

*Testimony to the Louisiana House of Representatives in Support of House Concurrent Resolution 4,
proposing an additional moratorium on billboard construction on Louisiana highways.*

April 2019

My name is Mark Falzone and I'm the president of Scenic America, a 37-year-old 501(c)(3) public charity dedicated to preserving and enhancing the visual character of our country. Scenic beauty is our mission.

We accomplish this mission through public outreach, education and advocacy efforts, and with the help of over fifty state and local affiliates, including Scenic Lafayette, represented here today by Cheryl Perret and Nancy Van Eaton Broussard. I am here to testify in favor of HCR 4.

One of the major drivers of creating a beautiful environment is the reduction of billboard blight. Scenic America is the sole national counterweight to the multi-billion dollar outdoor advertising industry, yet we are mostly a network of volunteer organizations, like Scenic Lafayette, whose financial resources are dwarfed by the industry's.

So we focus much our efforts where we can be most effective: helping citizens make their voices heard. And when the public is allowed to speak, they voice a preference for beauty over blight.

I'm going to speak about the impacts of billboards on scenic beauty, the economy, and traffic safety. I'll also try to give you a flavor of the general nature of the billboard industry, and leave time for your questions.

What Scenic America has learned over the last 40 years is that most people, everywhere around the country, consider billboards to be visual pollution. In every state where we have ever seen polling data, the numbers are not close—this is one of those 80+% issues. And it's well established that state and local governments have the constitutional power to limit billboard blight in their borders. Four states well-known for their scenic beauty—Maine, Vermont, Alaska and Hawaii – ban them entirely, as do hundreds of communities around the country.

These four states and hundreds of cities and counties and parishes have agreed that billboards hurt their image. Billboards look the same whether you're in Louisiana or New York or California, they detract from your sense of place and therefore they put your community at a disadvantage to positively differentiate itself from others. And let's face it—they look bad. I drove down I-10 from Lafayette to Baton Rouge yesterday. One stretch leaving Lafayette was littered with billboard blight, and gives a bad impression. Then another stretch of I-10, the Atchafalaya Basin Bridge, was gorgeous—no billboards.

Think about the quality of life for your constituents. Just think about have to leave or work in a community that's ugly. Think about what that does for mental health. We all know that businesses' primary motivation in locating jobs is accessibility to a quality workforce. People may move to your community for a job in the short-term, but will they want to stay and put down roots when they go for that promotion? A community's livability and vibrancy are a part of that. And billboard blight, or 'litter on a stick' as it's called, only harms that.

Beauty is good for business.

The former director of the Vermont Tourism Association said: "I've seen first-hand the positive impacts that our state's ban on billboards has had over the past forty years. The ban has strengthened our tourism industry and helped local businesses to thrive."

When a threat to Maine's billboard ban arose in 2011 the state's tourism director said being billboard-free was part of the state's brand, and a poll by the Portland Press Herald showed that 91% of residents opposed allowing billboards back into Maine.

And when I spoke to the Governor of Alaska in July of 2017, he told me that billboards would never return to Alaska, because "everyone in Alaska owns an ax."

Local businesses in these states thrive—because the tourism dollars brought in are far greater than any lost billboard revenue, which usually doesn't even cover the inspectors needed for the state highway department.

And yet the industry spends millions of dollars annually on aggressive lobbying and campaign contributions at all levels of government to induce favorable regulations that allow them to put up more and more litter on a stick.

We see the same thing again and again. Whenever someone tries to make their community more beautiful by proposing any sort of limit on billboards, the industry always cites the First Amendment when claiming that they have a right to put up their billboard blight. But the Courts have time and time again held that commercial speech does not enjoy the same protections as personal speech. And the Supreme Court has ruled that governments can regulate and even ban billboards on aesthetic and safety concerns. This is settled law, and many jurisdictions have had billboard bans for decades. We will submit for the record that partial list of hundreds of jurisdictions that have an outright ban on billboards.

This is an aggressive industry, both historically and today. Even President Lyndon Johnson, a man not known for a genteel personality, was shocked by the billboard lobby's tactics as he worked to pass the 1965 Highway Beautification Act. In a recorded call with Congressman Jim Wright he said he'd never seen such a "group of selfish, eager, hogs... They won't even let people sit down and try and reason with them."

And they don't pay their fair share. I already mentioned that the fees they pay, including here in Louisiana, don't even cover the DOT's expenses to administer a program for an industry that wouldn't

even exist if it weren't for the public's investment in our highways. Talk about having your cake and eating it too!

They are also very litigious. One city passed a billboard tax, and rather than pay the tax, the billboard industry, led by a billboard operator based here in Louisiana, sued this city and has tied up this public revenue source in courts for several years now. They will no doubt sue the state of Louisiana if you pass this very worthy bill. Thank goodness Louisianans are brave folks who will not get pushed around by an aggressive and litigious industry.

Finally, I want to focus on driver safety.

Billboards have one function, and that is to attract the attention of drivers. That is their sole function. There is a strong body of research that proves a strong negative correlation between billboards and driver safety along our roadways.

A recent report, *Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs*, identified 70 studies on billboard safety. I am submitting a copy of the report for the record.

68 of those 70 studies found that billboards had a detrimental effect on driver performance or attention. The only two studies that did not link billboards to distracted driving were funded—bought and paid for—by the billboard industry.

If a motorist spends enough time to read and comprehend a billboard, which is what the billboard owner wants them to do, by definition they have taken their eyes away from the driving task too long. Billboards are designed to distract drivers, otherwise they are not doing their job.

From an aesthetic, an economic, and a safety viewpoint, billboards are bad business for any community.

We favor this bill. We think it is a step in the right direction. However, as is, it is a compromise bill. A better bill would include a ban on all billboards (local as well) and a repeal of your anti-amortization law that makes it financially burdensome for a community to remove billboard blight. The perfect bill would include removal of all billboards outright. This bill doesn't take down a single billboard. But, let's at least stop the bleeding. We hope that his committee does take that first step forward on behalf of the people of Louisiana. Let's work to make Louisiana more beautiful by favorably reporting out HCR 4.

Thank you for your time and I would be happy to answer any questions you have.