



American Planning Association

Making Great Communities Happen

Policy Guide on Billboard Controls

Ratified by Board of Directors, Boise, Idaho, September 1989

Revised and updated, San Diego, California, April 1997

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Findings

In recent years, planners have identified sign control as one of the most important yet troublesome problems facing local governments. Because of their size and their intrusion into many rural, residential, and scenic areas, billboards are of particular concern to many communities.

Many local governments have determined that billboard controls are necessary to protect and preserve the beauty, character, economic and aesthetic value of land and to protect the safety, welfare and public health of their citizens. Over the past two decades, hundreds of cities and counties have enacted new regulations to control billboards. Yet many communities find it impossible to enforce their billboard ordinances along highly-visible transportation routes because of special-interest provisions in the Intermodal Surface Transportation Efficiency Act, successor to the Federal Highway Beautification Act.

APA fully supports continuing provisions of these federal laws that require the states to control billboards adjacent to primary and interstate highways that receive Federal aid, including Federal highways located within cities and other local governments. The act imposes penalties on states that do not meet Federal standards. States that do not comply with Federal standards may lose 10 percent of their Federal highway funds. Not surprisingly, all states have legislation that implements the Federal Act.

Unfortunately, in 1978 Congress adopted an amendment to the Highway Beautification Act which ties the hands of local governments that want to remove nonconforming billboards along Federal highways. Before the amendment was adopted, local governments in many states could require the removal of nonconforming billboards along Federal highways, offering compensation through amortization under state and local police powers and not paying out public monies. The Act now requires local governments to pay billboard owners before a nonconforming billboard can be removed.

The Federal government is supposed to meet 75 percent of the cost of billboard removal, but Congress has not appropriated funds for this purpose since 1982. This is a major obstacle to billboard regulation because the removal of nonconforming billboards is essential to an effective billboard control program.

As a result, local governments face a dilemma. Although in many cases they can and do require the removal of other signs without cash compensation, they can require removal of signs along heavily-traveled federal-aid highways only if they pay compensation. That creates a philosophical dilemma and, in the absence of the 75 percent federal matching funds that were originally contemplated, it creates a very real fiscal one. At the same time, new billboards continue to go up on many of the same roads where the industry insists on being paid to remove other billboards. Ironically, a setback requirement included in the act and intended to keep billboards out of highway corridors in many rural areas has simply led to a proliferation of super-billboards just outside those corridors, further despoiling many rural routes. In short, federal intervention intended to make highway corridors more beautiful has been manipulated by special interests to make it more difficult for local

governments to use their own tools to accomplish the original purposes of the Highway Beautification Act.

Policy Guide

POLICY 1. APA National and Chapters support local regulation of billboards in the context of and consistent with local comprehensive and land use plans.

POLICY 2. APA National and Chapters promote Federal legislation that restores to local governments the authority to require the removal of billboards and other signs through amortization and other means consistent with the law and constitution of the particular state.

POLICY 3. APA National and Chapters support the authority of local governments to require nonconforming signs along Federal highways to comply with size and height requirements without cash payments.

POLICY 4. APA Chapters promote the adoption where necessary of state legislation that expressly authorizes local governments to offer amortization as compensation for a requirement to remove nonconforming billboards and other signs within the jurisdiction of the local government.

POLICY 5. APA Chapters promote the adoption of state legislation and local ordinances halting the construction of new billboards until the Federal government either appropriates sufficient funds to remove nonconforming billboards or restores the authority of local governments to remove billboards through amortization without cash payments.

POLICY 6. APA National and Chapters promote adoption of logo signs, providing service information with establishment or franchise logos and names, for exits on rural interstate, U.S. and state highways, when use of such logo signs is tied to limitations on the number, height and size of billboards in the same area.

POLICY 7. APA National and Chapters support continuation and strengthening of Federal and state legislation that allows control by local governments over the placement of new billboards.

POLICY 8. APA National and Chapters support increase of the setback exemption in the Highway Beautification Act and related provisions of ISTEA to one mile or such other distance as may be adequate to ensure that billboard companies cannot subvert the intent of the setbacks by simply installing larger signs outside the setbacks.

POLICY 9. APA National and Chapters support implementation and enforcement of restrictions on vegetation removal or trimming for the purpose of increasing the visibility of a billboard.

POLICY 10. APA National and Chapters support enabling legislation to levy user fees or taxes on billboards, which reflect the private benefit accruing to owners of billboards from the public investment in public roads, with the recommendation that such revenues be used to support highway beautification efforts.