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## **Regulations allowing more digital billboards advance despite concerns of legislative panel**

By Jack Brammer

[jbrammer@herald-leader.com](mailto:jbrammer@herald-leader.com) September 9, 2015 Updated 10 hours ago

FRANKFORT — Kentucky Transportation Cabinet officials said they were surprised Wednesday to learn that their controversial proposed regulations on billboards are advancing in the state legislature, not stalled in a legislative committee.

"We thought Tuesday the regulations were tied up in a committee for at least another month. We were taken by surprise to learn Wednesday that is not the case," said Chuck Wolfe, a spokesman for the cabinet.

The regulations would allow more digital LED billboards in the state and let billboard owners cut trees on public rights of way that block their outdoor advertisements.

Scenic Kentucky and other environmental groups claim they will clutter the state with more billboards, distract Kentucky drivers and lower property values. The billboard industry contends the proposed regulations would decrease the number of billboards in the state, and that vegetation would be removed in an environmentally responsible manner.

Transportation Secretary Mike Hancock was notified Wednesday that the proposed regulations will advance to another legislative committee because the legislature's Administrative Regulation Review Subcommittee, which considered them on Tuesday, did not vote to defer them, Wolfe said.

He said Hancock thought after Tuesday's meeting that the regulations were on hold.

Rep. Mary Lou Marzian, a Louisville Democrat who chaired Tuesday's meeting of the Administrative Regulation Review Subcommittee, said there was confusion after the meeting on what actually happened.

The panel was ready to consider a motion by Sen. Julie Raque Adams, R-Louisville, to reject the proposed regulations when Hancock and the cabinet's chief legal counsel, Rebecca Goodman, asked for more time to work on them, Marzian said.

"I think the Transportation Cabinet was afraid the panel was going to declare the regulations deficient," she said.

Adams then withdrew her motion to reject the regulations.

Marzian said staff later reviewed a taping of the meeting and found that no vote ever was taken by the panel to defer the regulations.

Since no action was taken on the regulations by the panel, they move on, she said.

Adams, who opposes more billboards, said she was not surprised to learn that the regulations would advance.

"I know a lot of people were confused, including some with the billboard industry I talked to," she said.

The regulations now go to the legislature's Transportation Committee. If the regulations are on the committee's agenda and not considered, they will take effect immediately, said Wolfe.

Hancock was not the only one at Tuesday's legislative meeting who thought the regulations had been put on hold for a month.

Marlene Grissom, president of Scenic Kentucky, said she left Tuesday's meeting thinking the Transportation Cabinet had more work to do on the regulations.

"We learn today that we were misinformed," Grissom said. "It's all very disappointing."

She said her group will try to educate the legislature's Transportation Committee about the regulations before it considers them at its Oct. 6 meeting.

The billboard industry has pushed state lawmakers for at least 14 legislative sessions to create a new law that would allow them to cut vegetation on public rights of way that obstruct the view of billboards located on private property, but the General Assembly has repeatedly said no.

In the last few months of Gov. Steve Beshear's administration, the industry now hopes to bypass lawmakers with administrative regulations.

Jack Brammer: (502) 227-1198. Twitter: @BGPPolitics. Blog: [bluegrasspolitics.bloginky.com](http://bluegrasspolitics.bloginky.com)