

THE FUTURE OF OUTDOOR ADVERTISING

By

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Prepared for

53rd Annual Meeting
Highway Research Board
Washington, D.C.
January 21-25, 1974

In discussing the nature of this paper with the Chairman of your committee, I received the impression that I was at liberty to play the part of the "devil's advocate" in the discussion of the future of outdoor advertising.

The legislation in my State involved a period of approximately six years and, while the State Highway Commission received some newspaper support in its fight to keep its highway funds intact, no one else appeared in support of our position before the legislative committee. During this period, I met dozens of times with federal officials and with representatives of the industry. I received copies of reports made by the industry as to the effect of the proposed legislation, and the State Highway Commission had such a study made. Missouri even requested and participated in a formal administrative hearing seeking to prevent loss of highway funds. Our Commission opposed the original legislation which placed the burden of the regulation of outdoor advertising upon the Highway Commission of Missouri and the highway departments of other states.

I appeared before the Commission on Highway Beautification to advise that the restrictions being imposed upon us left inadequate roadside information for tourists for places of interest, lodging, and eating in our State, which is at the actual crossroads of highways of the United States. I felt then and believe now that the administration of the act has provided restrictions far beyond the intent of the Congress, and I believe that there would be a national stalemate at the present time had it not been for the good offices of

some of the present personnel of FHWA who made many reasonable interpretations which enabled us to cooperate.

I do not stand alone in the expression of the opinions which I have just given with respect to interpretations of the law. Under date of October 3, 1973, the honorable Jim Wright, Chairman of the Beautification Commission, addressed a letter to the Federal Highway Administrator. In the letter, he first invites attention of the Administrator to his previous correspondence and states "Reading this correspondence available in the file at DOT will reveal some of the history of the extreme frustration in attempting to invite consideration for the Congressional enactments on the subject of highway beautification." Farther on in the letter, he states "Transcripts of public hearings conducted throughout the country by the Highway Beautification Commission are replete with rather anguished expressions on the part of state officials as to the highhanded and even dictatorial manner in which your administrators have literally required states to adopt legislation embracing precise language written in Washington." He goes ahead to mention the failure of the Federal Highway Administration to recognize zoning laws and particularly complains of the arbitrary definition circulated in the policy and procedure memorandum of July 9, 1973, with respect to "on premise signs."

I do concede that the long legislative struggle proved a temporary boon to the larger advertising companies. In my State, it may be said as a general rule that larger, more expensive, and more attractive signs were erected during that period. A large number of small signs disappeared from the landscape, the advertising industry began to replace oral understandings with written

leases, and landowners in those areas which were to be susceptible to lawful sign erection reaped something of a harvest. Up to this date, there have been removed in Missouri approximately 3000 signs which were obsolete and in bad repair out of an estimated 3700 in this category. There are now being sent to the approximately 24,000 sign owners who have not obtained a permit as required by law.

Our removal statute provides for administrative hearings on notices for removal of unlawful signs, and there is an extremely large number of such requests in our files at this time. It promises to make the greatest heyday for hearing examiners, lawyers, and court reporters that our State has witnessed.

Missouri is not at this time in a position to realize the full effect of existing billboard laws. Thousands of signs remain along our interstate and primary highways to direct the traveler to the next filling station, an acceptable restaurant, or a select motel. Missouri's 27 commercial caves, beautiful springs and rivers, and tourist attractions are on trails well marked at present.

The day is about to arrive when the fears of many of those operating tourist attractions are to be realized. The removal of signs will unquestionably adversely affect small motels which are not members of some national organization having provision for advance reservations, and it will particularly adversely affect motels of all price ranges which are situated on older highways where there has been a subsequent relocation and which depended solely upon signing for their business.

I mentioned a study in our State,-- Missouri, in conjunction with the Bureau of Public Roads, employed the University

of Missouri to make an impact study on the effect of billboard legislation. 726 interviews were conducted with travelers, and these replies gave the following information: 39 per cent were traveling on business, 51 per cent on pleasure, and 9 per cent on both. 64 per cent made reservations at a motel only upon arrival, while 36 per cent had earlier reservations. 43 per cent stopped at a restaurant only after seeing the establishment at the roadside, while the remainder decided upon their restaurant shortly before stopping. 40 per cent saw advertisements for the restaurant chosen along the way. 37 per cent would not have chosen the restaurant had they not seen the sign. Only 13 per cent advised that they did not depend upon signs for selection of an eating place, and 17 per cent said they did not depend upon signs for lodging. The most significant thing was that when asked about billboards for roadside services, such as gas, food, and motels, 61 per cent chose to leave them as they were at that time, 28 per cent desired to control them partially, and only 10 per cent desired to eliminate them. In cities and towns, 30 per cent desired to eliminate all signs, 23 per cent desired them partially controlled, and 47 per cent wanted the situation left as it was. 97.3 per cent said the advantages of the signs were greater than the disadvantages.

When we were all again free to travel on the highways to the extent of our desires and as permissible from our bank account, we will demand a means by which we can select a restaurant, motel, or service station shortly before patronage of such facilities. There will be some states, and these will be few, which will have taken the maximum step possible to provide such information, and

this will be largely along interstate routes. Unquestionably, there will be further provision for the use of radio for the purpose of informing the public. Current rates for such advertising, however, are not such as to provide a reasonable alternative for smaller places of business. Rest areas are being developed in a few states with information centers, but it is my belief that at this time there are not more than 7 or 8 states which provide this type of information. Even less than this number have tourist centers where reservations may be made. 2 states, I believe, have experimented with the symbol signs for service stations suggested with the original beautification act. On-premise signs have become bigger and better and higher, and the whole effect as of this time has far from justified the Beautification Act with respect to outdoor advertising. As population increases, so will the number of businesses along our highways, which will give rise to unzoned commercial areas and a further influx of billboards.

Objectionable as it will be, I believe that the respective states should immediately enact legislation for land use which will put to an end continuing controversy of the kind with which we are faced on outdoor advertising. More than ever, there are now being erected in rural areas small businesses which have been the dream of a life time for couples who have retired to such areas. Many of them do not know of advertising prohibitions. Constant and continuing hardships of this type will occur until one long bitter battle is fought and land uses are established which will permit an area and a state to govern its destiny with respect to this problem as control of outdoor advertising alone as such can never do.

As the matter now stands, no funds were appropriated in the current session for billboard control, and we may well have a program in our laws which cannot be completed. Regulation of on-premise signs, which I understand may be proposed by the Commission on Beautification, will create a legislative battle dwarfing that over current laws. Before we spend further sums for taking down outdoor advertising which may soon lawfully rise again, we should re-examine the situation and go to land use controls as such. Hopefully, the obligation for this shall not devolve upon the shoulders of highway departments and any penalties not be addressed to highway funds.



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