protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty.”⁵

Crucially, research on the impacts of billboards indicates a measurable loss in property values which directly results from proximity of billboards to properties.⁶ Proponents of billboards describe them as sources of economic growth, but there is no evidence that billboards sufficiently offset the losses they impose on others, or that they function as net positive assets for a community. More than 700 towns in America have banned billboards, and billboards are not necessary to support economic growth. Billboards impose significant negative externalities upon the communities which host them, and sign ordinance amendments must account for the blight which spurred the creation of those laws.

Fourth and finally, as a matter of good governance, consider the process for removing multiple static billboards in exchange for approval of a single new digital billboard. This tactic has been employed in other cities and its implications are significant, because it acknowledges that billboards are undesirable, and that reduction in the total number of billboard structures or faces can serve as a compromise to expedite the approval of digital

⁵<https://www.law.cornell.edu/uscode/text/23/131>

⁶https://www.scenic.org/wp-content/uploads/2019/09/Beyond_Aesthetics1.pdf

billboards. If they were to accept a compromise like this, Providence should understand the conversion agreements which other cities have negotiated.

For example, Kansas City, MO considered a proposal for an equivalent seven to one conversion agreement.⁷ Gulfport, MS had an agreement for a six to one conversion ratio, and Tampa, FL had a ten to one ratio.⁸ The terms in the proposal for Providence use a more complex approach based on the surface area of the signage being converted. Once again, we must emphasize that the basis of these provisions is an understanding that billboards in general are bad for communities. If Providence chooses to pursue a conversion-based policy, we request that you consider the following approach.

A “permit exchange” will eliminate RIDOT Outdoor Advertising permits for existing billboards, in return for a new permit for a digital billboard. Such a permit exchange could significantly reduce the total number of billboards spread around state. Many of the billboard being removed are located in distressed historic neighborhoods with more diverse populations. Further, billboards could be removed on local roads outside of RIDOT’s regulatory jurisdiction. Scenic America believes that such an exchange should take place only under the following conditions:

1. The exchange be based on the rate Lamar charges for each board
2. Lamar would permanently relinquish dozens of “junior poster” and poster” billboards in local neighborhoods throughout the state, with the highest priority based on improving safety, enhancing scenic corridors and historic sites, benefitting neighborhoods with diverse and/or low/moderate income populations. These sites would be determined by a committee consisting of: RIDOT Real Estate Division, the RI Division of Statewide Planning and the Rhode Island Historical Preservation and Heritage Commission, in consultation with the local municipalities.
3. Any new digital billboards are to be the highest enforceable brightness safety standards.

Once a specific portfolio of junior poster, poster, or bulletin billboards and their structures have been removed (and/or “banked” permits have been relinquished), Lamar would be able to secure a RIDOT permit to upgrade from static to digital, a one panel, bulletin (14’x 48’) billboard at a predetermined site. Billboards to be removed may include local sites controlled by Lamar, but outside of RIDOT’s regulatory purview. Please see the Appendix for more information on the differences between these sign types, including income and permit fees.

⁷<https://martincitytelegraph.com/2020/02/07/new-ordinance-allows-more-digital-billboards-in-kc/>

⁸http://www3.dallascityhall.com/committee_briefings/briefings0411/ECO_DigitalBillboardCodeAmendmentUodate_040411.pdf

The basis of the exchange should be on the market rate charged by Lamer to advertise on their billboards. This would be the fairest basis of comparative value between digital panels and those of other lesser billboards.

This would incentivize the removal of the 202 poster and 127 junior poster billboards that blight local neighborhoods throughout the state. The conversion of one 14 by 48 foot digital billboard panel (which changes six times per minute) would enable the removal of 189 junior posters (5 by 11 foot) or 43 poster (11 by 22 foot) billboards.

Ultimately, Lamar's proposal is bad for the people of Providence. It would make driving more dangerous and would allow billboards to negatively impact human health and the local ecosystem, it would impose on other municipalities, it would harm property owners, and it would grant undue concessions to billboard companies while increasing visual blight. We therefore strongly recommend that the City reject this amendment.

Thank you for consideration, and we will be available to answer your questions and provide additional guidance as needed.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Falzone". The signature is fluid and cursive, with the first name "Mark" and last name "Falzone" clearly distinguishable.

Mark Falzone,
President, Scenic America

Appendix

Distribution of Lamar Advertising billboard panel inventory, by municipality (2014)

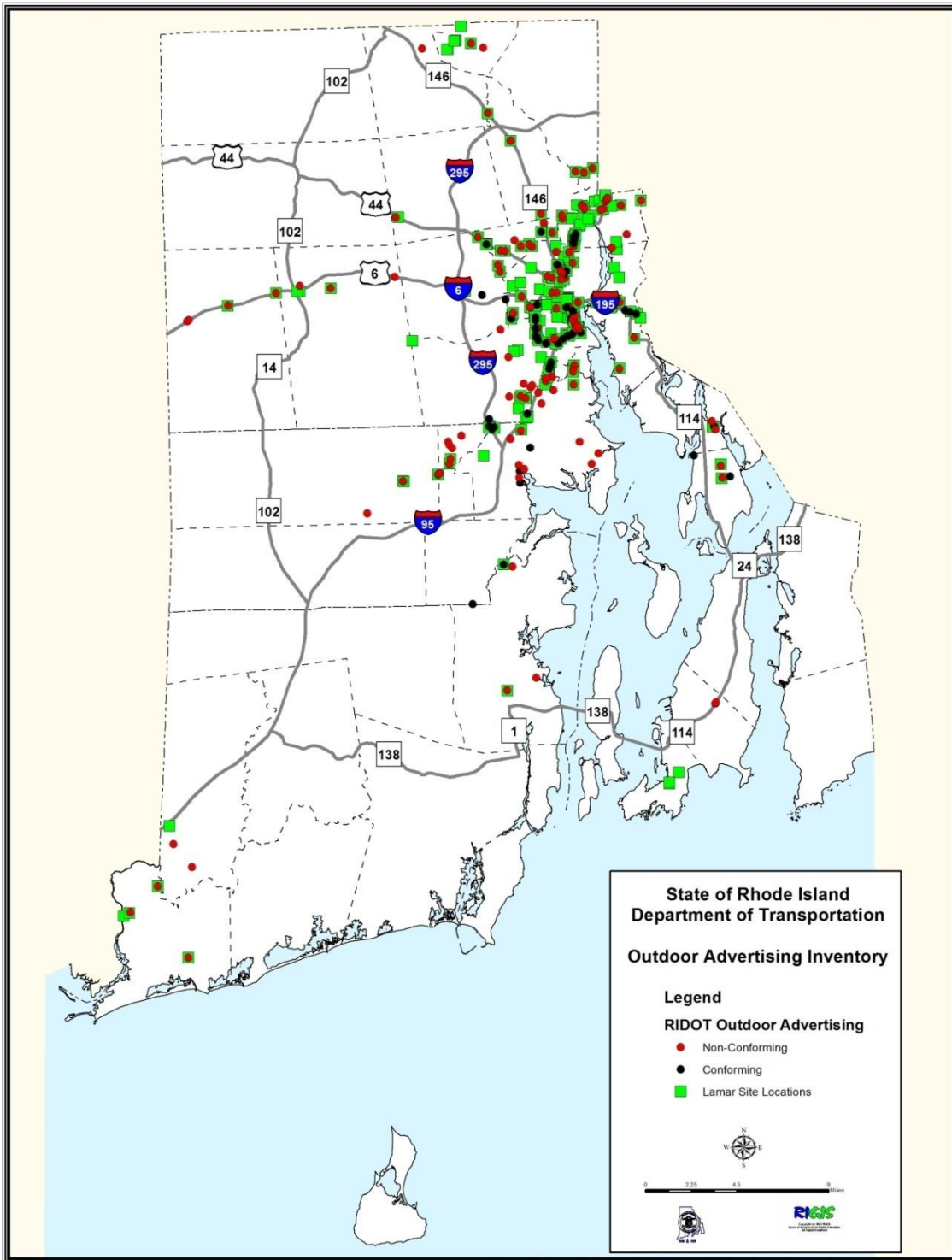
Municipality	total	digital	<i>bulletin</i>	poster	jr poster
<i>Statewide</i>	452	4	114	202	127
Providence	161	1	49	77	33
Cranston	80	1	24	42	13
Pawtucket	53		16	21	16
E Providence	33	1	11	7	14
N Providence	22		0	6	16
Warwick	14	1	12	0	2
Central Falls	12		0	6	6
Woonsocket	10		0	8	2
Bristol	8		0	8	0
Johnston	7		0	0	7
Cumberland	6		0	0	6
Lincoln	6		2	1	3
Newport	4		0	3	1
Hopkinton	4		0	4	0
Coventry	4		0	0	4
Scituate	4		0	4	0
W Warwick	4		0	0	4
Westerly	4		0	4	0
Foster	3		0	3	0
N Kingstown	3		0	3	0
Warren	3		0	3	0
Smithfield	2		0	2	0

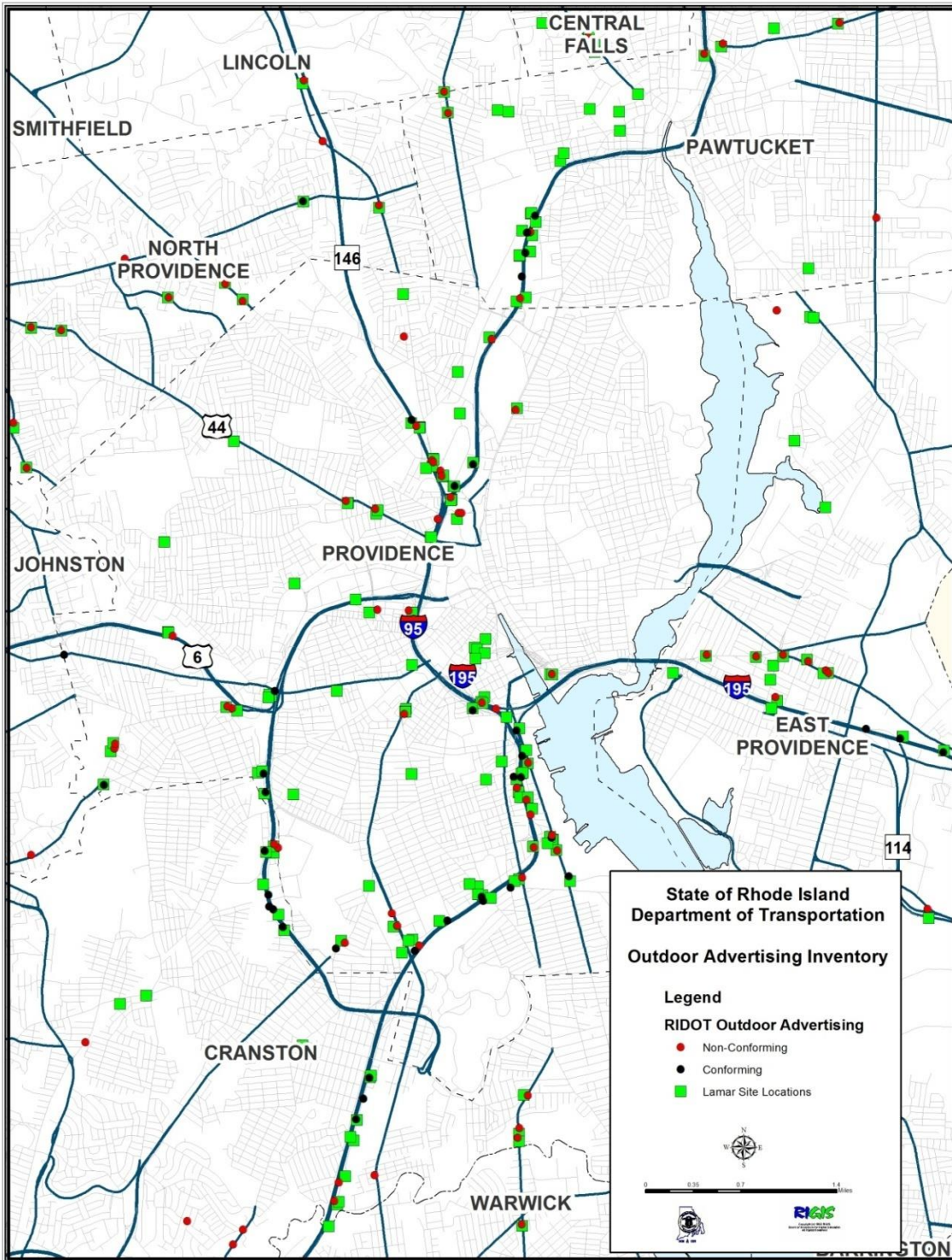
*Inventory and panel income based on panel inventory posted on <http://www.lamaroutdoor.com>

*RIDOT is presently reconciling the RIDOT and Lamar inventories.

In 1990, by a vote of 74-1 in the House and 31-16 in the Senate, the General Assembly passed landmark amendments to the 1966 Rhode Island Outdoor Advertising Act. The new statute capped the existing number of billboards at that time and outlawed new outdoor advertising.

In 2007, after a public outcry over the conversion of four static billboards to digital, Governor Carcieri imposed a moratorium on new digital billboards in Rhode Island.





Date: 2/20/13
 User: jmf
 Path: \\img\gis\SR\AP\GIS\Inventory\Outdoor\Inventory\SR_08_11.mxd

Sign Types



Digital Bulletin (I-95, Warwick)



Bulletin (I-195, East Providence)



Poster (Lower Thames St, Newport) Junior Poster (Roger Williams Av, E Providence)

Billboard panels: type, size, frequency, rental rate compared to digital

Billboard type	Panel size (sq. ft.)	Panel frequency	Approximate Rate- ratio compared to digital*
Digitals	14 x 48	6 digital faces/minute	1
Permanent Bulletins	14 x 48	permanent panel	5.3
Rotary Bulletins	14 x 48	faces change monthly	6.1
Posters	11 x 22	faces change monthly	42.8
Jr. Posters	5 x 11	faces change monthly	188.6

*based on advertised monthly rate as of 2014 (<http://www.lamaroutdoor.com/>)