



President's Message

Dear Friend of Scenic Kentucky,

Scenic Kentucky's mission is to maintain and enhance the beauty of the Commonwealth of Kentucky. Our quality of life and attractiveness to others (business and non-business alike) are greatly affected through visual first impressions. Accordingly, we believe that off-premise signs (billboards) have negatively affected our communities and state.

Scenic Kentucky has been active for many years battling the billboard industry in Frankfort as well as in Metro Louisville. In Frankfort, we monitor and oppose those legislative bills that attempt to expand the number and visibility of billboards on our national and state highways. These include legislative efforts to:

- allow clear cutting of trees and other greenery along public roads so that billboards can be seen – a travesty of the use of public lands for non-public business purposes;
- allow billboards with non-commercial messages to be erected without following state permit standards that ensure safe electrical and structural construction, as well as proper location and setback standards;
- place billboards on school and other public properties – an exceedingly bad precedent that would open up publicly owned lands to billboard pollution across the state; and
- attach billboard type signs to the sides of school buses. We know that this would cause a problem of added highway driver distraction and be an imposition on our neighborhoods. These buses go through residential areas where billboards would not otherwise be permitted -- billboards are by law restricted to commercial and industrial properties -- not on educational facilities.



Scenic Kentucky has also strongly opposed the new flat panel, light-emitting diode (LED) type billboard signs. They are very bright and flash new advertisement copy every 6 or 8 seconds.

They are in violation of a long standing Federal Highway Administration (FHWA) standard of no flashing signs. There are numerous state, federal and international studies that have shown that LED billboards, by their frequent message (cont.)

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President's Message (cont.)

changes, are distracting and a safety factor for the motoring public. The FHWA's reversal of this interpretation, which favors the industry, has caused the Kentucky Transportation Cabinet to come before the Kentucky Supreme Court. The Supreme Court has ruled favorably for the FHWA's interpretation, based erroneously on a freedom of speech concept, allowing these types of signs. Scenic America, representing itself and its numerous state and regional affiliates, has sued the FHWA over this interpretation. The message on the sign is not the issue; the frequency and distraction is - safety for the motoring public is. We await the Federal Court's decision.

We are also active in the Metro Louisville area. We have supported the Metro government's efforts prohibiting the urban blight of concrete bench billboards. Scenic Kentucky members have called in a significant number of these benches to city staff and are pleased to see that many have been removed. In addition, we are initiating an awards program to recognize those projects that reflect well on our quality of life and attractiveness to others. This new Scenic Kentucky Awards Program will recognize good signage, quality landscaping, attractive streetscapes and enhanced building design. We want your input to make this an outstanding community based awards program.

We are very much appreciative of your past financial support. We look forward, with your monetary help, to many more successes.

Sincerely,



Marlene Grissom
President,
Scenic Kentucky



Rhode Island gets Stafford Award

The Stafford Award is named for former U.S. Senator Robert Stafford of Vermont, for his concern for the environment and efforts to strengthen federal highway beautification laws.

Executive Director's Report

Scenic America Meeting Newport, Rhode Island September 5th & 6th, 2013

The meeting was held at Bellevue House, the property of Ronald Lee Fleming, Chairman of Scenic America who resides in Cambridge, Mass. He had graciously opened his Newport estate for the meeting.

The Thursday evening reception and awards ceremony was on the south terrace and over 40 people were in attendance. Many Rhode Island community leaders were there, as well as several representatives of various preservation groups. The former

Governor of Massachusetts and his wife, Michael and Kitty Dukakis, were also in attendance. Rhode Island Governor Lincoln Chaffee was given the Stafford Award for the R.I. Highway Gateway program. Seven Board members were there from Massachusetts, Texas, Virginia, Florida, New Hampshire and New Jersey. Several Scenic America affiliates were in attendance as well - Scenic Pittsburgh, Missouri, Georgia, Arizona, Philadelphia, Tennessee, North Carolina, Kentucky and San Francisco Beautiful.

The Friday Board Meeting was opened by Ron Fleming, FAICP and Chair (Massachusetts); the Vice-Chair is Margaret Lloyd (Texas); the Secretary is (Ms.) Leighton Powell (Virginia); and the Treasurer is Bill Jonson (Florida). Several other board members present included Martha Fuller (a New Hampshire State Senator) and Carl Hintz, AICP, ASLA (New Jersey). Mary Tracy, President, and Max Ashburn, Communications Director, were also in attendance, as were the nine affiliates noted above.



Gov. Chaffee receives the Stafford Award from Ronald Lee Fleming, Board Chair, and Mary Tracy, President. Photo courtesy Newport Seen.



Former MA Governor and U.S. presidential candidate and his wife, Michael and Kitty Dukakis, meet with Scenic Kentucky's Executive Director Paul Bergmann

The Friday Board Meeting was very informative. Specifically, I came away with a good update on the Scenic America lawsuit. Margaret Lloyd noted that the Federal Highway Administration (FHWA) had set a precedent when tri-vision boards were deemed OK. In 2007, FHWA subsequently assumed that other type flashing, intermittent, (cont.)

Executive Director's Report (cont.)

and moving message change boards would therefore be OK. After years of petitioning FHWA for a clarification or other response, a lawsuit was filed in 2013. It is based on the position that the court should reverse the FHWA interpretive memorandum changing its long standing opposition to these type boards; all of which are deemed to be in violation of the law and the contracts with the states. Three points were noted: a) there is injury – Scenic America and its affiliates and members have become an injured party because of the FHWA memorandum which is a violation of the law and the contracts with the states -- a major 20 year mission shift; b) there is causation -- the FHWA memorandum allowing an interpretation that changes the law; and c) the Court can fix the situation. Since the suit was filed, the D. C. Court has allowed the industry to intervene as a defendant; they have filed a motion to dismiss; S A has filed a motion to dismiss the challenge; the defendants have filed a reply to the Court; and all parties are waiting on the D. C. Circuit Court Judge's ruling on standing. Both parties can appeal the decision on Standing to the Court of Appeals. Finally it was noted that Scenic America is receiving legal help – a pro bono effort of the Georgetown University Law Center.



Bellevue House, Newport, RI

Other items of note about billboards are: 1) that AASHTO is studying roadway advertisements and driver distraction; 2) the Israeli's are studying signage impacts between covered billboards vs. non-covered boards; and 3) the Chicago Mayor's proposal to share funds from the sign boards – at (a paltry) .002%. (A board member noted that Pittsburgh has a 10% tax on billboard income on existing boards and that it prohibits new boards.)

Two affiliate's projects were presented. The first was Scenic Pittsburgh's "Scenic Asset Inventory" tool -- It addressed scenic assets and deficiencies within a specific geographic area. Its purpose is to provide communities with information to develop neighborhood plans that protect and promote the natural and man-made beauty that is their surroundings. I believe that this would be a good addition to any neighborhood planning effort throughout Louisville and Kentucky.

The other affiliate's project was Scenic Tennessee's "Pickin' Up Tennessee" – Their Executive Director secured a \$100,000 grant through TDOT to create a litter picking up program that combined volunteerism and music. Volunteers worked 20 locations across the state over a period of several months. Local musicians performed for the volunteers at the end of each task. Each pick-up event was videoed by a professional crew and the video is used as a learning tool in the schools to address the litter problem across the state (note; fully 50% of the litter stream was beverage containers).

The meeting concluded with more questions asked than answered. A committee of the whole addressed how Scenic America can be more effective at the local, state, and federal levels. How can S. A. and the affiliate's better work together on issues? This will be a continuing discussion over the coming year.

- Paul Bergmann

Rhode Island Vegetation Clearing Policy

A memorandum from Lincoln Chafee, Governor of Rhode Island to the Director of the Rhode Island Department of Transportation, dated March 21, 2013, regarding Highway Vegetation Management Policy:

Attractive roadways without clutter and unsafe distractions are critical to our economy and should be a distinctive character of Rhode Island's landscape. Considering the state's new investments in highway beautification, including murals, re-vegetation, and new custom-designed welcome signs, it is counter-productive to compromise such investments by allowing private commercial interests permission to access public land for the purpose of cutting vegetation buffers on highways.

Therefore, it is the policy of the State of Rhode Island that on land held in the public trust, no vegetation is to be removed for the purpose of increasing the visibility of any commercial property. RIDOT should enforce this policy to the maximum degree possible.

This policy has precedent:

VEGETATION MAINTENANCE PROGRAMS

National Alliance of Highway Beautification Agencies (NAHBA) SURVEY RESULTS 2004

New Hampshire: "New Hampshire does not allow cutting, trimming or pruning of vegetation to increase the visibility of signs."

Vermont: No billboards

Maine: No billboards

Texas: "Texas does not allow a sign owner to remove vegetation on a state right of way that impairs the visibility of a sign. We have cancelled permits of sign owners caught doing so".

Delaware: "Delaware DOT's current Outdoor Advertising Program rules and regulations specifically prohibit any destruction of trees and shrubs within the right of way of any highway for the purpose of increasing or

enhancing the visibility of an outdoor advertising sign. Penalties provide for criminal prosecution, revocation of sign permit(s) involved and appropriate corrective action for tree/shrub replacements".

Montana: "Montana DOT does not allow anyone in the right of way to cut vegetation. Our maintenance crews do the vegetation control. Additionally, we do not allow sign owners or landowners within the right of way to work across the right of way fences".

Kentucky: "Kentucky does not allow any removal of vegetation in front of billboards. The Division of Maintenance would handle this permit activity if it were allowed".

Nebraska: "Nebraska does not allow vegetation maintenance on right of ways for billboards".

Idaho: "The Idaho Outdoor Advertising Program does not allow the clearing of vegetation in the right of way for the visibility of billboard sign faces". "Idaho rules governing outdoor advertising are found in the Idaho Administrative Procedures Act (IDAPA39.03.60).. states "the destruction of trees or shrubs in the highway right of way will be cause for permit or license revocation".

Hawaii: No billboards

Alaska: No billboards

Puerto Rico: No billboards



- Lincoln Chafee, Governor, Rhode Island

Nicholasville KY wants digital billboards on US 27 turned off

By Mike Moore jessaminejournal.com

September 30, 2013 - Two new state-of-the-art digital billboards located off north U.S. 27 are in violation of a city ordinance, according to Nicholasville planning director Dean Anness.

The digital billboards went up a few weeks ago, and Anness said he has contacted the Lexington-based Lamar Advertising asking that it turn off the signs. Anness said his request fell on deaf ears.

"They're not going to turn them off," Anness said. "They believe that the ordinance is no good."

According to planning and zoning ordinance 1030.19, "Any illuminated sign or lighting device shall employ only light emitting a light constant intensity and no sign shall be illuminated by or contain intermittent, rotating, or moving light or lights, except as permitted by Conditional Use Permit. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance nor shall any signs be erected or maintained which involve lighting or motion resembling traffic or directional signals or warnings or display words such as 'stop' or 'danger,' nor shall any sign be allowed to be illuminated by or contain flashing lights."



Anness said the city's planning office is taking the next step, which is to contact those involved directly with a letter.

"I'm in the process of getting a letter out to the property owners which the signs sit on and to Lamar Advertising," he said.

Lamar Advertising general manager Brian Sayre issued a statement regarding his company's stance on the billboards.

"Thank you for inquiring about our digital billboard placements in Nicholasville, KY," the statement reads. "Lamar Advertising has over 1,500 digital boards across the United States. This type of technology allows local advertisers, communities, and first responders the ability to reach the driving public quickly and efficiently. This technology also allows for instant communication to the driving public for amber alerts, missing persons messages such as the one for Brookelynn Farthing, as well as police-related matters such as assisting in the effort to find the person responsible in connection with the murder of KSP Officer Jason Ellis in Bardstown."

Anness said the city could seek a legal remedy to the problem if Lamar Advertising doesn't comply to the city's regulations.

"Lamar Advertising has over 1,500 digital boards across the United States"

**Most people agree:
Billboards degrade**

**We Need Fewer
Billboards, Not More**

**Tree-Cutting for
Billboard Visibility
Outrages Americans**

**Americans Get Very
Little Information
From Billboards**

Conclusion:

It's Time to Take Aim at Billboard Blight. The hundreds of communities that fight billboards each year clearly reflect the will of the people. In virtually every reputable poll, significant majorities of Americans oppose billboard blight. The support for billboard control spans education levels, race, and gender; and it knows no geographic boundaries. People, in other words, are tired of watching their scenic roadsides transformed into oversized Yellow Pages.

Billboards Degrade Scenic Beauty, Communities

From Scenic America

Where do people want to live, work, and visit? Places of great natural beauty and distinctive community character. And most people agree billboards degrade natural beauty and community character.

- By a 10 to 1 margin, Floridians prefer reducing the number of billboards over further increases.
- 64% of the citizens in New Hampshire oppose to billboard advertising on highways, with 53% of total respondents strongly opposing billboards.
- 62% of Rhode Islanders state that billboards make state roads less attractive, as opposed to 31% who simply felt it made no difference.
- 96% of Houstonians believe it important to make major improvements in beautification of the city, and
- 79% of Houstonians support maintaining or strengthening the city's ordinance removing ALL billboards by 2013.
- 69% of Missourians believe that fewer billboards would make their state more attractive to tourists, while just 26% disagreed.



Public patience with new billboard construction is wearing thin across the country. In fact, although the number of billboards along our roads increases by thousands annually, most Americans believe we already have either too many billboards or the right number. Almost no one supports the rapid rate of billboard growth we're currently experiencing.

- The Rhode Island public opinion survey discovered two-to-one support for a ban on new billboards.
- 81% of residents of Houston, TX, favor their existing ordinance banning new billboard construction.
- New Hampshire residents favor a ban on new billboards by a 56% to 29% margin.
- In Missouri, the margin of opposition to new billboard construction is 78% to 15%.

There are many things taxpayers are willing to pay for. Cutting trees along public rights-of-way to improve billboard visibility is not one of these things.

- A 1994 survey of Missouri found that a whopping 80% oppose the state law allowing the cutting of trees on public rights-of-way in front of billboards.
- 80% oppose tree cutting to improve visibility of existing billboards in New Hampshire.
- 75% of Floridians oppose tree cutting to allow billboards to be seen. Michigan residents oppose tree cutting by a 63%-33% margin.

Though billboard operators like to portray billboards as providing essential information, in fact, most people get little or no useful information from billboards. 72% of those surveyed in a Rhode Island study responded that they received either very little or no useful information about products and services from billboards.

In Florida, the margin of those who derived more information from official information (LOGO) signs more than billboards for useful information about restaurants, gas stations and other roadside services was 63% to 16%. In Missouri, the margins were 68% to 18% in favor of LOGO signs.

**Missouri:
Billboard Capital?**

Why are there so many billboards in Missouri?



By Scott Pham www.kbia.org

This week CoMo Explained tries to answer that question all your out-of-state friends keep asking you: "What's with all the billboards around here?"

Ryan Famuliner knows the experience well: a friend drives into town to hang out for the weekend and the first thing he says is "hey, what's with the billboards advertising sex shops and strip clubs?"

Trying to explain this to outsiders is "one of the first embarrassing things as a native Missourian," says Famuliner.

And it's not just perception problem. Missouri simply has a lot of billboards on its highways. In the year 2000, the Missouri Department of Transportation (MoDot) said the state had an average of 2 billboards per mile on controlled highways. Kansas had 2 per mile. Arkansas had 0.9. Billboards are dense here, and it's noticeable.

So how did it happen? It goes back to the history of highway beautification across the country. When we expanded the highway system in the 1950s, a federal program kicked some extra federal transportation dollars to states that voluntarily regulated outdoor advertising. Missouri declined.

Billboard construction proceeded at good pace through the 1980s and 1990s. Eventually the state did loosely regulate the size and spacing of signs along highways. Municipalities would sometimes enact stricter ordinances in building codes. St. Louis had a cap on the overall number of billboards in the city, for instance. A number of these ordinances were challenged in court and overturned.

In 1997, municipalities finally won their right to regulate outdoor advertising, but the anti-billboard crowd wasn't finished yet. In 2000, a ballot initiative was introduced that prohibit the construction of new billboards on highways, and prohibit the moving or replacement of old ones. It was, essentially, an emergency brake on outdoor advertisers and the companies who owned billboards around the state fought back furiously. The initiative was narrowly defeated by about 50,000 votes.

Another salvo in the anti-billboard fight came straight from the legislature. A bill in 2004 explicitly targeted all billboards advertising sex shops in Missouri (the media at this time hilariously took to calling them "sexy billboards"). The bill passed, but was immediately challenged in the courts. A young Jay Nixon, then Attorney General for the state, defended the bill until a federal court ruled it was unconstitutional.

These days, the billboard industry seems to be on the offensive. Two pro-billboard laws have been proposed in the last two years and one passed in 2012. The issue of "sexy billboards" seems to have been tabled. Now, the issue is which billboards can be turned into digital billboards, and what happens to old billboards that are removed for highway construction. Both are of serious concern, especially with the ongoing project to widen I-70.

When we expanded the highway system in the 1950s, a federal program kicked some extra federal transportation dollars to states that voluntarily regulated outdoor advertising. Missouri declined.

(Kentucky accepted the federal offer.)

Tree Cutting in
Florence, SC

“The city is expected to conform with DOT rules.” -Florence City Manager

Trees being cut back, removed to allow for sign visibility in Florence

Traci Bridges
Florence, S.C. Morning News

September 14, 2013 - About 25 years ago, a group of Florence leaders and residents decided the gateways into town needed to be cleaned up and beautified.

They formed a committee, they raised money and they spent about \$200,000 to transform the David H. McLeod Boulevard entrance into town from Interstate 20 into something that would make the community proud.

Now, some say the fruits of their labor are in jeopardy because of a state policy that allows for the cutting back of trees and vegetation that impair or block the visibility of existing businesses and outdoor advertising.

In recent months, several trees along David H. McLeod Boulevard, near Lowe's and Percy and Willie's, have been pruned drastically. Florence City Manager Drew Griffin said city crews were sent to cut back the trees after a meeting with officials from Adams Outdoor Advertising and S.C. Department of Transportation officials.

“We met with DOT and Adams Outdoor Advertising, and we were told that several of the trees along David Boulevard were not conforming to DOT requirements and state requirements on billboards,” Griffin said. “We were asked to top a certain number of trees along David McLeod, over on the Lowe's side. We had to lower the trees to expand billboard visibility. We were also asked to trim back some planting in the median there in that same area.”

According to the SCDOT's vegetation management guidelines, beautification projects shall not impair or block the visibility of existing businesses as well as outdoor advertising. If the beautification project results in the impairment or blockage of the visibility of an existing property owner at the time of the planting or any time after, the group responsible for the beautification project — in this case, the city of Florence — is required to remove the planting at its own expense and replant with lower-growing, acceptable vegetation if possible.

It's those very DOT rules that some local residents, like former Florence County Councilwoman Jennie O'Bryan, oppose. O'Bryan served on the committee that originally worked to beautify and improve the I-20 gateway. She said the group spent about \$250,000 on the gateway — much of that was on planting — and now those plants are being cut back and removed.

“The Florence Gateway Beautification project trees that were flat-topped couldn't possibly have totally obstructed views of the huge billboards they were cut to protect,” O'Bryan said.

But as long as the DOT rules are in place, Griffin said the city's hands are basically tied.

“It's sort of a condition we're just faced with,” Griffin said. “The city is expected to conform with DOT rules.”

“Anytime there's cutting of any kind, it's done in full accordance with DOT guidelines and approval,” Jon Weiss, general manager of Adams Outdoor Advertising's Florence market, said. “We've had situations like this in the city of Sumter and Sumter County, city of Dillon and Lake City within the last six months, and we've worked all of those issues out through the guidelines.”

The city's tree crews are well-trained and do whatever they can to conform with rules and protect the city's trees and vegetation, city arborist Jenny Lee said.

“I wish we could let all the trees grow like they should, but we don't really have a choice,” Lee said. “Our guys are trained in the proper techniques for pruning, and we didn't do any topping. We actually reduced the trees, taking them back down to the next limb. We did not cut any of the thick or mature parts of the tree, so the trees were not hurt. And now that they're at the proper height, we can keep up with them, so the pruning won't be so obvious and they won't look so strange.”



Billboards And Mountains – Not A Good Match

Steve Olenski - businessinsider.com

October 15, 2013 - There are few vistas to compare with the view from a winding mountain road or trail. The spectacular heights, the trees marching upward in leafy triumph, the bouncing waterfalls, the varying weather patterns that seem to come and go like a great flock of birds - there are no horizontal landscapes that can really match it.

Yet man has managed, in his quest to usurp the grandeur of Mother Nature for his own tawdry and commercial marketing purposes, to spoil some of the grandest mountain scenery by putting up billboards along scenic mountain highways and trails.

Adrian Ballinger, a top guide and CEO of Alpenglow Expeditions, thinks this is an egregious mistake, and has spoken out against commercializing mountain landscapes in strong terms

“It makes me both angry and sad,” he recently said, “to ever see a mountain area desecrated with billboards advertising some nearby hotel or casino, or telling people to drink some brand of beer or use this kind of laxative. It is enormously important that we keep our mountains absolutely unscathed and unpolluted. After all, they are one of the last great sanctuaries, both physical and spiritual, for all of mankind!”

According to the Federal Reserve Bank of Saint Louis, which funds various studies on advertising and environment, there is a groundswell of support for the idea of keeping mountainous areas free of billboard advertising, and that if it already exists it should be bought out and taken down. The Bank recently supported a research project in Watauga County, West Virginia, where there are an abundance of

billboards along scenic mountain roads. Residents were polled about the desirability of keeping the billboards in place as opposed to spending taxpayer dollars to have them removed.

The poll showed that a majority of the citizens in Watauga County would be willing to have the state government pay up to half a million dollars to have all of the obstructing billboards removed, even though some of the billboards are on private property and provide their owners with a steady income year-round.

Today China is perhaps the most blatant example of burgeoning outdoor advertising in their mountain ranges. Both tourists and professional mountaineers have complained of the increasing amount of advertising that is marring the bench lands of some of the great mountain ranges in China— so that a motorist traveling the narrow roads of the Altai Range in Xinjiang, China, is visually assaulted along the way by billboards extolling the merits of various tourist attractions and historic sites up ahead. The Chinese government, which owns many of the billboards, is in no hurry to pull down what to them are assured income generators.

Ballinger makes sure his clients know his opinions on the matter, pointing out the folly of allowing such crass advertising to mar the wild places where people can still feel at one with their spiritual powers.

“I’m not against advertising as such” he says. “I just don’t like to see it spoiling or obstructing anything of beauty. Our staff occasionally have patches on their outerwear that advertise mountain and skiing equipment companies, and I think that’s all right. It’s subtle and has no impact on the surrounding environment. That’s the way I see marketing, as a gentle reminder – not a blow on the side of the head!”





SCENIC KENTUCKY
An Affiliate of Scenic America

Membership Application

Yes, I want to help Scenic Kentucky fight visual blight and protect Kentucky's beauty. Enclosed is my annual tax-deductible contribution.

\$25 \$50
\$100 \$250
\$500 \$1000
\$2000 Other Amount _____

Name _____

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Please donate by check or online with PayPal. Your contribution will enable us to keep our Commonwealth blight-free and visually attractive.

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