

Taking the Long View

A Proposal for Realizing America the Beautiful



3rd Edition
February 2022

*Scenic*America

The Beauty of America

“For over three centuries the beauty of America has sustained our spirit and has enlarged our vision. We must act now to protect this heritage.

“In a fruitful new partnership with the States and the cities the next decade should be a conservation milestone. We must make a massive effort to save the countryside and to establish—as a green legacy for tomorrow—more large and small parks, more seashores and open spaces than have been created during any other period in our national history.

“A new and substantial effort must be made to landscape highways to provide places of relaxation and recreation wherever our roads run.

“Within our cities imaginative programs are needed to landscape streets and to transform open areas into places of beauty and recreation.

“More ideas for a beautiful America will emerge from a White House Conference on Natural Beauty which I will soon call.”

From President Lyndon B. Johnson's
State of the Union message to Congress
January 4, 1965

Cover Photo: Newfound Gap, North Carolina
Photo this Page: Great River Road, Illinois

Introduction

FROM THE PRESIDENT

In April 2016, Scenic America's Board and leadership published *Taking the Long View*, a policy paper, outlining the organization's strategic priorities and focusing policy attention on the visual environment. A year later, as I was interviewing for my current role as Scenic America president, I studied the document carefully. I admired how the Board presented its vision and articulated the scenic conservation challenges we faced as a nation, and I appreciated the ambitious, but achievable, solutions proposed.

Now, six years later, and five years into my tenure as president of Scenic America, it is gratifying to reflect on what this organization has accomplished as we work toward these goals. We led the way in Congress to revive the National Scenic Byways Program and restore its funding. We joined forces with other organizations to bring more resources to our parks and public lands through the Great American Outdoors Act. We secured federal support for utility undergrounding and flexible funding for gateway communities in the Infrastructure and Investment and Jobs Act. We helped activists in dozens of communities from Providence to Orlando to Los Angeles in their fights against billboard proliferation. We have built new educational tools and communications platforms. Perhaps most importantly, we have inspired others with our successes, growing our base of supporters and our fundraising portfolio.

I am proud of the work we have accomplished with support from our Board, our chapters and affiliates, our elected officials, and the thousands of concerned citizens who have responded to our calls to action. In many ways, however, our work is just beginning. We have made great strides, but our challenges have evolved. And as we look to the future, we are, indeed, taking the long view.

As you review the priorities outlined herein, I invite you to reach out to me personally at 202.792.1301 or mark.falzone@scenic.org to share your thoughts and ideas on Scenic America's work and its impact. I am deeply grateful for your support.



Sincerely yours,

A handwritten signature in blue ink that reads "Mark Falzone".

Mark Falzone, President
February 2022

Introduction

FROM THE CHAIR

As chair of the Scenic America Board of Directors, I find it rewarding to review this latest edition of *Taking the Long View*. Scenic America first put these ideas to paper in 2016 in response to the 50th anniversary of the White House Conference on Scenic Beauty. The Board believed that the federal government and private citizens needed to take a stronger stance on issues impacting the visual character and scenic beauty of our nation.

Little did we know how much the world would change in just five years, nor how important our work would be in the wake of those changes. The divisive political climate, a global pandemic, social justice issues, natural disasters, and other forces have severely impacted our work and daily lives. But there have also been important steps forward. Many of us have come to a new understanding of how the natural environment functions as a source of solace and inspiration, as well as a crucial venue for healthy recreation. And as we have spent more time in our communities, we have come to place greater value on the unique character and beauty of our built environment.

While navigating these challenging times, Scenic America has still managed to make impressive progress toward the vision outlined in *Taking the Long View*. We hired a politically savvy leader and strong administrator in our president, Mark Falzone. He has recruited an expert team, forged alliances with like-minded organizations, inspired new and legacy donors, and landed some of the most significant legislative wins in our nearly 40 year history.

On behalf of the Board of Directors, I want to thank Mark and his team for their work in crafting this concrete plan of action from the Board's Long-View vision. While our challenges continue, so does our progress toward our goals.



Sincerely yours,

Mike Dawida

Michael Dawida, Chair
February 2022

Introduction

FROM THE CHAIR EMERITUS

When we first presented *Taking the Long View* in 2016 during my tenure as chair of the Scenic America Board of Directors, we sought to balance the bold vision outlined in our recommendations with the pragmatism necessary to sustain them.

As detailed in this updated version of the white paper, there is progress to report. There is much more concern about the built environment today; urban renewal is not demolishing whole sections of cities, there is a huge land trust and historic preservation movement, and some jurisdictions have passed legislation to regulate outdoor advertising and digital billboards.

However, we are acutely aware that our challenges continue. While some communities have sought protections and reinvestment in their unique qualities, the banality of commercial strips in other places continues apace. Digital billboards are a growing concern, distracting motorists, causing accidents, and disfiguring views. Land use has only been lightly regulated in many state and community plans, and the look and feel of haphazard growth affects our vistas and critical resources. While progress has been made, more work needs to be done.

Let's continue to enhance this vision by revisiting these issues and exploring these proposed solutions with renewed commitment and fresh energy. In this way, we will advance the ways that we can support each to achieve a long-lasting America the Beautiful. This should be a source of orientation for our spiritual well-being in every neighborhood, whether rich or poor, city or town, and strengthen our very identity as a nation and as a people.



Sincerely yours,

A handwritten signature in black ink, reading "Ronald Lee Fleming". The signature is fluid and cursive, with the first name "Ronald" being the most prominent.

Ronald Lee Fleming, Chair Emeritus

Fellow, American Institute of Certified Planners and Fellow, US/International Committee on Monuments and Sites

Introduction

STATEMENT ON DIVERSITY, EQUITY, AND INCLUSION

Scenic America affirms its commitment to preserving and enhancing scenic beauty, and to creating a scenic America for all people and all communities. To fulfill this purpose, we commit our organization to promoting Diversity, Equity, and Inclusion through our work. We will strive to reflect the values of Diversity, Equity, and Inclusion in our governance, in our administration, in our partnerships, and in our strategic operations and programs. Scenic America will work to ensure that all Americans can enjoy equitable access to, and conservation of, scenic beauty, and to ensure that all Americans are recognized as stakeholders and participants in scenic conservation decision-making processes.

We believe that all Americans deserve to enjoy scenic beauty in the places they live, work, and travel, regardless of race, color, religion, national origin, disability, age, gender identity, or sexual orientation. The scenic conservation outcomes we seek to achieve are guided by this belief. Our advocacy and program efforts regarding scenic byways, outdoor advertising control, parks and open spaces, and utilities undergrounding and infrastructure upgrades all present key opportunities to promote Diversity, Equity, and Inclusion.

Because scenic byways designation has a positive influence on a broad area around a roadway, it can be a powerful tool to advance the goals of Diversity, Equity, and Inclusion. Scenic byways highlight the historical and cultural contributions of diverse communities across America, they recognize and protect the scenic value of underserved and historically excluded communities, and they offer economic growth opportunities to marginalized peoples and regions, including rural communities which lack other economic development opportunities.

At the same time, we recognize that marginalized and disenfranchised Americans have historically suffered from blight caused by billboards. At-risk neighborhoods, communities, and rural areas have often lacked resources to fight billboard proliferation, and these places have been hit hardest by billboard visual pollution, which has harmed property and reduced economic growth and economic opportunity in these places. As digital billboards proliferate, these communities will suffer further scenic degradation, light pollution, and traffic safety problems. By opposing billboards and digital billboards, and by making opposition tools and information available to more people, we can empower Americans to mitigate decades of harm that has affected underserved and underrepresented communities.

Introduction

STATEMENT ON DIVERSITY, EQUITY, AND INCLUSION

STATEMENT, CONTINUED

Protection and promotion of parks and open spaces will also allow more Americans to have access to our country's most scenic places. Scenic America will help bring scenic beauty to disenfranchised people by promoting parks and green spaces in underserved neighborhoods, and by supporting placemaking improvements that protect and enhance the character of these neighborhoods. Walkable access to parks and other scenic places can help improve public health outcomes among lower-income Americans. We will also protect national parks and other key ecological assets and ensure that marginalized groups have safe and equitable access to them. These great parks are part of our shared heritage, and our education and outreach will help all Americans can enjoy the parks and appreciate their scenic beauty.

Infrastructure planning decisions have created a pattern of blight for many communities of color or underprivileged neighborhoods, and overhead wires are a common sight in these places. Undergrounding projects have often been a privilege of wealthier communities, and Americans who can afford wire-free neighborhoods will tend to favor these places. Scenic America can promote undergrounding through our advocacy for government support, and through our work to improve technical knowledge and technical standards for underground projects. These projects will help improve public safety while also improving reliability of utilities, which promotes economic growth in communities that need it most.

America's patterns of discrimination and inequity caused by many harmful aspects of our history and of our society have in too many instances been compounded by degradation of communities caused by scenic blight. From our perspective, the added burdens attributable to scenic blight should be untenable for all Americans. Promotion of Diversity, Equity, and Inclusion is a mission-critical imperative for all of our work. Scenic America believes that every American is entitled to a community and landscape that is biologically sound, socially just, and spiritually rewarding. These values will guide the strategies and policies advocated by our organization.

Introduction

INDIGENOUS LAND ACKNOWLEDGMENT



Navajo structures near the Grand Canyon, Arizona

Scenic America believes that all people deserve to live, work, and play in beautiful places—and we offer our gratitude to the Native peoples who teach us, by example, how to revere and respect the beauty all around us.

As we carry out our important mission of preserving and enhancing our nation’s visual character and scenic beauty, we acknowledge the nearly 600 Native tribes who lived and worked on these lands for centuries before European colonists arrived. We honor their legacy and embrace their tradition of responsible stewardship of the Earth and its resources. In various aspects of our work, we amplify the voices of the people and places that continue to tell their stories.

Scenic America is proud to collaborate with tribal nations, whether in cultivating scenic byways, preserving open spaces, promoting responsible development, or ensuring equitable access to renewable energy.

Where appropriate, our website and other communications collateral will call attention to the Native populations who came before us. We carry out our mission from our headquarters in Washington, DC, where the Anacostans (Nacotchtank), Piscataway, and Pamunkey peoples once thrived.

Introduction

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Community Placemaking: Preserving and Enhancing Character

ANYPLACE, USA



CHALLENGE

Citizens throughout the country recognize that the character of their communities is a precious resource that must be actively protected. Ultimately, a community should be an expression of the particular people, the culture, the history, and the ecology that created and shaped it. Every city should tell its own story.

Cities that implement poor planning or design choices, or that let visual blight proliferate, gradually degrade the unique qualities of these places. Recovery from loss of community character is a difficult process. Unplanned urban and suburban growth undermines the distinctive character and individual sense of place of communities, resulting in what has become known as the phenomenon “Anyplace, USA.”

Relying largely on voluntary systems of design guidelines, review, and compliance has left large gaps in our ability to protect and improve community character. Knowledge and expertise for preserving community character is not widely available, and community leaders face economic and governmental trends that sometimes make community degradation seem inevitable. While a variety of national, state, and local programs exist to help facilitate placemaking, a national Scenic Places program can provide extra incentives and guidance for overcoming these challenges.

Community Placemaking: Preserving and Enhancing Character

ANYPLACE, USA

DISCUSSION

In the pursuit of placemaking, Americans should view their communities as human-made ecosystems where citizen participation is essential in working with public agencies, developers, and corporations to protect the natural, cultural, and historical resources of their respective communities.

Ineffective or misguided community leadership, government programs, and powerful business forces have too often allowed the destruction of community resources. Corporate franchise design, weak sign regulation, and failures of civic design have degraded the gateways to, as well as the hearts of, our cities and towns. In and around most American communities we find the same ubiquitous, homogenous housing and office developments, fast food franchises, gas stations, motels, used car lots, blinking signs, and vinyl banners.

In recent years, a growing number of citizens, business leaders, and public-policy makers have recognized that the visual quality of our communities is critical to future investment, economic development, human health, livability, and sustainability. Experience has shown that quality development cannot be achieved without some form of local government commitment, planning, and oversight or control to balance individual interests against the overall goals and welfare of the community. Unfortunately, most communities do not have the resources to effectively support professional training for city leaders, planners, historic district commissions, and design review boards. It is also difficult for communities to find qualified individuals to serve on these boards, often because of conflicts of interest.

State and national historic preservation programs offer one path forward. The National Historic Preservation Act of 1966 greatly expanded the National Register of Historic Places, authorized matching funds for surveys, preservation plans, and acquisitions, and established a watchdog federal agency, the Advisory Council on Historic Preservation. The National Register of Historic Places now lists nearly two million contributing historic resources and provides the basis for protections, funding, and incentives.

Likewise, the Federal Investment Tax Credit for Rehabilitation (the “Tax Act”) has stimulated nearly \$102.6 billion in private investment in historic buildings redeveloped for commercial purposes. State-level rehabilitation tax credit and property tax relief programs

Community Placemaking: Preserving and Enhancing Character

ANYPLACE, USA

DISCUSSION, CONTINUED

are now in place in 38 states along with innovative planning and zoning incentives like business improvement districts, adaptive reuse ordinances, and form-based zoning.

State legislation for planning can also play a major role in promoting community character. Several states, including Oregon, Washington, and Florida, provide tools to manage growth and development in localities. Others like Vermont, Maryland, and Hawaii go further by setting guidelines for a host of issues, including environmental management, growth and infrastructure allocation, and plan review. With support from private foundations and the U.S. Department of Housing and Urban Development, the American Planning Association undertook a thorough review of state statutes and made comprehensive recommendations for model planning statutes. The body of work, *Growing Smart*, published in 2002, is available to guide state and local statutes to support community character. Although it still serves as a useful guide, the publication should be updated to include the most recent information.

Beyond increased and comprehensive regulation, a more significant answer is in the rezoning of our towns and cities to allow more people to live on Main Street, in commercial centers, in buildings of greater density, and in mixed-use buildings. This phenomenon is taking place across the country. Increasing numbers of Americans want to live in places with character, vibrancy, and amenities including sidewalks, parks, hiking and bike trails, and farmers' markets.

Protections, incentives, compatible new design, and new downtown investment projects are all part of the equation for cities as diverse as Chicago, Denver, Nashville, Oakland, and Seattle, as well as in smaller cities like New Bedford and Newburyport, Massachusetts; Tupelo, Mississippi; Boyne City, Michigan; and Laramie, Wyoming. Contemporary preservation and urban revitalization have taken shape by civic activists stopping and redirecting destructive projects, developers successfully completing Tax Act adaptive reuse projects, and city leaders working with residents and professionals to revitalize Main Street using the practices of smart growth, new urbanism, and townscape design. This is a potent trend that gives support to those caring about community character.

Community Placemaking: Preserving and Enhancing Character

ANYPLACE, USA



Houston, Texas



Henson Creek Trail,
Prince George's County, Maryland

DISCUSSION, CONTINUED

Independent organizations such as Scenic America have a key role to play as a source of technical assistance and capacity-building. The Scenic Texas affiliate of Scenic America has pioneered the use of a Scenic City Certification program to support and recognize Texas cities and towns that implement high-quality scenic standards for public roadways and urban spaces. This Scenic City Certification program provides a proven, highly regarded tool to Texas cities for assessment, evaluation, and recognition of infrastructure standards. Offered at cost of \$749 for a five-year certification, the program recognizes cities with strong scenic standards that reflect civic pride, benefit from a solid sense of community character, and are well positioned for economic growth. Benefits of the program include expert third-party evaluation of existing standards, creation of a basis for continual review and analysis of development plans, creation of a platform to educate citizens on the impact of local regulations, and support of economic development efforts.

There are currently 85 cities participating in the program, including Houston, Fort Worth, Plano, and Arlington. More information is available at sceniccitycertification.org.

Community Placemaking: Preserving and Enhancing Character

ANYPLACE, USA

PROPOSED SOLUTIONS

1. Support local efforts by developing a set of brief case studies, scenic and aesthetic standards, and other supporting resources for successful main street and downtown revitalization efforts. Case studies will focus on issues common to many communities, such as innovative planning and zoning codes, adaptive reuse ordinances, downtown historic districts, compatible infill, mixed-use developments, diverse housing, and entrances and edges. Example communities should reflect a range of socioeconomic conditions and diverse physical character. Standards in planning and zoning codes should be applicable to civil engineering, residential and commercial/industrial areas and structures, architectural design guidelines (including infill), signage, landscaping, streetscapes, and maintenance of the public realm to ensure the protection and enhancement of community character. These standards will help civic leaders to implement scenic conservation best practices. Developing these resources will establish Scenic America as a leading authority on community character and a clearinghouse for scenic-minded planning and zoning concerns.
2. Forge alliances with other organizations and programs that encourage responsible growth and development, including the National Main Street Center (www.mainstreet.org) regarding civic and commercial centers, the Arbor Day Foundation and its Tree City USA awards (www.arborday.org) for tree plantings on gateway roads, and state historic preservation offices and commissions to recognize local and regional historic districts, design review boards, and scenic byways.
3. Educate citizens, particularly young people, on the visual environment, using platforms such as the Agents of Discovery app, the ViewFinders program, and other education programs developed by Scenic America and partners.
4. Support increased funding from the Land and Water Conservation Fund (LWCF) for open space conservation. Promote the use of LWCF State and Local Assistance Program funds for projects that include places of historical significance. Encourage priority to be given to projects that integrate both preservation of buildings and lands.

Community Placemaking: Preserving and Enhancing Character

ANYPLACE, USA



Charleston, South Carolina



Olympia, Washington

PROPOSED SOLUTIONS, CONTINUED

5. Work with the America Planning Association, the U.S. Department of Housing and Urban Development, and other partner organizations to complete an updated comprehensive review of state statutes that can support recommendations for model planning statutes. Share these models with communities around the country to promote the preservation of community character.
6. Create state and local programs that reward municipalities for incorporating scenic beauty and the preservation of community character into their planning and regulatory codes and processes. For example, see the Scenic City Certification program developed by Scenic Texas. Explore the creation of a similar program on the national level.
7. Urge the American Planning Association to update *Growing Smart*, originally published in 2002, so that communities can benefit from a new guide for comprehensive model zoning legislation specifically to promote community character.

Community Placemaking: Preserving and Enhancing Character

CORPORATE FRANCHISE DESIGN



CHALLENGE

The redevelopment of American communities often involves the addition of popular corporate franchises to the streetscape. As corporations seek to open locations in urban and suburban settings, city planners must work closely with franchise owners and developers to harmonize corporate design requirements with the existing, unique character of a community.

DISCUSSION

Standardized corporate franchise design has become a leading factor in destroying community character by creating a homogeneous expression of America's roadsides, gateways, and streetscapes. The use of corporate franchise branding threatens America the Beautiful, even where the tools of design review and historic district designation are enacted to preserve unique places. There is also the need to articulate the character of a community properly and collectively. Members of a community must develop a coherent vision to establish standards with which corporate design can harmonize.

A few major brands like Starbucks have seen a marketing advantage in fostering an environment where people are attracted to facilities that have an individual character. Some places with a remarkable regional style have encouraged corporate change through

Community Placemaking: Preserving and Enhancing Character

CORPORATE FRANCHISE DESIGN

DISCUSSION, CONTINUED

design review legislation that encompasses gateway areas as well as the central core, such as Santa Fe, New Mexico; Santa Barbara, California; Waterford, Virginia; and Cooperstown, New York—but there are precious few.

Design review has worked most effectively in towns with planning staffs and design review regulations that have been incrementally improved over time. But many towns are intimidated by the threat of litigation and don't have the expertise or the resources to put up a fight even if they resent being "standardized."

PROPOSED SOLUTIONS

1. Ensure that corporate franchise design promotes community character while also promoting safety on roadways. For example, granting a franchise preferential access to highway public rest stops must require a higher standard of visual design.
2. Recognize, and encourage partners to recognize, corporate franchise design that protects community character and public investment in highways. Develop social media and print communications to highlight these positive developments. Recognition could include awards from departments of transportation, the National Trust for Historic Preservation, Scenic America, the American Institute of Architects (AIA), and the American Society of Landscape Architects, among others.
3. Encourage companies to work with design professionals (the American Planning Association and the AIA, for example) to perform environmental reviews, particularly when locating near historic and scenic areas. Promote improved franchise design through targeted outreach to companies. Consider a certification program for design professionals to encourage a deeper investment and interest in historic preservation.
4. Work with partners to identify definitions, standards and criteria for scenic areas and sites with respect to corporate franchise design. Share these standards with companies and with state and local decision-makers and encourage their adoption.

Community Placemaking: Preserving and Enhancing Character

SCENIC VIEWSHEDS



Raquette Lake, Adirondacks, New York

CHALLENGE

In the ongoing effort to catalogue and measure scenic assets and scenic impacts, practitioners have developed a large and growing set of tools and knowledge that is now being used in the field of visual resource management. Advances in imagery, modeling, geospatial research, and new data have enhanced the ability of the scenic conservation community to identify scenic viewsheds and the value they provide, and to understand potential threats to them. To better protect vulnerable scenic resources, states and communities must develop comprehensive visual resource inventories that capture these scenic assets. Building local capacity to use these tools and supporting efforts to create new tools will encourage the development of these inventories and will generate new insights into the most effective strategies for promoting scenic beauty. Ensuring that tools and strategies are easy to access and implement by practitioners with various levels of technical knowledge and experience and by communities with various ranges of available resources is essential to our success in this area.

Community Placemaking: Preserving and Enhancing Character

SCENIC VIEWSHEDS

DISCUSSION

One key feature common to all scenic conservation efforts is the need to create definitions of scenic beauty (and corresponding definitions of scenic degradation and scenic blight) that are objective and systematic. Leaders and community members must make policy and financial decisions about tangible resources. Concepts of scenic beauty are nebulous and are informed by cultural norms as well as personal experiences and preferences. However, these individual preferences, when taken in aggregate, reveal an emerging pattern of scenic values. Certain kinds of landscapes, vistas, and built and natural environments consistently demonstrate high desirability among a wide variety of people. Locations that offer views of waterfronts, forests and other natural areas, mountains, and historic landmarks are desirable both as real estate investments and tourism destinations. Studying these scenic places can yield measurable, quantifiable criteria that can be generalized and applied across different regions.

One of the most effective calculators of scenic value is market demand. As demonstrated in work from real estate marketing professionals and researchers, such as this example, property with a more scenic view can command a higher price. Scenic locations attract more travel, tourism, and recreation spending. At the same time, scenic blight can reduce property values and drive down investment and economic growth brought by visitors. Even so, a marginal value of a single scenic asset is difficult to assess.

Visual resource management methods and technology can play a vital role in measuring scenic impacts. By using these tools, scenic conservation leaders can create optimized strategies for protecting and enhancing scenic beauty in their communities. Some cities and states have already adopted practices for curating local visual resource inventories, and certain federal agencies have also established official methods for measuring visual resources. The Commonwealth of Virginia has visual resource information available, thanks to the efforts of Scenic America's Scenic Virginia affiliate that helped create the Virginia Viewshed Register.

Among agencies, the Visual Management System first developed by the U.S. Forest Service and the Visual Resource Management Program developed by the U.S. Bureau of Land Management were some of the earliest federal systems for scenic viewshed research. Other programs, such as the National Park Service's Visual Resource Program and the new

Community Placemaking: Preserving and Enhancing Character

SCENIC VIEWSHEDS

DISCUSSION, CONTINUED

Scenery Management System from the U.S. Forest Service, have also gained prominence. These systems seek to incorporate aesthetic, psychophysical, psychological, and ecological models of beauty derived from empirical evidence that can be applied in different contexts to reliably “predict” scenic beauty.

Visual resource management represents an interdisciplinary field of practice that draws upon the knowledge of landscape architects, geospatial researchers, ecologists, and others, and incorporates tools from all of them. Some of these tools include public surveys, historic resource surveys, computer topographic models, landscape drafting tools, and a variety of GIS tools.

The capabilities of these tools and the practices for best employing them will continue to evolve. The capacity for scenic stakeholders to use these tools will also evolve. More focus must be placed on efforts to ensure that these programs and assets are accessible to laypersons and do not require specialized technical knowledge and expertise to be put into place. By developing scenic resource standards that are accessible and actionable, and by providing training and support, we can broaden the impact of our work. This will help achieve a variety of scenic conservation goals, including developing corridor management plans for new scenic byways, designating new protected areas, and advocating for the mitigation and prevention of scenic blight. Among local communities, visual resource tools can help alleviate social equity and environmental justice problems by identifying patterns of unequal access to scenic beauty.

PROPOSED SOLUTIONS

1. Promote awareness and understanding of visual resource management tools so that states and communities across the country can create visual resource inventories. Encourage the use of these inventories to promote scenic conservation, including for scenic byways.

Community Placemaking: Preserving and Enhancing Character

SCENIC VIEWSHEDS



Elk Falls, North Carolina



Cedar National Monument, Utah

PROPOSED SOLUTIONS, CONTINUED

2. Using existing visual resource systems as models, public entities with jurisdiction over land-use decisions should develop and implement visual resources management systems and visual resources inventories. Platforms should be created with clear methods and technology to encourage wider adoption and implementation. New users should be trained in visual resource stewardship (VRS) tools and techniques to build capacity within organizations.
3. Advocate for greater funding at the federal, state, and local levels for the development and use of visual resource tools in the form of technical assistance grants and other funding opportunities.
4. Support the community of researchers and practitioners who collaboratively advance the state of knowledge in the field of visual resource management.
5. Promote the use of visual resource analysis as part of comprehensive land use and zoning among local governments, especially to alleviate patterns of social inequality.

Community Placemaking: Preserving and Enhancing Character

STREETSCAPE



Provo, Utah

CHALLENGE

Streetscape includes natural and built elements: architecture, plants and landscaping, lighting, pedestrian furnishings, pavement, public art, and other components. Collectively, these elements fill the spaces of the streetscape with life, light, color, and texture and help make a street comfortable and interesting, and a usable space for people.

Streetscape intersects with the principles and practices of placemaking, context-sensitive design, and complete streets. Placemaking and context-sensitive solutions emphasize process as well as results, especially local empowerment, community involvement, and compatibility with the environment in the broadest sense. Complete streets focus on mobility, safety, and accessibility for people of all strata and abilities, recognizing that great streets do more than get you from point A to B—they encourage you to linger, chat with a neighbor, watch the world go by, or sit and enjoy a good book, yielding powerful community social and economic benefits.

Community Placemaking: Preserving and Enhancing Character

STREETSCAPE

DISCUSSION

Scenic America has been at the forefront of encouraging, promoting, and advocating for:

- Tree conservation,
- Community design and planning to enhance the unique character of a community,
- The integration of context-sensitive solutions (CSS) into transportation planning and project development, and
- Undergrounding of utility infrastructure.

Streetscape complements these emphasis areas within a targeted context.

Streetscape options and solutions may vary in relation to the type and location of a particular street.

Lighting, sidewalks, trees, and underground utilities typically should be sufficient for low-volume streets serving low-density residential streets, suburban, or outer fringe areas. Sidewalks, like all transportation infrastructure, should be planned and located to link origins and destinations, thus enabling residents to walk to schools, community institutions, nearby stores, and local parks and playgrounds, as well as to walk simply for recreation or exercise. Higher-volume streets, including arterials, also should incorporate bike lanes and bus kiosks.

Public art and landscaping should not be an afterthought, for example, the tendency to decide to pretty up an area once construction or buildout is complete. Rather, public art and landscaped pockets should be smoothly integrated, perhaps as focal points or gateways to a particular neighborhood or area, or within a local park.

Higher-density and mixed-use areas have different needs—whether in a small town, a suburban core, or an urban center. The full range of streetscape, including natural and built elements, as well as the principles of complete streets, should be utilized to help create great streets and foster a sense of place. The various elements of complete streets are reflected in the 2021 Complete Streets Act, a national legislative proposal modeled on a Massachusetts law which provides funding and technical assistance for complete streets projects. Bold proposals like this can help make complete streets a reality for more Americans.

Community Placemaking: Preserving and Enhancing Character

STREETSCAPE



Carthage, Missouri



Galena, Illinois

PROPOSED SOLUTIONS

1. Congress should pass the Complete Streets Act. 2.

Continue work with partners to educate citizens and advocate for tree preservation and landscaping, that is, the American Society of Landscape Architects (ASLA), the Arbor Day Foundation, the National Tree Trust, and the Society of Municipal Arborists.

3. Strengthen partnerships with national organizations such as the Urban Land Institute, the American Association of State Highway and Transportation Officials, ASLA, the American Planning Association, the American Public Works Association, the Institute of Transportation Engineers, Main Street America, Smart Growth America, and the Transportation Research Board, to advance the practices of streetscape, complete streets, and context-sensitive solutions.

4. Continue to advocate for the eligibility of the use of federal transportation program funds for all streetscape elements.

Community Placemaking: Preserving and Enhancing Character

NATIVE TREE PLANTING



Blue Ridge Mountains, North Carolina

CHALLENGE

America's beautification projects typically include the use of trees and other flora to enhance the scenic qualities of roadways, open spaces, and urban and rural communities. In addition, upgrades to transportation corridors and other infrastructure projects often incorporate tree planting and other landscape design elements. More broadly, environmental conservation projects seek to protect trees and plant life in vulnerable areas and to restore degraded ecosystems with new plantings. The most sustainable, effective, and context-sensitive approach to all of these projects is to promote the use of native trees and other native plants.

DISCUSSION

As a tool for beautification and community improvement, trees are broadly recognized for the variety of benefits they provide beyond scenic beauty. They reduce air pollution, absorb carbon, control erosion and runoff, reduce urban heat island effects, and provide a habitat for wildlife. However, all the benefits that trees and other plants offer to communities are multiplied by the use of tree species native to an area. Native trees and other native plants are particularly good candidates for promoting conservation

Community Placemaking: Preserving and Enhancing Character

NATIVE TREE PLANTING

DISCUSSION, CONTINUED

and scenic beauty because they are resilient and well-adapted to local ecological conditions. Native plants have a natural role in local ecosystems and are well-suited to live in cooperation with other local plants, local wildlife, and microbiota. By integrating with other native species, native plants promote local biodiversity and ensure that the natural environment is resilient and healthy, which has the added benefit of further enhancing the natural beauty of a place.

Many American parks, gardens, and green spaces feature imported plant species. While these plants might be beautiful, they often represent a liability to communities that host them. They are susceptible to disease and pests, require special care and maintenance, or are hazardous to other plants and wildlife. Tree and plant populations that did not emerge organically within the particular soil, geography, and climate conditions of a place are illadapted to survive in these places, and often require resource-intensive human intervention to stay alive. Native plants, by contrast, can exist naturally in a place with minimal care, and can sustain robust, healthy populations rather than unhealthy specimens that diminish green spaces, or invasive species seen as weeds.

Non-native plants can be a burden when used in inappropriate areas and can even contribute to scenic blight, among other problems. The kudzu vine, imported from Asia to the United States as an ornamental plant, soon became an invasive weed that has destroyed local species and covered large tracts of land and structures throughout the southern states. In California, eucalyptus trees were imported from Australia to be used as wind breaks along railroad and highways but ultimately proved to be a poor fit for southern California's climate. The trees are also prone to fall in rain and high winds. In addition, their bark is highly flammable and exacerbates the already destructive wildfires that plague the state.

In contrast, the use of native plants can reduce the costs of landscape developments over time. Native plants can also highlight the unique natural qualities of a local community. The palmetto trees of South Carolina, the saguaro cacti of Arizona, and the evocative live oaks found in many southern states are all symbols of these places, and they all contribute to the special character of communities in these regions. Native plants can enhance the enjoyment of unique regions for residents and visitors alike.

Community Placemaking: Preserving and Enhancing Character

NATIVE TREE PLANTING

PROPOSED SOLUTIONS

1. Public entities should ensure that the highest design and horticultural standards are employed, including the use of plant material and trees native to a region.
2. Advocate for the U.S. Department of Transportation (DOT) to promote the use of native planting for projects over which it has authority.
3. Encourage state agencies to update landscape management manuals so that native plants are made a priority.
4. Using programs such as the Highway Beautification Program in Florida, the Rhode Island DOT *Best Practices Highway Design Guide*, and the Lady Bird Johnson Wildflower Center as models and resources, encourage states and local communities to incorporate native plantings into new developments.
5. Collect and share information about the use of native plants, and the problems of non-native plants, with local community members, and build partnerships with organizations such as garden clubs to promote the use of native trees and plants.
6. Advocate that every public works project will have a parks, recreation, and/or planting component, such as the Florida DOT's statutory requirement that plant materials comprise at least 1.5% of transportation construction projects.
7. Advocate that public agencies require that the trees they plant are established for three to five years to ensure their survival and that plantings are maintained for a minimum of 10 years. As part of this, proper water, irrigation, and other ongoing and seasonal care must be provided.
8. Encourage citizens to form green teams to plant and advocate for, and support, tree planting throughout their communities, especially in areas traditionally underserved and under-treed.

Community Placemaking: Preserving and Enhancing Character

PROTECTING PEOPLE AND SCENIC PLACES FROM LIGHT POLLUTION



CHALLENGE

Light pollution negatively impacts our ability to enjoy night skies in their natural state. It also harms wildlife and disrupts fragile ecosystems, and excessive lighting harms human health as well. Acute lighting problems from digital billboards cause distractions and visual disruptions to drivers, endangering motorists and pedestrians. Without improved lighting practices, new lighting technology and expanding urban development will continue to spread light pollution across pristine nighttime landscapes.

DISCUSSION

The single largest scenic resource in America is the sky we view every day. Over the past 50 years, America has made great strides in reducing air pollution, and the nation's grand scenic vistas have benefitted tremendously from reduced smog and particulate matter. However, while Americans can better enjoy daytime views of scenic landscapes, a new problem has emerged in the form of light pollution. The night sky is the common heritage of all peoples, but each year fewer Americans can view a truly dark sky from their homes or neighborhoods. The night sky, which can offer profound beauty even in humble places, ought to be accessible to all Americans, but increasingly belongs only to those with the means and leisure to travel to remote and undeveloped areas of the country. Scientists

Community Placemaking: Preserving and Enhancing Character

PROTECTING PEOPLE AND SCENIC PLACES FROM LIGHT POLLUTION

DISCUSSION CONTINUED

and astronomers have been raising awareness of the impacts that light pollution have on their work and flora and fauna, but health and quality of life are also at stake.

Light pollution is a serious threat to human health and the viability of our ecosystem, and it has been increasing at a rate of 2% per year for many years and continues to worsen.¹ We are rapidly losing our dark skies, which are a fundamental component of our DNA and circadian rhythms. The deployment of billions of LEDs (light emitting diodes) to emit light means increases in eye damage, cancer, sleep disorders, and psychological harm to humans. This artificial light also has devastating impacts on many species of wildlife, which are dependent on darkness, starlight and moonlight for navigation, foraging for food, and finding mates.

Digital billboards use LED technology, exacerbating all these problems while also directing harmful light and moving messages at drivers trying to safely operate under nighttime driving conditions. A large and growing body of research confirms that digital billboards distract drivers, change driver behavior, and contribute to accidents.

PROPOSED SOLUTIONS

1. Encourage communities to adopt lighting standards that require adequate shielding, lower light color, and reduced exposure to LED or CFL (compact fluorescent light) without proper filters. Work with partners such as Soft Lights and Dark Skies International to develop and promote lighting standards.
2. Partner with local stakeholder and communities to oppose plans for digital billboards when proposals are submitted. Work with chapters and affiliates to enact digital billboards bans in communities throughout the country.

SOURCE

1. Soft Lights Foundation, <http://www.softlights.org/chapter-1-overview/>

Community Placemaking: Preserving and Enhancing Character

CREATING SCENIC EDUCATION FOR ALL AMERICANS



Conservation Education in Action

CHALLENGE

Scenic conservation, existing at the intersection of a variety of policy and governance challenges, offers a unique opportunity for interdisciplinary learning. Everything students learn about environmental protection, historical, cultural, and archaeological preservation, or outdoor recreation and health and well-being, is expressed through real-world examples that students can experience first-hand through learning about scenic conservation.

A strong scenic education can help students make the connection between scenic beauty and the advantages it brings. These advantages include high quality of life, protection of natural and historically significant places, improved physical and mental health, and improved economic opportunities. By helping students engage with the beauty of their surroundings, Scenic America can instill lifelong scenic values and encourage future community leaders to make scenic conservation a top priority.

Ensuring that all students from all backgrounds can learn about and experience scenic beauty will require the development of compelling education tools that are accessible to a wide audience. Programs like ViewFinders and Agents of Discovery are ideally suited to this purpose, and partner organizations like Project Green Schools can help bring these tools to students and teachers throughout the United States.

Community Placemaking: Preserving and Enhancing Character

CREATING SCENIC EDUCATION FOR ALL AMERICANS

DISCUSSION

In 2019, Scenic America announced the launch of ViewFinders, the first and only educational program aimed at teaching youth how to critically examine the visual environment. First developed by the Dunn Foundation, ViewFinders is designed to help citizens, particularly elementary and middle school students, look at their communities with a critical understanding of scenic beauty. This tool takes the form of an online point-and-click game and interactive virtual environment that can be accessed on any web-enabled devices.

Scenic America worked with the Dunn Foundation to redevelop an existing ViewFinders curriculum for the digital age, resulting in a website that is informative, interactive, and visually appealing. While designed with students in grades 5 through 8 in mind, the program can be enjoyed by people of all ages.

Among the features included in ViewFinders is the chance to be mayor of “Youville” so that students can decide how they want their virtual town to look. By choosing from a series of different options, users can watch the town change right before their eyes. Another lesson allows users to click on blighted objects to remove them, and virtually clean up their town. Story elements and sound and video features also enhance the user experience.

Building off the past success of ViewFinders, in 2020, Scenic America began developing a new app-based interactive educational program to meet the evolving needs of students and educators. To accomplish this, Scenic America collaborated with Agents of Discovery, an interactive mobile game-inspired platform primarily designed for use in state and national parks and museums. Using this platform as a foundation, Scenic America developed a series of scenic conservation-focused educational missions, including a sitespecific program designed to be played in Pittsburgh’s Point State Park and a general mission that can be played from any classroom or home. After downloading the app and selecting the Scenic America mission of their choice, users take quizzes, play interactive games, and complete challenges testing their knowledge of scenic conservation principles.

Community Placemaking: Preserving and Enhancing Character

CREATING SCENIC EDUCATION FOR ALL AMERICANS

DISCUSSION, CONTINUED

The challenges featured in each mission offer ways to extend lessons into new learning tasks, and the Scenic America curriculum materials developed with Project Green Schools offer a seamless integration of these learning opportunities. Scenic America will continue to evolve and grow this program as new functions are added to the app.

Ultimately, scenic beauty and concepts related to it are often best communicated through a visual medium. These concepts can be viscerally experienced through visual perception, and the image-based approach found in ViewFinders and Agents of Discovery takes advantage of new technology to give students a strong visual experience in convenient and accessible learning tools.

PROPOSED SOLUTIONS

1. Educate students, and Americans in general, on the visual environment using the ViewFinders program and the Agents of Discovery app, developed with the support of the Dunn Foundation, the Laurel Foundation, and Scenic America.
2. Work with educational partners like Project Green Schools to continue refining and updating scenic curriculum materials and connecting students and teachers to the tools Scenic America has developed.

Honoring Parks and Open Spaces:

IMPLEMENTING THE LAND AND WATER CONSERVATION FUND (LWCF)



String Lake, Grand Teton National Park, Wyoming

CHALLENGE

Public funding to ensure the protection of our country's parks and open spaces was inadequate for years. This has changed dramatically, thanks to the August 2020 passage of the Great American Outdoors Act (GAOA), which Scenic America helped make possible. This was a major victory for the entire country and represented a significant achievement for Scenic America and other environmental organizations. However, more work needs to be done, and sustained and public-private partnerships are still too few.

Our country's open spaces include parks and scenic areas, rural and urban forests, wilderness areas, and, increasingly, parks are being created from unexpected places like reclaimed brown fields and redeveloped industrial zones, and they are often integral elements of commercial development and infrastructure projects. These open spaces provide active and passive recreation opportunities, scenic enjoyment, ecological protection, environmental education, a sense of well-being, and local and national pride. The vital role of open spaces cannot be taken for granted.

As society urbanizes, pressure to develop drives up costs for acquiring land for open space, greenways, and parks. Government funds for acquiring and maintaining federal, state, and local land have lagged while the public demand for parks and open space

Honoring Parks and Open Spaces:

IMPLEMENTING THE LAND AND WATER CONSERVATION FUND (LWCF)

CHALLENGE, CONTINUED

conservation is increasing. Federal funding for parks and open space acquisition through the Land and Water Conservation Fund (LWCF) was threatened when accrual authority expired in 2015, but this was extended to September 2018. The program was permanently reauthorized through the Dingell Act in March 2019. This was a significant accomplishment and represented one of the largest legislative breakthroughs in the history of American conservation, which Scenic America was proud to support. Since then, \$900 million in annual funds have become available through the GAOA. Sound guidance and management of these funds can ensure that partnerships achieve the goals of open space and park creation and conservation, and the promotion of scenic beauty across the nation

DISCUSSION

Congress created the Land and Water Conservation Fund (LWCF) in 1965 to fund federal and state acquisition and conservation of large land areas for watersheds, scenic landscapes, and public parks. The fund is financed by special taxes, earmarked receipts, and royalties from offshore oil and gas revenues, capped at just under \$900 million annually.

The LWCF maintains a large capital balance, but its accrued interest reverted to the U.S. Treasury instead of growing the fund. It is administered by the U.S. Department of the Interior, pursuant to project authorizations given by Congress. Therefore, even when there is money available in the fund, projects only move when they are authorized by Congress. As a result, a national backlog of unmet needs developed. A group of local and national conservation organizations, the Land and Water Conservation Fund Coalition, assembled to inform Congress about the unmet needs, and about the success the fund has achieved during the past 50 years.

While more than 4.5 million acres have been acquired and preserved as federal open space using the LWCF, from the Golden Gate National Recreation Area in California to the Cape Cod National Seashore in Massachusetts, the LWCF Coalition estimates the future need for open space acquisition at \$30 billion.¹ More recently, LWCF assistance has helped expand protected areas at California Coastal National Monument and Everglades National Park.

Honoring Parks and Open Spaces:

IMPLEMENTING THE LAND AND WATER CONSERVATION FUND (LWCF)

DISCUSSION, CONTINUED

Historically, the LWCF State Assistance Program has been crucial for ensuring access to parks. From 1965 through Fiscal Year 2021, more than \$5.1 billion has been apportioned through the program, which has funded more than 44,000 projects to acquire land and develop facilities for public outdoor recreation purposes.² The federal investment has been matched by state and local contributions for a total LWCF grant investment of more than \$10.2 billion. As of 2021, LWCF-assisted parks can be found in more than 98% of counties in the United States. Prominent State Assistance Program projects include Liberty State Park in New Jersey, the Willamette River Greenway in Oregon, and Illinois Beach State Park.

There continues to be a great need to acquire land for conservation purposes and for parks. Properties that should be acquired for one often are not the same as for the other, yet such properties can frequently be designed to serve both purposes simultaneously. From the Crown of the Continent in Montana to the Roanoke River National Wildlife Refuge in North Carolina, the fund has leveraged state appropriations and private donations to not only preserve scenic beauty, but also to protect entire ecosystems.

The economic benefits associated with parks and open space are compelling. Partnerships among private citizens, state and local agencies, land trusts and nonprofit organizations, such as the Trust for Public Land, the Nature Conservancy, and the Rail-to-Trails Conservancy, are invaluable in leveraging scarce government funding. In addition, there is a growing need for new parks to revitalize communities and to improve public health. The COVID-19 pandemic showed a direct correlation between health and parks and recreation. Parks provide recreational opportunities that are healthy alternatives to sedentary lifestyles, and a recent study showed that green spaces help children excel academically.³

Green spaces such as national parks can be powerful drivers of economic growth. The U.S. Department of the Interior reviewed the economic impacts of national parks, and found that, in 2019, visitor spending in communities near national parks resulted in a \$41.7-billion benefit to the nation's economy and supported 340,500 jobs.⁴ That year, more than 327 million visitors spent \$21 billion in communities within 60 miles of a park in the National Park System. Grand Canyon National Park, just one park out of more than 400 NPS

Honoring Parks and Open Spaces:

IMPLEMENTING THE LAND AND WATER CONSERVATION FUND (LWCF)



Big Sur, California



Johnson's Shut-Ins State Park, Missouri

DISCUSSION, CONTINUED

entities, attracted nearly six million visitors who spent more than \$890 million, supporting 11,806 jobs and generating a \$1.1 billion total economic output. Although many were closed or limited in capacity in 2020 due to COVID-19 restrictions, 15 national parks set new visitation records.

A growing number of states and communities are developing open space inventories to identify protected and unprotected resources to inform the conservation and acquisition of parks and open space and to establish funding resources for acquisition and maintenance. These inventories help all owners consider the importance of their property, evaluate the degree of protection needed, and develop funding priorities.

The full and permanent funding of the LWCF signifies an enduring commitment to preserving scenic natural places. As the program moves forward, America's lawmakers are called upon to support both individual LWCF projects and subprograms that impact their districts. This balance will be vital for continued success.

Honoring Parks and Open Spaces:

IMPLEMENTING THE LAND AND WATER CONSERVATION FUND (LWCF)



Portland Head Light, Maine



Dolly Sods, West Virginia

PROPOSED SOLUTIONS

1. With the permanent reauthorization and full funding of the Land and Water Conservation Fund, work with leaders to guide program decisions and ensure that the land-use and infrastructure outcomes promote scenic conservation to the greatest extent possible. Identify and facilitate public-private partnerships that can achieve this goal.
2. Link other Scenic America goals and programs to leverage results and funding. For example, as undergrounding utilities and billboard elimination create open space, pursue park and greenway initiatives with LWCF's support.

SOURCES

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2. <https://www.doi.gov/lwcf>
3. <https://www.theatlantic.com/health/archive/2015/06/green-spaces-make-kids-smarter/395924/>
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Honoring Parks and Open Spaces:

DEFERRED MAINTENANCE ON FEDERAL LANDS



Valley of Fire State Park, Nevada

CHALLENGE

Preserving parks and open spaces requires not only acquisition of new protected lands, but also support and enhancement of existing conservation areas. The elements of the built environment that allow visitors to access and appreciate America's scenic beauty must be maintained to a high standard for the safety and well-being of guests and of the resources themselves. The National Park Service's system of parks attracts and accommodates more than 300 million visitors annually and protects the environment. This massive responsibility puts a strain on park resources. Furthermore, many national parks feature historic buildings, archaeological sites, and other sensitive assets that require special protection or refurbishment. Unfortunately, the costs of maintenance have historically outpaced available budgets. This deficit, or "deferred maintenance," within the parks system has accumulated over the years until it has reached crisis levels. The Great American Outdoors Act (GAOA) makes new funding available, but careful disbursement of funds is needed to ensure maximum positive impact.

DISCUSSION

By 2020, the backlog of necessary but incomplete maintenance work for national parks had grown to more than \$11.9 billion in estimated costs.¹ This included necessary repairs or

Honoring Parks and Open Spaces:

DEFERRED MAINTENANCE ON FEDERAL LANDS

DISCUSSION, CONTINUED

maintenance on roads, buildings, utility systems, and other structures and facilities across the National Park System that had been postponed for more than a year due to budget constraints.

The costs for completed repairs to paved roads and parking areas and structures such as bridges and tunnels rose to \$6.15 billion. The cost for repairs to all other facilities (buildings, housing, campgrounds, trails, wastewater systems, utility systems, dams, constructed waterways, marinas, aviation systems, railroads, ships, monuments, fortifications, towers, interpretive media, and amphitheaters) was estimated at \$5.77 billion. All these repairs are needed to continue meeting the needs of park guests, and to keep parks safe and accessible to the public.

Thanks to continued support from Scenic America as part of a policy advocacy coalition, the GAOA, passed on August 4, 2020, established a National Parks and Public Land Legacy Restoration Fund that will help address almost half of the deferred maintenance needs in the National Park System. With adequate funding and proper investment, the deferred maintenance backlog can be eliminated.

With the passage of the GAOA into law, officials can begin to address the most critical maintenance needs for the National Park Service's highest priority infrastructure, including repair and improvement of trails, roads, bridges, water systems, and other infrastructure. Under the law, \$1.9 billion in additional funds per year is set aside to fund priority deferred maintenance projects in federal Fiscal Years 2021-2025. Of that, 70% is allocated to the National Park Service, 15% to the U.S. Forest Service, and 5% each to the U.S. Fish and Wildlife Service, Bureau of Land Management, and Bureau of Indian Education. In addition, no more than 35% of the funding can be allocated to infrastructure projects.

Honoring Parks and Open Spaces:

DEFERRED MAINTENANCE ON FEDERAL LANDS



Gettysburg, Pennsylvania



Chimney Rock, North Carolina

PROPOSED SOLUTIONS

1. In 2025-2026, Congress should dedicate more funding to deferred maintenance to fully eliminate the maintenance backlog. We also must encourage Congress to fund the Nationally Significant Federal Lands and Tribal Projects Program in the Transportation, Housing, and Urban Development Appropriations bill, which will help NPS repair many major transportation assets.
2. Along with LWCF Coalition partners, promote the adoption of context-sensitive solutions and scenic conservation standards for any repairs or upgrades made to national parks.
3. Encourage national park leaders to coordinate activities with surrounding gateway communities to ensure that infrastructure upgrades to parks provide mutual benefit. Input and guidance from these communities can help facilitate scenic conservation and adoption of context-sensitive solutions among parks and communities simultaneously.
4. Work with parks associations and private-sector partners to enlist private-sector and community support for capital, maintenance and operating projects and programs.

SOURCE

1. https://www.nps.gov/subjects/infrastructure/upload/NPS-Deferred-Maintenance-FY18State_and_Park_2018.pdf

Honoring Parks and Open Spaces:

PROTECTING PUBLIC LANDS



Glacier National Park, Montana

CHALLENGE

The National Park Service protects more than 85 million acres of land throughout the United States. Many of these lands first gained protected status as national monuments under the Antiquities Act of 1906, and this designation will continue to play a key role in protecting our nation's heritage and scenic beauty. However, in coordination with lawmakers in Congress and in some key states, the presidential administration enacted Executive Order 13792 in April 2017, which launched a concerted attack on protected lands. The order sought to de-designate large portions of up to 50 monuments, leaving them vulnerable to degradation, boundary changes, or giveaways to private development interests. The attack on these monuments also harmed the nearby communities, which served as gateways to these scenic and historically important places.

Opening these spaces to destructive uses, such as natural resource extraction, pipelines, utility transmission corridors, and associated access roads, unduly burdens vulnerable and disenfranchised rural communities. We must protect open spaces and parkland from uses that harm or destroy scenic values and critical resources. We must also ensure that unavoidable extraction and infrastructure projects in open space and parkland will be professionally planned in such a way that harmful scenic and environmental impacts are minimized and mitigated through restorative and enhancement measures that result in net-positive outcomes.

Honoring Parks and Open Spaces:

PROTECTING PUBLIC LANDS

DISCUSSION

Though they have much in common, national monuments are proclaimed by the president while national parks are established by an act of Congress. The Antiquities Act of 1906 established the president's authority to designate national monuments in order to safeguard and preserve federal lands and cultural and historic sites. Seventeen presidents have designated 158 notable sites as national monuments under this authority. Like national monuments, national parks must be located on land already owned or controlled by the federal government. Congress will often designate areas around national monuments as national parks; nearly half of all national parks were established in this way. National parks generally have broader recreational value than national monuments.

In April 2017, the president signed Executive Order 13792, requiring the Department of the Interior to review all national monuments designated after 1996, to recommend potential changes. The review specifically targeted sites that were 100,000 acres or larger, and up to 50 total sites were potentially at risk of losing protection. By December 2017, the department had concluded the initial review, and the administration declared an 85% reduction of Bears Ears National Monument and a 50% reduction of Grand Staircase-Escalante National Monument, both in Utah, and both home to a wealth of Native American history, archaeology, and unique ecology and geology. The department also made recommendations to de-designate or reduce 10 monuments in total, including boundary reductions to allow timber harvesting at Cascade-Siskiyou National Monument and Katahdin Woods and Waters National Monument, and to allow commercial fishing at a reduced Rose Atoll Marine National Monument.

In August 2019, the department proposed new management plans for the reduced Utah monuments, and in July 2019 the Bureau of Land Management (BLM) released its version of a management plan for the Bears Ears National Monument, in the face of widespread public and congressional opposition and litigation. The BLM released final management plan decisions for both Utah monuments in February 2020, and in June of that year, the administration announced its intention to remove protections for Northeast Canyons and Seamounts Marine National Monument, America's only monument in the Atlantic Ocean. Before the 2017 executive order, no president had ever attempted to eliminate an existing national monument.

Honoring Parks and Open Spaces:

PROTECTING PUBLIC LANDS

DISCUSSION, CONTINUED

National parks and national monuments are two parts of a national land protection system, which, across all levels and jurisdictions, covers more than 726 million acres. Of this land, 433 million acres are available for logging or localized mining or other extractive activities. Only about 40% of this land is protected from development, but demand for more extraction could continue to erode park and monument designations.

Technology will make new energy sources viable and will change consumption of energy. Nevertheless, extractive industries will remain a key part of the economy. Part of the solution to energy problems has been at the expense of public lands used for the extraction of natural resources such as oil and gas, and more recently wind and solar, and the networks of supporting infrastructure associated with such enterprises. Unfortunately, many of these efforts have been hastily planned without sufficient consideration of longterm harmful effects or of sufficiently robust ways to minimize and mitigate impacts.

There is a positive model that has been in effect at the federal level for more than 50 years—namely, Section 4(f) of the U.S. Department of Transportation (DOT) Act of 1966, which prohibits the use of parkland, open space, recreational land, and historic areas for federally funded transportation projects without a rigorous demonstration that there is “no feasible or prudent alternative” to the use of such land. In those cases where it has been possible to demonstrate that no such alternative exists, the mitigation requirements have been substantive, typically resulting in net benefits through replacement acquisitions or enhancements that far exceed impacts to directly affected areas. This legislation, which was challenged and tested early and often in the courts, has become the “gold standard” for protection of parks and open space. It should be extended to all actions affecting parks and open space.

While there are few regulations, professional practice standards, or incentives to ensure projects will enhance rather than detract from the scenic character of their communities, new tools for evaluating scenic impacts are emerging.

There are successful examples of compatible scenic design and infrastructure development that incorporate and create parks and open space such as New York City’s Riverside Park and Riverside Drive, the Taconic Parkway in New York, the Portland, Oregon, Light Rail

Honoring Parks and Open Spaces:

PROTECTING PUBLIC LANDS



Riverside Park, New York



Aztec Ruins National Monument, New Mexico

DISCUSSION, CONTINUED

Service, and the Los Angeles Metro Gold and Exposition Lines. All have scenic open space and parkland as integral to their design as they sensitively traverse diverse urban areas. Incorporating scenic standards and regulations as part of project environmental requirements will contribute to the protection and enhancement of open space and scenic values.

Ultimately, there are many cases in which extraction, development, or other commercial activity cannot occur without causing significant harm to the scenic beauty of a place. Within the National Park Service system, national monuments include sensitive cultural and historic sites, such as the 900-year-old ruins at Aztec Ruins National Monument in New Mexico. These sites are particularly vulnerable to scenic intrusions. America's premier national parks' and federal lands' greatest value is the pristine state of nature and unblemished beauty they offer visitors. This is also true for lands that serve as habitats for endangered species and sensitive ecosystems; these places are crucial sources of America's biodiversity. To protect key monuments and natural places, all development and extraction must be prohibited in some places.

Honoring Parks and Open Spaces:

PROTECTING PUBLIC LANDS

PROPOSED SOLUTIONS

1. Congress should enact a law banning reduction or elimination of any National Park Service unit.
2. Promote policies to limit federal, state, and local government's ability to utilize or permit the use of land that is preserved as open space or parkland. Encourage the active and innovative use of park and open space resources in ways that enhance them and expand appreciation of their character and condition. The approach used could be modeled after Section 4(f) of U.S. DOT Act of 1966 because of its success in effectively accomplishing these purposes for federally funded transportation projects.
3. At sensitive sites such as National Park Service units and public lands that are habitats for rare and endangered species, extraction and development should be minimized or banned entirely.
4. As a part of infrastructure development and improvements, local governments should create parks, scenic areas, and people-oriented resource-compatible uses. When feasible, transmission of electrical energy should be moved underground as part of a utilities undergrounding project.
5. Context-sensitive design should be the norm for publicly funded capital projects in open space and parks.
6. Tools and systems for measuring scenic impacts to parks and other vulnerable open space, such as the Bureau of Land Management's Visual Resource Management, should be developed and promoted at all federal, state, and local land management agencies and stakeholder organizations. Said systems should be evidence-based and free from political interference.

Honoring Parks and Open Spaces:

GATEWAY COMMUNITIES



Estes Park, Colorado

CHALLENGE

Gateway communities serve as entry and exit points to federal lands, such as national parks. Considering that 27.4% of the land in our country is owned by the federal government, many communities have come to rely on these federal lands as economic drivers. The transportation corridors located around these federal lands have the power to economically transform these gateway communities. Unfortunately, the desecration of gateway corridors and communities approaching and adjacent to many of our most cherished national parks and other federal lands seriously diminishes the experience of visitors and often jeopardizes the fragile ecology of the parks themselves. With few restraints regarding planning, zoning, vehicular access, cell towers, utility lines, or garish signage, some of the worst examples of unabated strip commercial development have emerged at the doorsteps of our national parks and federal lands.

Honoring Parks and Open Spaces:

GATEWAY COMMUNITIES

CHALLENGE, CONTINUED

This degradation of gateway corridors and communities results not only in jarring and incongruous visual intrusions, but also in serious traffic congestion and safety problems for vehicles, pedestrians, and cyclists, not to mention the impacts on local flora and fauna. The challenge is to halt and undo the degradation of gateway corridors and communities by engaging with local governments, residents, and the business community to demonstrate the value created by an enhanced gateway experience for visitors.

DISCUSSION

The National Park Service (NPS) includes more than 423 park properties, and federal lands managed by the Bureau of Land Management, U.S. Forest Service, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, and other federal agencies collectively include nearly one million square miles of territory. While there is no consistent definition or criteria for a gateway community, there are more than 300 cities and towns located within 50 miles of a national park, and countless more located near other federal lands. The NPS estimates that 329,000 jobs are directly created by national parks, and visitor spending amounts to \$20.2 billion annually.¹ This is part of a broader domestic travel and tourism industry that generates more than \$1.94 trillion in economic output each year, and which helps employ more than 9.5 million Americans.

The NPS offers guidance for gateway communities on how to develop vibrant economies while also conserving natural, cultural, and recreational assets. More significantly, the Federal Lands Access Program (FLAP) directs funds from the FHWA Highway Trust Fund to improve transportation facilities that provide access to, are adjacent to, or are located within federal lands. Every year, projects throughout the country are awarded FLAP funding, which must be matched by state and local funds. In 2020, more than \$270 million was disbursed through FLAP, which supported infrastructure projects in gateway communities ranging from new bike paths and traffic roundabouts near the Truckee River in California to a pedestrian safety study at First State National Park in Delaware. By expanding FLAP funding, Congress can support more community-enhancing projects like these, and a new allocation formula can ensure that each state is guaranteed a minimum threshold amount.

Honoring Parks and Open Spaces:

GATEWAY COMMUNITIES

DISCUSSION, CONTINUED

In addition to FLAP, there are other federal grant programs that can be used to support improvements in gateway communities. Most notable are the NPS Preserve America Grants, which are “designed to support a variety of activities related to heritage tourism and innovative approaches to the use of historic properties as educational and economic assets.” These grants specifically fund research and documentation, interpretation and education, planning, marketing, and training. Historically, these matching grants can range in value from \$20,000 to \$250,000. However, the Preserve America program, while still federally authorized, is not currently funded. There are related funding programs that are still active and managed by the National Park Service, such as African American Civil Rights Grants, the Historic Revitalization Subgrant Program, and Underrepresented Community Grants. While small, these specialized grants programs represent an underused resource for supporting gateway community development.

With proper stewardship and support, gateway communities can generate economic growth for themselves and provide a seamless and enjoyable experience for travelers who visit federal lands, while also ensuring that these lands are protected from scenic blight or other harmful development. Not all communities have succeeded in this goal.

An unfortunate example of degradation in a gateway community was a 307-foot, privately owned observation tower that intruded upon the Gettysburg National Military Park for more than a quarter of a century (1974–2000) before sufficient outrage among preservationists and others resulted in its forced removal through eminent domain.

However, there are numerous examples in which residents, business interests, and elected leaders in gateway corridors and communities have succeeded in preserving and restoring the attractive qualities and characteristics that harmonize with rather than detract from nearby national parks.

Examples of improved gateways communities include Estes Park and Grand Lake, Colorado (Rocky Mountain National Park); Red Lodge, Montana (Yellowstone National Park); Jackson, Wyoming (Grand Teton National Park); Mount Desert Island, Maine (Acadia National Park); and communities adjacent to Harpers Ferry National Historic Park in West Virginia, to name just a few. In contrast with Pigeon Forge, Tennessee, nearby Gatlinburg,

Honoring Parks and Open Spaces:

GATEWAY COMMUNITIES

DISCUSSION, CONTINUED

once a poster child for unseemly exploitation of a national park gateway, is on its way, through committed local leadership to restoring the unique character that existed before this era of strip-developed land-use clutter.

Other communities around the country have accomplished similar goals by using a variety of methods. There is an abundance of tools, ranging from voluntary compliance by way of example or pressure (from neighbors, peers, customers, and enlightened competitors) to prescriptive local regulations such as scenic overlay zones. These zones, which supplement underlying zoning to preserve or enhance outstanding views defining a visual standard, are approved by a majority of property owners in a defined district and are another method of leveraging change. One such example is an ordinance in Charlotte, Vermont, a gateway community on Lake Champlain.

This approach builds in adequate due process by affording property owners the option of finding support for an alternative if they can muster the votes, while providing the local jurisdiction with the prerogative for action. Invariably, the “positive” examples of national park gateway corridors and communities arise when there is a combination of factors in play, such as passionate and astute leadership, collaboration among affected stakeholders, and a shared vision. Equally important is voluntary compliance, when legislated restrictions or regulatory approaches are not politically viable. Where the political will does exist, effective local planning and zoning (including guidance and restrictions affecting commercial signage, cell towers, utility lines, architectural treatments, and vulnerable environmental resources) can be applied.

PROPOSED SOLUTIONS

1. Starting in 2025-2026, Congress should allocate at least \$400 million per year to FLAP.
2. Explore a change in the formula to FLAP to guarantee each state a minimum allocation each year.

Honoring Parks and Open Spaces:

GATEWAY COMMUNITIES



Gatlinburg, Tennessee



Williams, Arizona

PROPOSED SOLUTION, CONTINUED

3. Work with the The Conservation Fund to support gateway communities to build a comparative consciousness of problems and issues and lobby for supporting FLAP funding from the federal government, and to prepare an information sheet for gateway communities on the character and quality of their communities and economic benefits of scenic-oriented investment.
4. Explore an awards program for gateway communities that demonstrate best practices in visual integration with their federal land counterparts.
5. Strengthen the capability and effectiveness of National Park Service superintendents in reaching out to local communities to build relationships, explore cooperative ways to preserve and enhance the aesthetic and local character of an area, and seek assistance from community and park-related foundations.
6. Develop examples of model programs and approaches to enhance gateway communities, encouraging both distinct character and economic activity and sensible linkage to a neighboring national park.

SOURCE

1. <https://www.trade.gov/sites/default/files/202109/Fast-Facts%2C%202020.pdf>

Honoring Parks and Open Spaces:

SCENIC GREENWAYS



Charlotte, North Carolina

CHALLENGE

Scenic greenways have demonstrated the civic, social, and economic value of providing accessible parks and pathways in and around communities. Greenways incorporate open space and connect parks with other community infrastructure and amenities. The need for greenway acquisition and development will increase as communities combine parks, trails, and transit with complementary commercial and residential development. Sensitively designed and managed public parks and greenways are among the few places where people of every socioeconomic background come together. They play a vital role as social mixing places for an increasing number and diversity of people.

DISCUSSION

While there is no single set of criteria for defining a greenway, greenways are typically oriented to pedestrian and recreational use and comprise an undisturbed or reclaimed natural corridor. They are found in urban, suburban, and rural environments and may connect communities across these environments. As forms of transportation infrastructure that extend over large areas and which also serve as parks, open spaces, and natural habitats, greenways offer key opportunities to promote scenic beauty in communities throughout the country.

Honoring Parks and Open Spaces:

SCENIC GREENWAYS

DISCUSSION, CONTINUED

Disused and refurbished railway corridors frequently serve as greenways, and organizations such as the Rails-to-Trails Conservancy actively support the creation of these assets. The East Coast Greenway Alliance not only supports the extensive East Coast Greenway, which links 450 communities across 15 states, it also offers a comprehensive design guide for creating new greenways. And the Federal Highway Administration (FHWA), which funds a variety of different assets, could be considered a resource for large and small greenway creation and maintenance.

Each greenway integrates multiple uses and diverse populations. Greenways are by their nature multifunctional, preserving open space and existing wildlife corridors while sensitively integrating other activities. They serve as corridors for running, walking, hiking, and biking around communities to promote public health and well-being. They also connect important cultural, historical, and civic sites. In addition, greenways enhance community values and the economic value of neighboring property. Studies of the value of parks and greenways confirm meaningful economic benefits such as increases in contiguous property values along with other economic impacts of job creation and employment, tax revenue, and new business development.

Historic scenic park systems and greenways such as those in Buffalo (Martin Luther King, Jr. Park), Milwaukee (Lake Park), and Louisville (26-mile Olmsted Park System) consist of entire systems of parks and interconnecting parkways that link neighborhoods to green spaces. These scenic jewels of urban landscape humanize and tie together large continuous areas of settlement, recreation, and passive enjoyment. Contemporary examples of such large-scale scenic greenways include the 175-mile Long Island Greenway, the 33-mile Atlanta Beltline, the High Line in New York City, Cherry Creek in Denver, and the Katy Trail in Dallas. At the state level, Tennessee's Greenways and Trails program offers a compelling model, while the Great Rivers Greenway in St. Louis offers a key example for promoting greenways to other city governments. The proposed Long Island Greenway would extend the length of Long Island, creating a continuous bike and pedestrian path linked to the rest of the New York state trail system. A 2010 study found that Long Island's parks and open space provide economic benefits worth more than \$2.74 billion a year, and the proposed greenway could host an estimated 34 million visitors annually.¹

Honoring Parks and Open Spaces:

SCENIC GREENWAYS

DISCUSSION, CONTINUED

Creating or improving greenways also offers opportunities to upgrade the built environment of a community through substantial infrastructure investments. Greenways-related projects can take many forms, and one key example is provided by the \$5.6-million Inlet Beach Underpass in Walton County, Florida. The project was led by Scenic America's Scenic Walton chapter, with support from Walton County commissioners, the Florida Department of Transportation, and the Walton County Tourist Development Council. The project was truly multimodal, with features including a new right turn lane, enhanced pedestrian crosswalks and sidewalks, lighted access points, and new landscaping in the surrounding area. It was also located along the route for the 30A National Scenic Byway, so scenic values had to shape the entire decision-making process. In addition to creating a more aesthetically pleasing intersection, the underpass also makes the navigation of this high-traffic area safer for cyclists and pedestrians. Projects like this can serve models for greenways developments that promote many aspects of beautification and scenic conservation.



Honoring Parks and Open Spaces:

SCENIC GREENWAYS

DISCUSSION, CONTINUED

Greenways promote scenic beauty in two ways. First, greenways themselves are scenic assets. The open space, natural plant life, and park-like qualities they offer enhance the scenic value of the communities and rural areas that host them. Second, greenways promote access to scenic beauty. By functioning as both travel routes and recreational assets, they create opportunities to integrate scenic beauty into people's lives and can serve a wide variety of potential users. Programs and policies that can be used to designate and fund greenways therefore offer an alternative means of promoting scenic beauty.

For example, the National Recreation Trail program, cosponsored by the National Park Service, U.S. Forest Service, and American Trails, designates federally recognized trails with the intention, among others, of providing recreation access to rural and urban communities. Trails on federal, state, or local land are eligible for this program.

Another example, the Rivers, Trails, and Conservation Assistance Program, provides technical assistance and NPS's guidance in identifying funding strategies for a variety of projects including greenways. This program helped create the Naugatuck River Greenway in Connecticut, which was eligible for funding from Surface Transportation Block Grants, the FHWA's Transportation Alternatives Program, and other federal, as well as state, sources.

The FHWA's version of the Recreational Trails Program provides funds to states to develop and maintain recreational trails and trail-related facilities for both nonmotorized and motorized recreational trail uses. This program has included greenways-style trails throughout the U.S., such as the Potomac Heritage National Scenic Trail in Maryland. Private organizations such as the Rails-to-Trails Conservancy have promoted the creation of railroad path greenways, under the aegis of laws such as the 1976 Railroad Revitalization and Regulatory Reform Act and the 1983 "Rails to Trails" amendment to the National Trails System Act; initially federal funding was provided to support these efforts and could be again in the future.

Honoring Parks and Open Spaces:

SCENIC GREENWAYS

PROPOSED SOLUTIONS

1. There are various local, state, and national programs, public and private, that enhance, build capacity for, or provide funding for the creation or improvement of infrastructure and corridors that serve as scenic greenway routes. These programs, such as the National Recreational Trail Program and the Rivers, Trails, and Conservation Assistance Program, should be fully funded.
2. Local governments, following best practices and established model programs, such as those found in the Atlanta Beltline, New York City's High Line, and others, should develop incentives and investment tools to promote greenways and parks as urban development measures, ensuring that scenic principles of location, design, and diverse public use are integral. These developments should incorporate feedback from travel and tourism industry representatives, who can help assess the potential economic benefits of proposed greenway projects.
3. Scenic America can help local scenic activists use existing federal, state, local, and private greenways programs, such as the FHWA Transportation Alternatives program and others, to protect and enhance existing greenways, designate new greenways, and secure available funds to finance needed improvements. Prepare a comprehensive, annotated list of national, regional, and state organizations that are resources for greenway projects.
4. A complete national map of scenic greenway routes should be created and shared with communities throughout the country.

SOURCE

1. The Long Island Greenway: An Extension of the Empire State Trail, Phase 1.
https://www.tpl.org/sites/default/files/Long%20Island%20Greenway%20Phase%20I%20Report_Final%20w%20Appendix.pdf

Honoring Parks and Open Spaces:

WALKABLE ACCESS TO PARKS



Watkins Regional Park, Prince George's County, Maryland

CHALLENGE

Scenic America must create a voice that promotes parks, open space, historic preservation, and environmental protection as integral to the development of great cities, towns, and parks. The movement's strengths are in integrating community goals, encouraging public use, and ensuring sustainability. Parks advocates, historic preservationists, land trusts, garden clubs, parks conservancies, and local Scenic America chapters and affiliates all sprang from the same set of preservation principles. However, each allied organization has its own set of priorities, and scenic beauty is typically not at the top of the list.

These groups need to work together to promote common goals and objectives, including scenic beauty and access to parks for all people and communities. Despite the unquestionable importance of such assets, Americans do not enjoy equitable access to parks and open spaces. According to the Trust for Public Land, almost 30 percent of urban residents do not have a park or playground within a 10-minute walk of their homes.¹ Widespread evidence suggests that poor communities are more likely to have lower-quality parks than wealthier ones. Similarly, lower-income neighborhoods are more likely to have fewer trees, which help provide a healthy environment.

Honoring Parks and Open Spaces:

WALKABLE ACCESS TO PARKS

DISCUSSION

Our nation's finest parks and open spaces were created when individuals and organizations collaborated to make scenic beauty a priority. By protecting and promoting parks, and by enabling easier and more frequent access to them, Scenic America and like-minded organizations can improve quality of life for all citizens.

The creators of Central Park, the first great American city park, were inspired by human desire and appreciation for the pastoral scenic ideal and sought to ensure that visitors could pursue their diverse interests simultaneously. Designed and promoted by Frederick Law Olmsted and Calvert Vaux, the park's scenic beauty was meant to provide a haven from New York's hectic pace. Central Park's 843 acres are divided into a myriad of smaller, interconnected places so that many thousands of visitors can fit comfortably into the space without interfering with the tranquility or recreation uses of others. Its hundreds of carefully considered, landscaped destinations have been in continuous use for more than 150 years.

For centuries, people have admired the majestic scenic beauty of places like the Yosemite Valley and have understood the need to preserve that beauty through our system of national parks. Today, we better understand how important national parks are ecologically, but originally, places like Yosemite were preserved because of their scenic beauty. San Francisco Beautiful (SFB) grew from a local garden club movement. Inspired by the city's heritage as part of the 20th-century City Beautiful movement, SFB kept the city from replacing its cable cars with buses and fought for the creation of the Golden Gate National Recreation Area. Within the Scenic America community, Scenic Texas has established a Scenic City Certification Program that has helped cities embrace scenic beauty by recognizing those that incorporate scenic considerations into their planning functions.

The 1965 White House Conference on Natural Beauty advanced goals to increase and steward parks through an aggressive vision of pluralistic and sustainable scenic parks and open spaces nationwide. Today, the Conference's vision is increasingly being heeded and implemented as communities restore their important park heritage and recognize that potential parkland exists in unexpected places: freeway caps, redeveloped parking lots, and reclaimed industrial zones, to name a few.

Honoring Parks and Open Spaces:

WALKABLE ACCESS TO PARKS

DISCUSSION, CONTINUED

Many communities are also beginning to realize the value inherent in their waterways and waterfronts, in surplus rail lines and government land, and even in garbage dumps. These projects range widely: Freshkills Park on Staten Island, a 2,000-acre park created on a reclaimed landfill; the Denver High Line Canal, a 60-mile recreation trail aligned with the irrigation waterway; the 51-mile conversion of the Los Angeles River from a concrete flood-control channel and urban wasteland to an urban greenway; and a 150-mile hike and bike trail along Houston's bayou system primarily used for flood control. These transformative projects are distinct, scenic, and appropriate to their physical context. They attract locals and visitors of all ages and backgrounds with extensive opportunities for outdoor recreation.

The Infrastructure Investment and Jobs Act (P.L. 117-58) passed in 2021 provides opportunities to promote walkability via planning and land-use decisions, and can offer new funding to support walkable streets and communities.

In response to concerns about equitable access to parks, organizations like 10-Minute Walk have emerged. A partnership of the Trust for Public Land, the Urban Land Institute, and the National Recreation and Park Association, 10-Minute Walk develops strategies to ensure that everyone living in American cities has safe, easy access to a quality park within a 10-minute walk of home by 2050. The organization also promotes the creation of new parks, the protection of existing parks, and urban design that promotes walkability.

Partners like the National Recreation and Park Association also offer implementable best practices for greater walkability. There is unmet demand for walkable access; a recent survey found that two-thirds of Americans agree that their quality of life would improve with better access to a park or green space within a 10-minute walk of their homes.

In addition to improvements to public health and advantages in driving economic development, advocacy for parks can also highlight the benefits of scenic beauty that parks provide. By promoting the use and enjoyment of parks and open spaces and integrating the use of these resources into the daily life of communities and by collaborating with like-minded organizations, Scenic America can instill scenic values in Americans and ensure that scenic conservation is a priority.

Honoring Parks and Open Spaces:

WALKABLE ACCESS TO PARKS



Grand Hope Park, Los Angeles, California



Indianapolis, Indiana

PROPOSED SOLUTIONS

1. Environmental and conservation organizations, including Scenic America and its chapters and affiliates, should promote public awareness and grassroots support for parks and open spaces through all forms of public outreach, and work to pass planning initiatives and zoning reforms that preserve and expand parks and open spaces. Public outreach initiatives, and urban design practices promoted by Scenic America, should include the 10minute walkability standards.
2. Environmental and conservation organizations should educate the public about the value of scenic beauty and the role of scenic beauty movements in conservation, economic development, and healthy communities.
3. With the assistance of Scenic America and its chapters and affiliates, public park land must be protected from being sold or exploited for commercial uses. Scenic America and its partners should highlight the completed PAD-US, an official inventory of U.S. terrestrial and marine protected areas that catalogs protected public space in all urban areas. Similarly, Scenic America should work with communities to identify land that can be redeveloped for parks, recreation and scenic purposes, including schoolyards and former brownfields.

SOURCE

1. <https://www.tpl.org/parks-and-an-equitable-recovery-parkscore-report>

Celebrating America's Scenic Byways:

SCENIC BYWAYS DESIGNATION



Maine, St John Valley, credit Visit Maine

CHALLENGE

The National Scenic Byways Program (NSBP) was established by Congress in 1991 to recognize and protect historic, archaeological, recreational, natural, scenic, and culturally important roads, and to promote tourism and economic development. After 21 years of thriving activity, the national program went dormant in 2012. (New designations were named for the last time in 2009). Federal Highway Administration (FHWA) representatives said that the agency would look to congressional direction before taking on new initiatives or maintaining its efforts and staff resources for the program at their historical level.

However, in 2019, America's tradition of designating and preserving scenic byways came roaring back. Scenic America made the difference. We developed new legislative language for reopening the program, built a strong coalition of dozens of organizations, and worked energetically with congressional members. Rep. David Cicilline (D-RI), Sen. Susan Collins (R-ME), Rep. Garret Graves (R-LA), and Sen. Ben Cardin (D-MD), stepped up as bipartisan, bicameral champions of this legislation. Thanks to their strong leadership and Scenic America's advocacy, the Reviving America's Scenic Byways Act became Public Law 116-57 on September 22, 2019. With this law, Congress directed the secretary of transportation to request nominations for national designation within 90 days of enactment and to announce the decisions within one year following this request.

Celebrating America's Scenic Byways:

SCENIC BYWAYS DESIGNATION

CHALLENGE, CONTINUED

The FHWA received 63 nominations. On February 16, 2021, FHWA officials announced 49 new designations to the America's Byways® collection, including 15 All-American Roads and 34 national scenic byways in 28 states. The total number of America's Byways® is now 184 in 48 states.

Scenic byway designation starts with a strong state byways program. State-, tribal-, and federal agency-designated scenic roads then become candidates for national recognition. In identifying roads for state-level designation, nongovernmental organizations will continue to take leading roles as byway sponsors when initiating and developing byways and planning for their success. Each scenic byway's leaders develop and implement strategies to ensure the continuation of the intrinsic qualities of the byway, often with limited knowledge and experience in just how to do this. Outside guidance and technical assistance from groups like Scenic America can help address this issue.

A regular, predictable cycle of designation of roads as national scenic byways and All-American Roads is an integral feature of a reinvigorated, established national program. It should not be another 10 years before new byways are designated by the FHWA again.

DISCUSSION

Accounting for the separately designated sections of multistate byways, there are 227 national scenic byways, including 56 All-American Roads, and more than 1,000 state scenic byways, found in all 50 states. State scenic byways serve as the candidate pool for nomination to the national program. Byways provide access to the scenic viewsheds of America the Beautiful for our citizens and visitors, and they do much more in preserving windows into our historical, cultural, and natural heritage. Although scenic byways represent a small fraction of the four million miles of streets and highways in the United States, they are critical for preserving landscapes. (For example, a scenic byways designation prohibits new billboards along these roads). A byway corridor management plan can also identify key features in the surrounding lands to be protected.

Celebrating America's Scenic Byways:

SCENIC BYWAYS DESIGNATION

DISCUSSION, CONTINUED



- All-American Roads
- National Scenic Byways
- State Scenic Byways

Byways range in character from the inspiring Blue Ridge Parkway in North Carolina and Virginia to the glitzy Las Vegas Strip; from the Lincoln Highway in Illinois to the Selma-to-Montgomery March Byway in Alabama; and from California's Big Sur to the Acadia Byway in Maine. Many byways serve as gateways to state and national parks, forests, and other public lands. Whether the story is about coastal wilds, a prehistoric natural habitat's landscape and geology, the westward migration of settlers, the history of Native peoples, or bird habitats and flyways, the message remains the same: Once these pristine viewsheds, cultural areas, or natural gems are compromised, they may never be made whole again.

Celebrating America's Scenic Byways:

SCENIC BYWAYS DESIGNATION



Cascade Loop, Washington



Connecticut State Route 169

PROPOSED SOLUTIONS

1. Encourage the FHWA to continue the application and designation process for new national scenic byways. Specifically, we encourage applications to be considered on a rolling basis, but at least every two years.
2. Develop information and assistance that Scenic America can share with local groups to help identify, designate, and maintain scenic byways.
3. Expand the National Scenic Byways Program to all U.S. territories, so the U.S. Virgin Islands, Guam, the Northern Mariana Islands, and America Samoa may also benefit from the program.
4. Encourage the U.S. Department of Transportation, in collaboration with Scenic America, to provide the tools needed by states, tribal nations, and local communities to ensure every byway can meet applicable standards for designation.

Celebrating America's Scenic Byways:

SCENIC BYWAYS FUNDING



Florida A1A Scenic, Historic Coastal Byway

CHALLENGE

After the 2019 passage of the Reviving America's Scenic Byways Act, the next challenge has been to restore funding to the National Scenic Byways Program.

Sen. Susan Collins (R-ME) and Sen. Jack Reed (D-RI) led efforts promoted by Scenic America and our allies that resulted in new funding for the National Scenic Byways Program. On December 27, 2020, \$16 million was allocated to the program in the Consolidated Appropriations Act, 2021; Public Law 116-260. These funds will provide a welcome economic boost to the thousands of communities throughout the country located on or near scenic byways.

However, a single year of funding at this level is not sufficient, and Congress must dedicate more annual funding (preferably multiyear) to affirm its commitment to our country's scenic byways.

Sustained long-term funding is the preeminent challenge for reinvigorating the National Scenic Byways Program. The funding must be dedicated for scenic byways, versus simply expanding the eligibility of other federal-aid highway funds to be used for scenic byway projects. The funding must also have contract authority, ensuring the certainty of annual funds under a multiyear authorization.

Celebrating America's Scenic Byways:

SCENIC BYWAYS FUNDING



94 DPI

Mohawk Towpath
National Scenic Byway, Florida



Needles to Barstow Route 66
National Scenic Byway, California

DISCUSSION, CONTINUED

In addition to protecting the intrinsic value of America's scenic landscapes, scenic byways are a good long-term financial investment, and their economic benefits are unquestionably significant. Scenic byways will continue to play a critical role in supporting the tourism and travel industry, attracting new visitors and new investment to scenic areas.

Nationwide, the U.S. travel and tourism industry generates \$1.94 trillion in direct and indirect economic output each year. Additionally, the industry directly supports 6.1 million jobs, as well 3.4 related jobs in other areas, for a total of 9.5 million Americans jobs.¹ Up to 10% of these travel industry jobs are directly supported by revenue from scenic byways and surrounding gateway communities.²

As new tools for measuring the economic impacts of scenic byways become available, Scenic America is well-placed to help leaders better understand the return on investment that support for scenic byways will yield.

Celebrating America's Scenic Byways:

SCENIC BYWAYS FUNDING



Pikes Peak Highway

COLORADO SCENIC BYWAYS

A 2016 STUDY FOUND THAT BYWAYS GENERATED \$800 MILLION ANNUALLY AND \$4.8 BILLION OVER A FIVE YEAR PERIOD. IN ONE YEAR ALONE, BYWAYS VISITORS CREATED MORE THAN 4,000 JOBS IN COLORADO.



BLUE RIDGE PARKWAY

IN 2020, 14.1 MILLION VISITORS TO THE PARKWAY SPENT AROUND \$1.1 BILLION IN LOCAL GATEWAY REGIONS, SUPPORTING 15,500 JOBS.

Celebrating America's Scenic Byways:

SCENIC BYWAYS FUNDING



Natchez Trace

NATCHEZ TRACE PARKWAY

IN 2016, NEARLY 6 MILLION VISITORS TO THE NATCHEZ TRACE PARKWAY SPENT \$142 MILLION AND SUPPORTED 1,907 JOBS IN THE LOCAL AREA. 80% OF THIS SPENDING WAS IN MISSISSIPPI, 13% IN TENNESSEE, AND 7% IN ALABAMA.



MINNESOTA PAUL BUNYAN SCENIC BYWAY

THIS 2010 STUDY FOUND THAT VISITORS TO THE PAUL BUNYAN SCENIC BYWAY CONTRIBUTED \$21.2 MILLION IN SALES AND DIRECTLY FUNDED 331 FULL-TIME AND SEASONAL JOBS AND \$7.2 MILLION IN LABOR INCOME.

Celebrating America's Scenic Byways:

SCENIC BYWAYS FUNDING

PROPOSED SOLUTIONS

1. Continue working to restore and maintain a level of National Scenic Byways Program federal funding. These funds would provide the incentive for stakeholders, as well as state, tribal nation, and local and private-sector partners, to reinvigorate their partnerships by raising the required matching funds to improve the quality of scenic byways, enhance the visitor experience, and sustain national scenic byways over the long run.
2. Ensure that this funding is long-term and assured over the life of the next surface transportation authorization. Scenic byways should not have to be funded on a year-by-year basis through the appropriations process, but rather be treated the same as other transportation programs through surface transportation reauthorization.
3. Increase the number of congressional champions for scenic byways, especially members serving on the House Committee on Transportation and Infrastructure, the Senate Committee on Environment and Public Works, and other members in leadership positions. Congressional champions are essential to helping meet future scenic byway needs and sustaining a viable national program.

SOURCES

1. US Department of Commerce International Trade Association,
<https://www.trade.gov/sites/default/files/2021-09/Fast-Facts%2C%202020.pdf>
2. 'The Economic Impact of Travel on Byways,' U.S. Travel Data Center : U.S. Dept. of Transportation, Federal Highway Administration, 1990)

Celebrating America's Scenic Byways:

MAINTAINING BYWAYS INTEGRITY



Lincoln Highway Scenic and Historic Byway, Nebraska 5820 MD, credit Nebraska Tourism

CHALLENGE

Scenic byways are at a critical juncture. Ensuring their integrity—individually and collectively—is paramount. The national program has arisen from dormancy yet faces uncertainty. No doubt, individual scenic byways also have confronted challenges with the loss of dedicated federal funding.

Each scenic byway has strong, grassroots support. Most are volunteer based, under the umbrella of a dedicated nonprofit organization or a formal or informal partnership of cooperating organizations and stakeholders. Limited, if any, paid staff further heightens the challenges of ensuring a scenic byway's integrity and fundraising, and addressing travel and tourism trends.

Byway leaders ensure the integrity of a scenic byway primarily through the development and implementation of a corridor management plan to:

- Maintain intrinsic qualities,
- Address how existing development might be enhanced and new development might be accommodated in a manner that preserves the intrinsic qualities of the corridor,

Celebrating America's Scenic Byways:

MAINTAINING BYWAYS INTEGRITY

CHALLENGE, CONTINUED

- Interpret the scenic byway's qualities and resources for visitors,
- Ensure adequate and contextually sensitive signage and facilities for travelers to find their way along the scenic byway and have access to services, and
- Protect the continuity of the scenic byway by minimizing gaps and intrusions on visitor experience.

DISCUSSION

The primarily volunteer nature of byways management, combined with a loss of federal funding which has only recently abated, constitutes an ongoing threat to the integrity of scenic byways. Each state-level byways program contains criteria and procedures for removing byway designations from part or all of a route. A byway management organization may seek to dissolve itself and sunset a route, but a byway could also lose its designation if it fails to uphold the standards of its corridor management plan.

If key scenic assets along a route become degraded, such as by incompatible land-use decisions, unsightly development, or variances allowing intrusion from billboards or other scenic blight, a scenic byway designation can be revoked. This process is typically carried out by a state advisory committee and can apply to a locally impacted segment or an entire route. If a byway loses active management, an advisory committee will often recommend de-designation of the route.

The repercussions of the loss of a designation are significant. Routes will lose legal protection from billboard pollution and other scenic and environmental threats, the communities and surrounding region will lose their attraction as travel and tourism destinations, and the roadway will no longer be eligible for scenic byways funding. State byways are particularly vulnerable, but even important national byways have lost designation, such as the Dry Cimarron Scenic Byway in New Mexico and Oklahoma and the Tamiami Trail Scenic Highway in Florida. A strong byway management organization can prevent loss of designation by working proactively to identify and protect the intrinsic qualities of a byway corridor, but such organizations need support.

Celebrating America's Scenic Byways:

MAINTAINING BYWAYS INTEGRITY



Valley of Fire
National Scenic Byway, Nevada



Old Frankfort Pike
National Scenic Byway, Kentucky

PROPOSED SOLUTIONS

1. Identify (and adapt as appropriate) visual resource tools, techniques, and practices for defining, assessing, and managing the scenic resources and character of a scenic byway.
2. Encourage the U.S. Department of Transportation (DOT), in collaboration with Scenic America, to provide the tools needed by states, tribal nations, and local communities to ensure every byway can meet applicable standards for designation and management on a continuing basis.
3. Revisit the FHWA's 2007-08 research findings, recommendations, and options to identify (or develop) strategies, approaches, and opportunities for ensuring the integrity of scenic byways.
4. Encourage the FHWA to work closely with state DOTs to ensure that each state is fulfilling its responsibility to "assure that the intrinsic qualities of the national scenic byways and All-American Roads are being properly maintained in accordance with the corridor management plan" as stipulated by the FHWA's interim policy on scenic byways.

Celebrating America's Scenic Byways:

SEGMENTATION



Meeting of the Great Rivers
National Scenic Byway, Illinois

CHALLENGE

The Federal Highway Administration (FHWA) National Scenic Byways Interim Policy states that continuity is an important criterion for both national scenic byways and All-American Roads. According to the FHWA, “Neither should have too many gaps but rather should be as continuous as possible and should minimize intrusion on the visitor’s experience.”

The FHWA’s provisions also ban new nonconforming outdoor advertising signs (including billboards) on scenic byways along the Interstate System or federal-aid primary system.

Scenic byway leaders may face billboard industry pressure to “segment” and remove portions of a designated route to allow billboards. The FHWA expects state and local leaders to make assessments of any proposed segmentation, identifying significant resources or intrinsic qualities along these segments and the degree to which a gap disrupts continuity and degrades the overall visitor experience.

Celebrating America's Scenic Byways:

SEGMENTATION

DISCUSSION

Segmentation is an invention of the billboard industry. It was devised as a legislative scheme to permit the intrusion of billboards on scenic byways by amending the Highway Beautification Act. There is no reason to allow billboards along a scenic byway—they only detract from its intrinsic qualities.

The loss of a continuous route diminishes the entire byway and disrupts the experience of traveling through the entirety of a scenically managed route. The general issue is that all scenic assets within a scenic corridor are protected by the scenic byway designation, and any portion removed from that designation becomes vulnerable. This can have significant immediate impacts, as projects along a segmented portion lose their eligibility for National Scenic Byways Program funds. The FHWA allows and encourages directional signs for travelers to the scenic byway beyond the gap, though, obviously, the gap itself can no longer be signed as part of the scenic byway.

Furthermore, if a route becomes highly segmented, it can violate the byway corridor management plan to the extent that it no longer applies to the roadway. It is possible that a scenic byway could be de-designated due to diminished continuity and compromised intrinsic qualities.

PROPOSED SOLUTIONS

1. Congress should repeal the opportunity for segmentation from the Highway Beautification Act. Meanwhile, the FHWA should strengthen its policy, which currently only discourages segmentation, and take appropriate action when segmentation and the intrusion of billboards significantly undermine a corridor's intrinsic values.
2. Scenic America should work with its partners and allies to explicitly identify visual resource tools for assessing the degradation of scenic byways due to segmentation and the intrusion of all forms of outdoor advertising.
3. The FHWA should compile information on all gaps along designated scenic byways in cooperation with state departments of transportation.

Undergrounding of Utility Infrastructure:

RESILIENCE



CHALLENGE

Disasters and extreme weather events, made worse by climate change, increasingly cause damage to electrical power lines and other above-ground utilities. The nation's power grid is not resilient, and overhead wires create safety risks to the movement of goods and people, wildlife, the built environment, national security, and human life. Resilience is a top priority for lawmakers, and upgrades to power infrastructure also provide opportunities to improve the aesthetics of our landscapes and communities. However, these upgrades require a major public investment.

DISCUSSION

More than 180 million miles of electrical, telephone, and cable lines stretch across the United States. These wires provide a critical public service, but they become a more vulnerable infrastructure variable as the danger of extreme weather grows. Moving wires underground increases safety and reliability, while also improving our visual environments and mitigating the risks from wildfires and storms.

Undergrounding of Utility Infrastructure:

RESILIENCE

DISCUSSION

The rising number of violent storms in recent years has made utility undergrounding more important than ever. Overhead wires are many times more susceptible to failure during storms than underground utilities. The loss of electric power causes major economic disruption, effectively halting commercial activity across neighborhoods, cities, and large regions until power is restored. Because this infrastructure is often installed along transportation routes, damage and repair work can disrupt traffic. The cost for maintenance and repair of damaged lines also burdens ratepayers.

Not only do overhead wires often fail during natural disasters, they can also cause or exacerbate these events. In the last few years, overhead wires were determined to be the source of disastrous fires in western states, causing both loss of life and property.¹ Even minor weather events can create frequent disruptions to service areas, which can hamper businesses and residents.

Undergrounding would prevent or mitigate many of these disasters and would have significant positive impacts on the economy. The President's Council of Economic Advisers and the U.S. Department of Energy collaborated on a report in 2013 that estimated the total annual cost of weather-related power outages was \$18-\$33 billion.² Based on media reliability improvements, Scenic America calculates that nationwide, undergrounding could save \$17.1 billion per year in lost economic activity due to power outages. Technology to put wires underground, such as directional boring, is continuously improving and making the undergrounding of wires easier and less expensive.

Undergrounding represents a convergence of interests, in which critical infrastructure upgrades can also increase the scenic beauty of neighborhoods blighted by overhead wires and can contribute to higher property values. A 2016 Texas study found that nearby house prices were 5-20% higher after wires went underground.³ Unquestionably, putting wires underground would result in ongoing improvements to the nation's scenic landscapes and urban communities.

According to utility companies, undergrounding would lead to “robustness to most weather events and less exposure to wildlife; increased reliability during high winds and storms;

Undergrounding of Utility Infrastructure:

RESILIENCE

DISCUSSION, CONTINUED

reduced exposure to lightning; reduced exposure to outages caused by trees; better voltage support; and decreased tree trimming costs.”⁴ Following emergencies, communities can also recover more quickly if key infrastructure remains intact. When extreme weather events occur, first responders must contend with dangerous downed power lines and loss of power while they try to address medical emergencies. Removing these threats will make emergency personnel that much more effective and can help save lives.

As a matter of economic vitality, the scenic impacts of overhead wires should not be neglected. While all communities stand to benefit from undergrounding, towns and neighborhoods of historic significance are especially threatened by blight from intrusive overhead wires. Protecting these communities and their special historic qualities will help promote economic resilience while also ensuring the safety of our nation’s cultural heritage.

In response to the growing threat to our nation’s economy and security posed by natural disasters, leaders in Congress have made infrastructure resilience a top priority. Recent successes include amendments, championed by Scenic America, to the Stafford Disaster Relief and Emergency Assistance Act to allow funding to support undergrounding projects. Also, new federally funded resilience efforts include undergrounding, and undergrounding projects are eligible to receive federal funds thanks to Scenic America's efforts. Because of our work, comprehensive and dedicated funding for undergrounding is now a key component of future infrastructure upgrades.

PROPOSED SOLUTIONS

1. Build relationships with utility sector leaders to foster and coordinate support for undergrounding and identify financial incentives to encourage their support.
2. Link undergrounding to positive community benefits such as parks and recreation spaces and diverse housing and economic development. Identify linkage to corporate benefit.

Undergrounding of Utility Infrastructure:

RESILIENCE

Before undergrounding



After undergrounding



US 98 in Walton County, Florida, before and after utility undergrounding

PROPOSED SOLUTION, CONTINUED

3. Build on recent successes and continue to engage lawmakers to advocate for legislation and programs that fund and support undergrounding projects.
4. Use recent legislative wins as a platform for ongoing advocacy for a continued and enhanced federally funded resilience program that includes the undergrounding of overhead wires in FY 2027.
5. Advocate for allowing undergrounding to continue to be considered an eligible expense for federal transportation funds in FY 2027 legislation and beyond.
6. Promote the use of tax credits for property owners who seek to underground utilities on their property.
7. Review utility management and repair practices to ensure that unsustainable and counterproductive aboveground repair contracts are not being supported or subsidized.
8. Advocate for the eligibility of historic preservation funds to be used to support undergrounding projects in designated historic districts and support a plan for facilitating undergrounding in historic areas.

Undergrounding of Utility Infrastructure:

RESILIENCE



Walton County, Florida

PROPOSED SOLUTION, CONTINUED

9. Communicate the dangers of vulnerable aboveground wires and the benefits of undergrounding to key stakeholders. As part of this communication effort, encourage state regulators to consider resiliency and undergrounding in their decisionmaking.

SOURCES

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2. 'A Method to Estimate the Costs and Benefits of Undergrounding Electricity Transmission and Distribution Lines' Peter H. Larsen 2016
3. Based on a 2012 survey in which utilities were asked “What benefits does your utility derive from your underground system?”. From the report “Out of Sight, Out of Mind: An Updated Study on the Undergrounding of Overhead Power Lines.” Edison Electric Institute, January 2013.
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Undergrounding of Utility Infrastructure:

TECHNICAL SPECIFICATIONS



Gatlinburg, Tennessee

CHALLENGE

Many citizens understand the benefits of undergrounding wires and the enhancement to scenic beauty resulting from these efforts. However, the cost of undergrounding appears prohibitively high, especially compared to aboveground alternatives that don't account for the broader economic costs of damaged utilities and disrupted communities. There is an acute need for a set of technical specifications with accurate cost estimates to help Americans reliably calculate the costs of completing an undergrounding project in their town or neighborhood. Thanks to new techniques and practices such as directional boring and "Dig Once" policies, the cost of undergrounding can be significantly reduced.

DISCUSSION

Past studies have generally found that the undergrounding of existing overhead wires on a mass scale is simply not feasible, primarily due to cost. In 2003, the North Carolina Public Staff and Utilities Commission estimated that to underground all distribution lines in the state would cost roughly \$41 billion and require approximately 25 years to complete, without acknowledging the myriad benefits and the many subsequent decades over which they would accrue.¹

Undergrounding of Utility Infrastructure:

TECHNICAL SPECIFICATIONS

DISCUSSION, CONTINUED

More recently, Florida prepared a similar report that included undergrounding transmission lines as well as distribution lines and found that a statewide effort would cost about \$51.8 billion.² Since the report's publication, maintenance on underground utilities has become faster and easier, further reducing the overall cost of underground infrastructure.

However, it is often the case that when estimating costs for these projects, utility providers assume the use of the most expensive materials and labor practices, as well as overbuilt project standards. Furthermore, technology growth in other industries has allowed for major advances in directional boring, so utility companies can install new wires underground with minimal disruption to roads, buildings, and private land. As this technology has matured, the cost has correspondingly fallen. More accurate cost estimates can help communities better understand their options.

Sound public policy such as “Dig Once” rules that allow undergrounding work to be bundled with other infrastructure repair and upgrade work can further reduce costs, and utility companies can also work with communities to find alternative solutions to funding underground projects.

The California Public Utilities Commission (CPUC) instituted a voluntary underground conversion program for distribution wires in 1967. The CPUC requires utilities to contribute 2% of revenues to a conversion fund that provides for the systematic undergrounding of distribution wires. The program is considered voluntary because counties have an option to participate through ordinance. The structured setting aside of funds for undergrounding utility wires has allowed cities and counties to have an orderly plan of undergrounding that is succeeding throughout California. Since the program began, more than \$2.2 billion has been allocated and spent to underground utility lines in all but two of the state's 58 counties. These projects include places from San Diego to Humboldt County. Despite years of success, in 2021, the CPUC began the process of replacing or retiring the program, citing operations and financial management challenges, which is why these programs require strong leadership to continue serving communities in the future.

Undergrounding of Utility Infrastructure:

TECHNICAL SPECIFICATIONS

DISCUSSION, CONTINUED

Other programs have created more sustainable paths forward. For example, Washington, D.C.'s public utility company, Pepco, has launched the "DC PLUG" initiative, which is short for "District of Columbia Power Line Undergrounding." The DC PLUG initiative is expected to improve reliability and resiliency for its customers by 95 percent. DC PLUG is funded through a unique financing arrangement in which the D.C. Department of Transportation (DDOT) and Pepco each contribute approximately 50 percent of the total financing. The funds will be obtained through a combination of Pepco's traditional funding of debt and equity for \$500 million, \$375 million in District-securitized bonds, and between \$62 and \$125 million in DDOT improvement funds. The funds are being recovered through two surcharges on customer bills.

Hilton Head Island, South Carolina, is nearing completion of a 15-year project to underground all utility wires on the island. The conversion process relies on a partnership between the town and the utility company, Palmetto Electric. The project is being paid for with a 3% monthly fee assessed to the utility bills of the roughly 1,800 commercial and 35,000 residential customers on the Island.

In some cases, such as in new development, the best and most obvious choice is to build the new utility infrastructure underground. In fact, many cities and counties require utility wires to be buried as part of any new development.

PROPOSED SOLUTIONS

1. Work with technical experts and utility groups to create a set of detailed technical specifications that communities can use to accurately estimate the costs of undergrounding, share these estimates with the public, and work with the utility industry to promote adoption of the technical specifications.
2. Educate urban and rural communities about potential sources of funding for utility undergrounding.

Undergrounding of Utility Infrastructure:

TECHNICAL SPECIFICATIONS



Hilton Head, South Carolina,
before and after utility undergrounding.

PROPOSED SOLUTIONS, CONTINUED

3. Encourage federal, state, and local governments and utility commissions to adopt a dedicated revenue model to promote undergrounding of utility wires and ensure that these programs remain strong, with project funds spent equitably.
4. Advocate for Congress to legislatively enact a federal "Dig Once" policy.
5. Encourage advocacy at the state and local levels for requirements that utilities in new developments be installed underground, where such requirements don't already exist.
6. Develop an incentives framework for private and public utilities to work in partnership with federal, state, and local governments.

SOURCES

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Undergrounding of Utility Infrastructure:

INFORMATION FOR COMMUNITIES



CHALLENGE

While undergrounding of overhead wires confers many benefits, communities and political leaders lack knowledge about what resources exist to support undergrounding projects. Misinformation about the true costs and benefits of these projects discourages many citizens from pursuing them. New technologies, practices, and programs make undergrounding more feasible, but citizens must understand what options are available to them and which approaches are best suited to the specific undergrounding needs of their communities.

DISCUSSION

Infrastructure upgrades such as new transmission lines promote economic growth, but the scenic impacts of these utilities harm towns and rural areas and blight landscapes. Communities and conservation groups can pursue alternative solutions, but they often lack knowledge about what alternatives are available.

For example, in Colorado the utility Tri-State/PSCo had intended to build a transmission line with 115- to 150-foot-tall steel stanchions with six cross members through the Trinchera Ranch, marring the scenic backdrop of Mt. Blanca along Highway 159 from Santa Fe, New Mexico, into Colorado. The view of Mt. Blanca is one of the most important vistas in the Sangre de Cristo National Heritage Area. Tri-State/PSCo stated that there were no

Undergrounding of Utility Infrastructure:

INFORMATION FOR COMMUNITIES

DISCUSSION, CONTINUED

alternatives that did not include taking portions of the ranch or scarring the view of Mt. Blanca for the construction of the transmission line.

However, the local community and property owners found a viable alternative that would not destroy the environmental integrity of the special area nor damage pristine wildlife habitats and viewsheds. They proposed rerouting the lines to existing energy corridors where rights-of-way had already been established. By identifying another option, the community successfully preserved a valuable scenic resource.

Finding alternative routes away from sensitive areas can be an effective tactic, but technologies and policy options have continued to evolve, and Americans have a variety of other solutions available. Directional boring, Dig Once practices, co-location practices, and local, state, and national funding sources all make undergrounding more feasible.

Transmission lines differ significantly from distribution lines, and there are more mitigation options available for smaller-scale distribution infrastructure. Transmission power lines connect power plants to substations at a high voltage. Distribution lines are low-voltage lines that bring electricity from substations to your home. The lines are smaller and cover shorter distances. The power poles are higher, and cables are thicker, on transmission lines than on distribution power lines. Transmission lines are significantly more expensive to underground than distribution lines, and it is challenging to get them undergrounded once built; however, Scenic America can offer support to communities dealing with newly planned transmission lines.

PROPOSED SOLUTIONS

1. Expand Scenic America's role as a national repository of information on undergrounding. This information should include the most up-to-date case studies complete with contact information, technical details, cost estimates, public program support, and potential funding sources to support undergrounding.

Undergrounding of Utility Infrastructure:

INFORMATION FOR COMMUNITIES



PROPOSED SOLUTIONS, CONTINUED

2. Complete, publish, and share the report *Clear Skies Ahead*, which will serve as a key resource for scenic activists and communities interested in pursuing undergrounding projects.
3. Work with local scenic activists to ensure they have the best available information about undergrounding, particularly in response to aboveground proposed projects in communities.



Winter Park, Florida, before and after utility undergrounding.

Undergrounding of Utility Infrastructure:

CO-LOCATION



Undergrounding in Sunny Isles Beach, Florida

CHALLENGE

Utility and communication service providers often maintain aboveground transmission and distribution wires on shared utility poles. Undergrounding projects for one utility can be used to move other wires underground at the same time. Without proper coordination, third-party attachers to poles such as telecommunications and cable companies will miss the opportunity to bury their wires underground when electrical lines are undergrounded. Service providers must work together on planning new or replacement infrastructure, particularly when underground co-location would better serve their needs and those of the public.

DISCUSSION

Co-location is a common practice in which multiple utility providers share common infrastructure elements. The most common examples are “joint-use” poles that carry both electricity and telecommunications wires, but other examples include communications hardware such as antennas and cell towers being mounted on towers and masts previously erected for other purposes. As undergrounding projects become popular options to improve resilience and scenic beauty, it is possible to co-locate multiple aboveground services with already-buried infrastructure such as natural gas lines.

Undergrounding of Utility Infrastructure:

CO-LOCATION

DISCUSSION, CONTINUED

When underground utilities are expanded or upgraded, a “Dig Once” approach can allow a variety of wires to be moved underground along with those other utilities. For example, the Kit Carson Electric Cooperative (KCEC) and New Mexico Gas Company (NMGC) supported a project in Taos, New Mexico, to locate electric, fiber optic, and natural gas underground in a single trench within the New Mexico State Highway right-of-way. As part of an ongoing program to support this and other undergrounding projects, KCEC will remove existing aerial electric distribution lines and install new electric distribution lines underground. By completing multiple undergrounding efforts simultaneously, communities can minimize the disruption and costs of construction while capitalizing on access to key rights-of-way. Projects like this not only improve service reliability and the scenic beauty of World Heritage areas like Taos, they also substantially reduce the risk of a catastrophic wildfire caused by a compromised overhead electrical service.

PROPOSED SOLUTIONS

1. Advocate for the federal government to mandate that when any utility undergrounds their wires or any infrastructure is installed underground, all utilities service providers (including third-party attachers) using these poles or that are otherwise located in the area be notified and be required to have their wires go underground as well. This legislative advocacy should include petitioning Congress to enact a Dig Once policy.
2. Identify opportunities for co-locating existing overhead wires with other utility improvements in existing rights-of-way and identify opportunities in developing areas for co-locating new wires underground with new utility installations.
3. Publicize success stories of when co-location and equitable cost-sharing has resulted in cost-effective solutions that benefit each of the service providers, and in turn, the consumers they serve.
4. Educate communities pursuing undergrounding projects to work with third-party attachers from the beginning to the end of an effort.

Promoting Beautiful Highways:

TREE PLANTING AND HIGHWAYS



CHALLENGE

America's highways constitute a significant part of the built environment, but scenic considerations do not play a large enough role in the design and maintenance of highway landscapes. Highways must reflect proactive beautification efforts; in particular, they should take advantage of the many benefits provided by tree planting and the use of native plants.

DISCUSSION

Trees offer a myriad of benefits to communities, and leaders increasingly recognize the advantages that trees and other plantings offer for improving the scenic qualities of highways and other infrastructure. As plants grow, they help us combat climate change by sequestering carbon dioxide and releasing oxygen into the atmosphere. In addition, tree cover provides shade in warm weather, and trees provide wind blocks during cold weather. Trees and native plants also attract birds, pollinating insects, and wildlife. They help absorb and remove air pollution, prevent soil erosion and runoff, help filter water, and add beauty to homes and communities.

According to the Arbor Day Foundation, without the benefit of trees and vegetated infrastructure, waterways become polluted as oils, heavy metal particles, and other harmful

Promoting Beautiful Highways:

TREE PLANTING AND HIGHWAYS

DISCUSSION, CONTINUED

substances are washed directly into water sources. Fish and wildlife suffer, drinking water becomes expensive or impossible to reclaim, property values are reduced, and the ecosystem is degraded. Native plants are particularly good candidates for promoting conservation and scenic beauty because they are resilient and well-adapted to local ecological conditions. The use of native plants within a highway landscape can also highlight the unique natural qualities of the local community, which will enhance the travel experience.

The runoff control benefits provided by trees and other vegetation are particularly relevant to people in rural communities. Trees are an integral part of production agriculture as they improve crop yields and preserve topsoil for future abundant harvests. Planted along streams and wetlands to create or enhance a riparian buffer, they prevent erosion and clean the water. Such plantings also sequester carbon and help with flood control. By planting trees and native plants in marginal areas of agricultural land, farmers can attract pollinators. Promoting this growth will benefit not only farmers, but also tens of millions of Americans; the U.S. Forest Service reports that forested watersheds provide quality drinking water to more than 180 million Americans.¹

Trees and vegetation also provide benefits that are less direct but just as significant. People are attracted to the scenic beauty that trees and native plants provide, and this preference for these assets is reflected in market decisions. The U.S. Forest Service found that trees measurably improve property values. In Portland, Oregon, homes with street trees sold for \$7,130 more, on average, and neighboring houses within 100 feet of street trees sold for \$1,688 more, on average.² Trees also promote good public health by reducing pollution and drawing residents outdoors and into tree-enhanced areas, and they may even help reduce crime. A 2012 University of Vermont study found that in Baltimore, a 10% increase in tree canopy corresponded to a 12% decrease in crime.

With more than four million miles of paved roadways in the U.S., improved highway management practices offer a key opportunity for promoting trees and native plants in communities and along travel routes. However, without proper care, the highways themselves present a threat to the natural beauty of the land they pass through. Road

Promoting Beautiful Highways:

TREE PLANTING AND HIGHWAYS



Peterborough, NH, Courtesy DMillbauer

DISCUSSION, CONTINUED

surfaces frequently accumulate litter, debris, particulate pollution, lubricants and coolants, and road salt, all of which may pollute nearby soil and water. Planting along highways must therefore become a top priority. Partner organizations such as the Arbor Day Foundation, the Nature Conservancy, the U.S. Forest Service, and others can help identify opportunities for departments of transportation to implement broad-scale highway treeplanting plans and practices. State programs such as Treemendous Maryland also offer opportunities for partnership. Additionally, to promote the use of native plants as part of the transportation corridor landscape, several state programs can serve as models of how to implement better vegetation management practices.

PROPOSED SOLUTIONS

1. Build partnerships with public and private organizations to promote tree planting near highways. Work with state departments of transportation (DOTs) to develop best practices that can serve as a basis for future tree-planting projects.
2. Based on the experiences of successful tree-planting campaigns, advocate for changes to state highway corridor landscaping guidelines so that tree planting becomes a priority for state governments. Work with states to update landscape management manuals to reflect the importance of trees and scenic beauty.

Promoting Beautiful Highways:

TREE PLANTING AND HIGHWAYS



Kentucky



New River Gorge, West Virginia

PROPOSED SOLUTIONS, CONTINUED

3. Encourage state DOTs to adopt programs that set aside a certain percentage of every DOT contract for beautification of public highways, like the Highway Beautification Program in Florida and other alternatives, such as those described in the Rhode Island DOT *Best Practices Highway Design Guide*. Plantings should be native to the community to honor and enhance local character, using the guide from the Lady Bird Johnson Wildflower Center.

SOURCES

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Promoting Beautiful Highways:

FIGHTING BILLBOARD BLIGHT



Salt Lake City, Utah, courtesy of Deseret News

CHALLENGE

The 1965 “Lady Bird Johnson” Highway Beautification Act (HBA) is the most comprehensive piece of national legislation ever passed regarding outdoor advertising control in America. However, the act and subsequent amendments have failed to adequately regulate billboards, so that these signs continue to blight roadways and communities across the country. Furthermore, many provisions of the HBA are poorly enforced, and other policy options are underutilized. Because of the potential harm to property values caused by billboards located near homes, millions of homeowners have a material interest in making sure that they are regulated properly. Improved regulations and new policy tools are needed to stop billboards from harming America’s towns and landscapes.

DISCUSSION

The HBA was originally designed to prohibit construction of new billboards on scenic and rural federal-aid highways, and to require the removal of illegal billboards (those erected without proper permits). Billboards that do not meet the standards of the HBA are designated as nonconforming and marked for removal.

Promoting Beautiful Highways:

FIGHTING BILLBOARD BLIGHT

DISCUSSION, CONTINUED

However, the HBA's billboard regulations only apply to certain federal-aid highways, and lax zone enforcement standards have allowed billboards to proliferate in rural areas. Furthermore, the HBA actually protects billboards from community efforts to remove them. In 1978, Congress amended the HBA to require that communities pay cash compensation for removal of billboards on federal-aid highways, rather than using amortization or other constitutional means. Soon after, Congress also stopped providing money for billboard removal.

The HBA was preceded by the 1958 Bonus Act, which among other things, provided federal reimbursements to states that employed eminent domain and just compensation to remove billboards from highways. Twenty-five states signed bonus agreements with the federal government, and the compensation agreements remained in place after the HBA was passed and reaffirmed in later legislation and amendments. However, in 1985 no funds were appropriated for bonus payments, and in 1986 bonus payments were officially discontinued.

In subsequent decades, other policy options for billboard removal have been underutilized. The HBA's federal-state agreements (FSAs), which codify state standards on size, spacing, and lighting to ensure compliance with HBA goals, included a provision for withholding up to 10% of federal highway funds as a penalty for violating standards. However, billboard permit fees are negligible, and the permit renewal process in most states invites poor enforcement and abuse by billboard companies, the largest of which have annual revenues in the hundreds of millions or billions of dollars.

The standards regarding billboard size, spacing, and lighting were supposed to ensure that these characteristics could not become more visually intrusive than they were in 1965. In practice, Federal Highway Administration (FHWA) officials are allowing states and cities to ignore customary use limitations, particularly those on size and lighting, which has fueled the growth of digital billboards. In addition, the lack of standards regarding billboard height has led to taller and more intrusive signs in many places. Other countries have created effective outdoor advertising regulations, with standards that can serve as a model for communities in the U.S. Local governments also have more policy options available. For example, Los Angeles County developed a process in which billboard permits are issued with a fixed expiration date, which prevents billboards from existing in perpetuity.

Promoting Beautiful Highways:

FIGHTING BILLBOARD BLIGHT



Los Angeles, California

PROPOSED SOLUTIONS

1. Encourage the U.S. DOT to uphold federal-state agreement requirements through more assertive use of the 10% funding penalty.
2. Promote and share research on billboard impacts so that lawmakers, communities, and property owners can understand the negative impacts of billboards.
3. Petition lawmakers to expand application to all roadways in the Federal-Aid Highway Program.
4. Renew the use of bonus payments as an incentive for state-level billboard control.
5. Encourage state advertising control offices to review and update their permit processes and fee schedules, and share billboard economic impact research to help guide their decisions.
6. Encourage state and national lawmakers to review and update their sign standards regarding height and other criteria and refer them to the best practices identified in the International Technology Scanning Program report.
7. Encourage the FHWA to require every state DOT to adopt rules that provide for conditional billboard permits, thereby allowing a billboard to legally operate until a governmental entity needs the land for a public transportation project.

Promoting Beautiful Highways:

DIGITAL BILLBOARDS



CHALLENGE

Digital billboards have proliferated across the country, presenting a particularly harmful form of scenic blight. The Federal Highway Administration (FHWA) is not enforcing the congressionally mandated customary uses of lighting, size, and spacing of billboards. This has exacerbated the problem of static billboards and has also allowed rampant growth of digital billboards.

DISCUSSION

In 1965, the outdoor advertising industry agreed to a compromise to limit the size, spacing, and lighting of billboards to what was “customary” use at the time of passage. The “freezing” of billboard size, spacing, and lighting was supposed to ensure that these characteristics could not become more visually intrusive than they were in 1965.

Upon passage of the Highway Beautification Act (HBA), Congress directed public hearings in all 50 states to determine customary size, spacing, and lighting in each state at that time, and these findings were codified in the federal-state agreements (FSAs) that every state drafted to ensure compliance with the goals of the HBA. Any violations of an FSA could lead to penalties in the form of withholding up to 10% of federal highway funds.

Promoting Beautiful Highways:

DIGITAL BILLBOARDS

DISCUSSION, CONTINUED

Instead of enforcing these standards, FHWA officials allow states and cities to ignore customary use limitations, particularly those on size and lighting. The result has been to devalue public highways, compromise public safety, and permit more egregious billboards, thus completely undermining the HBA. This failure to enforce has resulted in the erection and operation of more than 9,600 digital billboards along our public highways throughout the country.

Research shows that billboards devalue nearby properties and compromise highway safety. In fact, safety studies in Florida and Alabama draw conclusive links between digital billboards and increases in crashes. Berkeley, California-based Veridian Group, which specializes in human factors research and its application to real-world concerns, has a compendium of research studies on digital billboard impacts that has found overwhelming evidence that digital billboards cause distracted driving.¹ This change in driver behavior is similar to the distractions from cell phones, which are now banned from use while driving in most areas.

All billboards are distracting by design, but digital billboards are particularly harmful due to the glare of the electronic lights and the changing messages that cause involuntary distraction responses in drivers. Drivers look at digital billboards for more time than they do at static signs, and driving ability is more significantly impaired.² These effects make roads more dangerous for drivers, as well as pedestrians, at a time when many cities are trying to improve road safety and reduce accidents and deaths. Digital billboards also harm public and ecological health in other ways. The light pollution from these signs disrupts the circadian rhythms and related behavior of local wildlife. People are also not immune to this kind of pollution, and residents exposed to these billboards can suffer similar disruptive effects. Furthermore, like other forms of scenic blight, billboards and digital billboards disproportionately impact lower-income and disenfranchised populations.

Laws designed to reduce light pollution from digital billboards typically include “quiet hours” in which signs must be turned off and may include maximum brightness standards while operating, but these measures are not sufficient to prevent harm. Digital billboard structures tend to have the same dimensions as static signs, with “bulletins” that average

Promoting Beautiful Highways:

DIGITAL BILLBOARDS

DISCUSSION, CONTINUED

14 feet by 48 feet in size. But in many cases, there are no above-grade restrictions on sign height. So, in practice, billboards are built to be in the line of sight for drivers.

To persuade local governments to permit digital billboards, sign companies often propose a compromise in which they promise to remove static billboards in exchange for new digital signs. These proposals involve conversion ratios designed to increase the effective number of sign faces and impressions, especially when considering that so many static signs lack valid permits and should be removed anyway. Digital billboard laws typically require non-animated images that change every six to eight seconds, giving each digital billboard many more faces and allowing it to host many more clients.

Some exchange ratios are more competitive than others, such as the agreement reached in St. Petersburg, Florida, with a 13-to-1 ratio. Alternatively, lawmakers sometimes apply conversion standards based on sign surface area, in which a certain amount of square footage of existing signs must be removed. In contrast, some proposals include a much less competitive conversion ratio. By approving noncompetitive ratios, local governments give an arbitrary financial windfall to national corporations at the expense of local residents and drivers. Even in the case of a competitive exchange, the main conceit of a proposal is that billboards are broadly recognized as undesirable, and that reducing their total number will allow sign companies to negotiate new billboard permits.

Scenic America does not recommend any static-to-digital billboard conversions. The best policy for residents and drivers is to ban digital billboards in their communities.

PROPOSED SOLUTIONS

1. The U.S. Department of Transportation should compel state highway agencies and their officials to enforce the HBA by imposing substantial federal penalties for violations, including up to a 10% withholding of federal highway funds.

Promoting Beautiful Highways:

DIGITAL BILLBOARDS



PROPOSED SOLUTIONS, CONTINUED

2. Work with state and local officials to promote sound regulation of digital billboards. Advocacy against digital billboards should be integrated into broader efforts to limit or prohibit the use of billboards.
3. Promote and share research on billboard impacts and digital billboard impacts. Research indicators can show specific impacts to drivers, residents, and local ecosystems.
4. When digital billboards are permitted, promote the use of sign standards that reduce brightness, size, message frequency, and proximity to drivers, as well as which have high conversion ratio requirements.

SOURCES

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Promoting Beautiful Highways:

COMMERCIAL AND INDUSTRIAL ZONING



CHALLENGE

The Highway Beautification Act (HBA) allows commercial advertising billboards to be erected in unzoned commercial or industrial areas even if there is only one existing business.

DISCUSSION

Draft language in the HBA stated that billboards would be banned “except in those areas of commercial and industrial use.” Due to a last-minute change, this language was amended to allow several billboards to be erected in nonurban, noncommercial areas where only one business exists. Over the last 50 years, this provision has allowed inappropriate advertising in otherwise scenic and rural areas of the country.

Despite the original intent of the HBA, the law allows harmful billboard proliferation through inadequate zoning provisions. First, municipalities have considerable prerogative in extending commercial and industrial zones for outdoor advertising purposes. Second, the provisions on unzoned areas were meant to include places that might otherwise have been reasonably considered commercial or industrial areas based on the prevailing use of the properties there. This ambiguous section of the HBA constitutes an enormous loophole for sign companies.

Promoting Beautiful Highways:

COMMERCIAL AND INDUSTRIAL ZONING

DISCUSSION, CONTINUED

At the signing of the HBA, President Johnson said:

“This bill does not represent everything that we wanted. It does not represent what we need. It does not represent what the national interest requires. But it is a first step, and there will be other steps. For though we must crawl before we walk, we are going to walk.”

In practice, guidelines as to what constitutes commercial or industrial activity remain extremely lax. In many states, a single general store could generate six 1,200-square-foot billboards, for a total of 7,200 square feet of sign space, roughly four times the size of an average house. Sign companies are even able to build sham businesses to secure the necessary state permit. According to former U.S. Department of Transportation Inspector General Joseph P. Welsch, the HBA is “too liberal in permitting new signs” to be constructed.¹

The problems created by these poor guidelines extend to scenic byways programs by facilitating route segmentation. Unclear policies that potentially expand commercial and industrial areas near byway routes can allow more billboards into corridors that are otherwise protected. All scenic assets within a scenic corridor are protected by the scenic byway designation, and any areas removed from that designation become vulnerable. This can have significant immediate impacts as projects along a segmented portion lose their eligibility for National Scenic Byways Program funds. If a route becomes highly segmented, it can violate the byway corridor management plan and cause the whole byway to lose its designation status.

PROPOSED SOLUTIONS

1. Encourage Congress to amend the HBA to close the zoning loophole in the law and only allow billboards in zoned commercial or industrial areas.

Promoting Beautiful Highways:

COMMERCIAL AND INDUSTRIAL ZONING



PROPOSED SOLUTIONS, CONTINUED

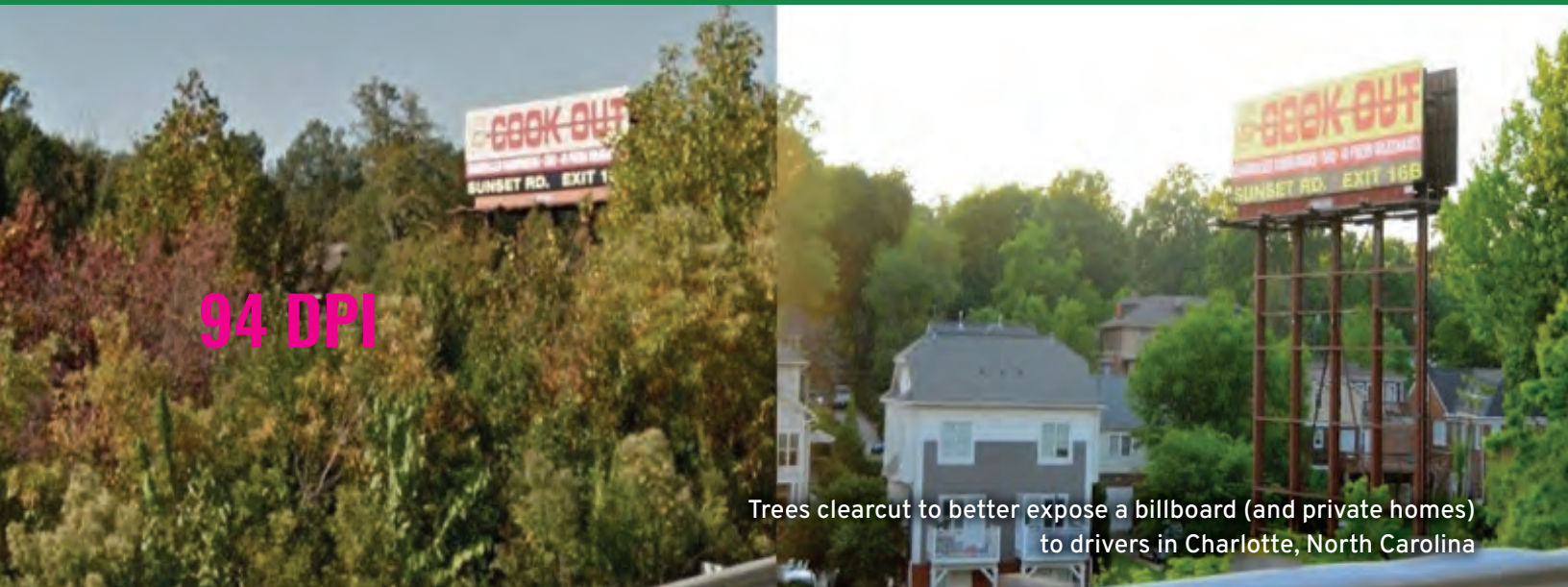
2. Encourage the U.S. DOT to revise 23 CFR §750.706 of the HBA so that billboards are meaningfully limited to bona fide commercial or industrial areas.
3. Promote legislation that increases restrictions on billboards in commercial and industrial areas, including requiring a minimum number of businesses and other standards for designated commercial areas. Work with local Scenic America chapters, affiliates, and conservation activists to pass new legislation in their communities and to oppose variances to strong zoning laws.
4. Petition Congress to repeal the opportunity for segmentation from the HBA and encourage the Federal Highway Administration to reaffirm its policy on segmentation.
5. Encourage byways program managers to minimize route segmentation in industrial and commercial areas.

SOURCES

- 1."United States Department of Transportation, Office of Inspector General 'Report on Highway Beautification Program - Federal Highway Administration.' August 31, 1984"

Promoting Beautiful Highways:

PROTECTING PUBLIC TREES



CHALLENGE

There is no federal prohibition of vegetation removal or tree cutting within public rights-of-way for the purpose of enhancing the view of billboards. The result is that legislatures and state transportation departments in states such as in North Carolina (pictured above) permit outdoor advertising companies to remove or cut publicly owned trees and vegetation. While a May 18, 1990, Memorandum from the Federal Highway Administration (FHWA) states that state departments of transportation (DOTs) should end their treecutting agreements or programs, pressure from the billboard industry has since caused the FHWA to hedge on this issue. In a November 24, 1992, memo, the FHWA indicated that, while it no longer endorses tree cutting as a practice, right-of-way maintenance is a state concern. Furthermore, the FHWA announced that tree removal for billboard visibility will not trigger the Highway Beautification Act (HBA)'s 10% penalty provision. The lack of prohibition has led to the “uglification” of our publicly funded highways. We must end the removal and cutting of taxpayer-owned trees and vegetation to increase visibility of privately owned billboards.

Promoting Beautiful Highways:

PROTECTING PUBLIC TREES

DISCUSSION

The HBA was intended to protect the public investment in our nation's highways and to preserve the natural beauty of the landscapes they traversed. However, many states allow billboard companies to cut and remove publicly owned trees growing alongside our federal highways on publicly owned land, merely to increase the visibility of commercial billboards. These trees should only be removed to enhance safety and mobility and to control harmful invasive species. For example, removal of vegetation may be considered when a driver's sight distance is dangerously reduced. On high-speed roads such as interstate highways, trees might be removed when they are too close to the edge of the travel lanes. Also, invasive vegetation should be removed when it poses a threat to adjacent agricultural land and other green landscapes. Aside from such considerations, there is no legitimate reason to remove trees and other vegetation—which are public-sector assets—particularly for billboard visibility.

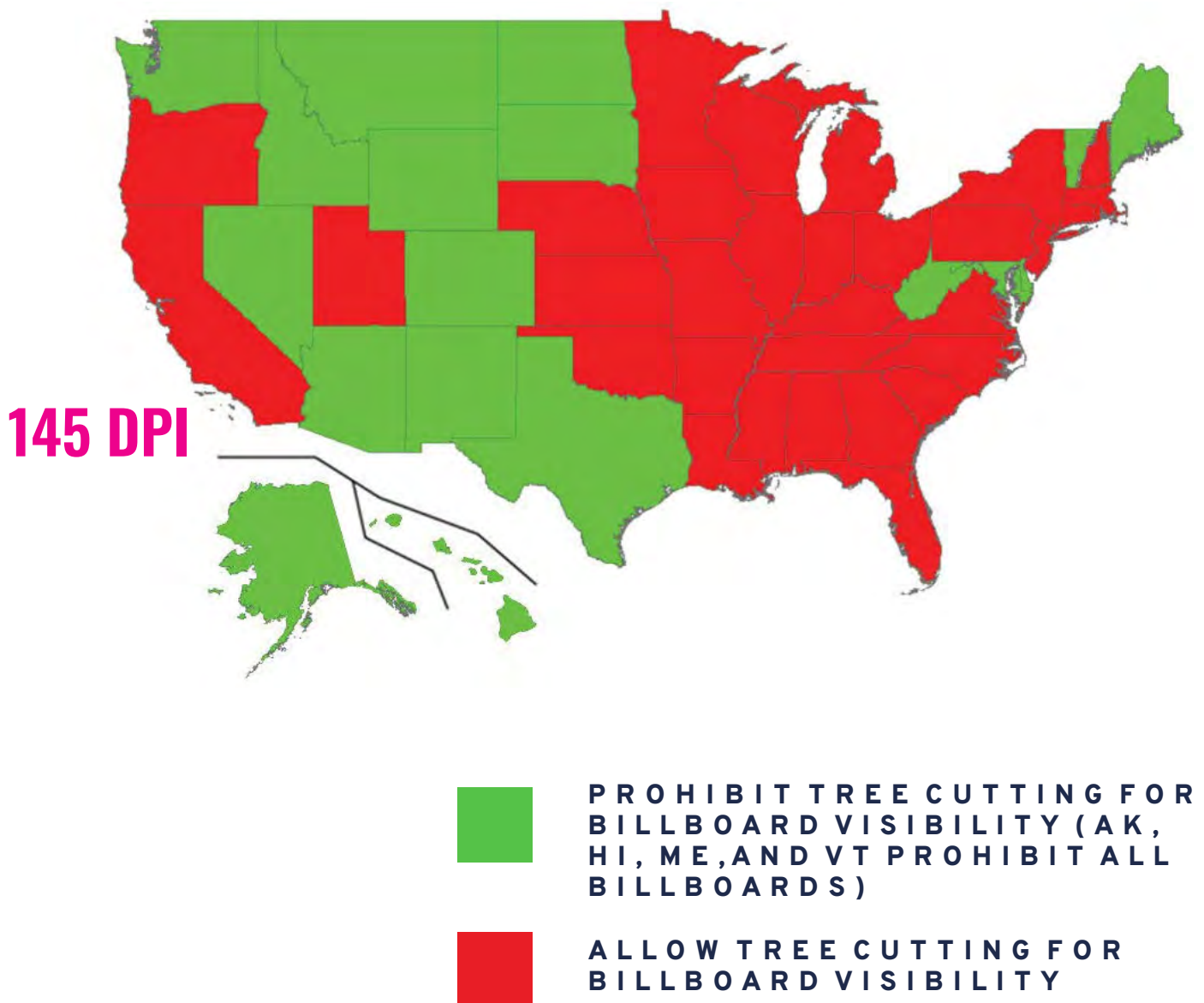
In addition to beauty and aesthetics, public trees protect public roadways from soil erosion. They are valued by neighboring communities and homeowners as natural noise, visual, and pollution barriers that enhance property values. These benefits are immediately diminished when they are removed for the benefit of billboard owners.

Courts across the country have held that there is no property right for a billboard erected on private land to be visible from the public road; these rights may only be created by statute. Some state DOTs prohibit billboards from being erected on sites where public monies have been spent on beautification, and other state DOTs (such as Texas) prohibit the trimming or cutting of public vegetation and trees. Beautification and landscaping of public land should never be limited or impaired by the presence of billboard advertising on adjoining or nearby private land. Yet 32 states allow for right-of-way vegetation to be trimmed or removed to increase visibility of outdoor advertising signs.

Promoting Beautiful Highways:

PROTECTING PUBLIC TREES

TREE CUTTING FOR BILLBOARD VISIBILITY BY STATE



Promoting Beautiful Highways:

PROTECTING PUBLIC TREES



PROPOSED SOLUTIONS

1. A simple and sensible solution for protecting tree cover and native vegetation on our federal highway system is for Congress or the U.S. DOT/ FHWA to prohibit this practice along all roads eligible for federal aid. Furthermore, state legislatures should prohibit the removal or destruction of public trees and vegetation for the purpose of increasing billboard visibility. Similarly, unless prohibited by law, each state DOT should adopt rules that prohibit the removal or destruction of public trees and landscaping to better view billboard advertisements.
2. If tree cutting is not allowed, state DOTs should be encouraged to notify landowners adjacent to highways where billboards may be permitted, as well as outdoor advertising companies doing business in their state, that removing trees or vegetation for the purpose of enhancing billboard visibility is not permitted.
3. State DOTs should be encouraged to adopt a program that sets aside a certain percentage of every DOT contract for beautification of public highways, such as the Highway Beautification Program in Florida and other alternatives, such as those described in the Rhode Island DOT *Best Practices Highway Design Guide*. Plantings should be native to the community to honor and enhance local character, using the guide from the Lady Bird Johnson Wildflower Center.

Promoting Beautiful Highways:

AMORTIZATION AND JUST COMPENSATION



CHALLENGE

Taxpayers should be able to control what their publicly funded highways look like. Many citizens would like to remove signs that create visual clutter and devalue their community. Instead, taxpayers must pay for billboard removal with statutorily mandated cash compensation rather than other constitutionally sound compensatory methods such as amortization. Moreover, the improper bolstering of billboard values by outdoor advertising interests and court decisions has resulted in unjust enrichment to billboard owners. Such cost-prohibitive overvaluation is forcing governmental entities to allow unwanted billboard relocations.

William F. Buckley, a noted conservative commentator, once wrote:

“If a homeowner desires to construct a huge Coca-Cola sign facing his own homestead rather than the public highway, in order to remind him, every time he looks out his window, that the time has come to pause and be refreshed, he certainly should be left free to do so. But if he wants to face the sign toward us, that is something else...”

Promoting Beautiful Highways:

AMORTIZATION AND JUST COMPENSATION

CHALLENGE, CONTINUED

Billboard companies usually lease the land where billboards are erected from third-party private landlords. In almost all states that allow billboards, they are considered and taxed as “personal property affixed to real property,” and the signs have been declared “tangible personal property” in a 1974 case versus the Internal Revenue Service. This legal status forms the basis of the takings and just compensation arguments regarding billboards. This is particularly galling because, unlike other businesses located near roadways, the sole business value for a billboard is generated by the public’s use of the publicly owned thoroughfare. Under current compensation laws, citizens are paying billboard companies exorbitant fees to recover the use and enjoyment of their own roads.

DISCUSSION

Amortization is a policy tool for removing billboards in which public authorities can require that a sign be removed, but that it can remain in place for a set length of time. A sign can continue to generate revenue during the amortization period, and the policy requires only that it be removed; the state does not take possession of it. The sign or materials used in the construction can be reused in other locations where signs are legally permitted. Therefore, amortization does not constitute a compensable taking under the Fifth Amendment.

Amortization was a recognized legal method of providing just compensation in 1965 when Congress passed the Highway Beautification Act (HBA), and it continues to be a federally constitutional method of compensation today. In addition, amortization for billboard removal is still permitted in many states at the state or local level. In 1978, however, due to intense pressure from the billboard lobby, Congress amended the HBA to mandate cash as the only legal payment for billboard removal along HBA-regulated highways. This congressional mandate prohibits cities, states, and other governmental entities from using amortization as a legal method of billboard removal for signs erected along HBA-regulated highways.

After Congress acted for the billboard companies, many state legislatures extended this cash payment requirement, and the concomitant prohibition of amortization, to non-HBA

Promoting Beautiful Highways:

AMORTIZATION AND JUST COMPENSATION

DISCUSSION, CONTINUED

regulated roads. To make this problem even worse, when billboards stand in the way of public highway projects and thus must be removed, state courts are adopting higher valuation approaches, such as the gross income multiplier (GIM), rather than using the cost of the structure, the method typically used to compensate owners of movable property. The GIM approach is often six times more than the cost approach, representing unjust enrichment and effectively eliminating cash payments as an affordable option in most states, counties, and municipalities.

This is especially egregious in the case of a digital billboard. For example, in Minnesota, the state department of transportation paid Clear Channel Outdoor \$4.3 million for one digital billboard face,¹ and then allowed it to be relocated to avoid paying more. This case also involved the removal of four static billboards, with a total payout of \$7.3 million in taxpayer money to Clear Channel. The reason for the sign removal was to allow the state to complete badly needed upgrades to an important bridge in St. Paul. Onerous costs like this, which enrich rather than compensate private companies and which hinder infrastructure upgrades, have left communities with billboard relocation as their only affordable option. And relocation merely moves visual blight from one location to another.

The Minnesota case is perhaps the most outrageous example of the billboard industry's abuse of public finances, but there are other examples to illustrate how communities are burdened by unfair billboard compensation schemes.

- As part of the proceedings of a sign ordinance amendment in Washington State, Clear Channel Outdoor claimed that removing nonconforming billboards could cost the City of Tacoma \$60 million in compensation.²
- In 2002, Clear Channel Outdoor tried to sue the Los Angeles Metropolitan Transportation Authority for \$15 million as compensation for eight sign structures that were moved due to a road improvement project.³
- In 2014, Reagan Outdoor Advertising sued Salt Lake City for \$350,000 in compensation for the removal of a billboard. The lawsuit was dismissed with prejudice after six years of legal battles.⁴

Promoting Beautiful Highways:

AMORTIZATION AND JUST COMPENSATION

DISCUSSION, CONTINUED

- A Reno, Nevada, street widening project required the Regional Transportation Commission to pay billboard companies nearly \$300,000 to compensate for moved signs and lost advertising revenue.

PROPOSED SOLUTIONS

1. Petition Congress to restore amortization as a legal option available to local and state governmental entities for the purchase of billboards operating along HBA-regulated highways.
2. Push Congress to give state and local governments the flexibility to fairly pay for the removal of billboards without federal mandates that benefit one industry.
3. States should compensate, to the extent constitutional under state law, billboard owners for the actual cost of a structure instead of a formula that results in unjust enrichment.
4. The Federal Highway Administration should require, where legally allowable, every state DOT to adopt rules that provide for conditional billboard permits, thereby allowing a billboard to legally operate until a governmental entity needs the land for a public transportation project.

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Acknowledgements

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