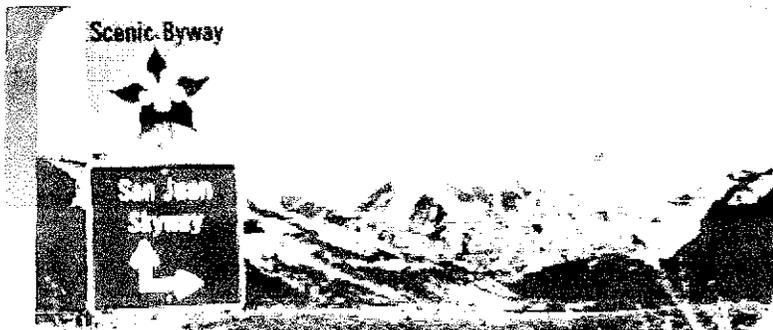


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SB 411



Change is Inevitable. I
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Help

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Scenic America has a strong track record of success in protecting natural beauty and community character.

- Billboard & Sign Control
- Community Design & Planning
- Context-Sensitive Highway Solutions
- Scenic Byways
- Telecommunications Towers
- Tree Conservation
- View Protection
- Visual Environmental Education

We've scored big victories in:

- **Fighting Visual Pollution**
- **Promoting Visual Quality**
- **Federal Policy**

- Articles & Speeches
- Last Chance Landscapes
- Links
- Policy & Scenic Beauty
- Road Games
- Scenic News Briefs
- Site Specific Projects
- Viewpoints On-Line Newsletter

Fighting Visual Pollution

Visual pollution is both a cause and a symptom of the degradation of our scenic heritage. Scenic America is proud to have helped achieve the following:

Scenic America
1634 I Street, NW
Suite 510
Washington, D.C. 20006

PH: (202) 638-0550
FAX: (202) 638-3171
scenic@scenic.org

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2003

- Scenic America has documented 750 cities and towns around the nation that have stopped new billboard construction. Among the newest members of this list are Indianapolis, Indiana and Reno, Nevada. Scenic America continues to provide the best in resources to citizen activists and government officials wanting to enact strong billboard controls in their communities. In New Jersey, Scenic America is helping the Governor's Task Force examine options for billboard control.
- Courts nationwide continue to uphold billboard ordinances and legislation, despite fierce lawsuits on behalf of the billboard industry. Most recently, a California appeals court ruled that San Mateo acted appropriately by fining the owners and forcing the removal of illegally constructed billboards. Scenic America has signed an *amicus curiae* brief on the side of Clawson, Michigan, whose billboard ordinance has faced litigation by industry Viacom.

2002

- On April 28, 2002, Los Angeles joined the growing family of cities that have stopped the construction of new billboards. With Houston and Los Angeles in the fold, two of America's four largest cities now prohibit new billboards completely; and New York City has been implementing tougher regulations on billboards throughout the five boroughs. While

Los Angeles later endured a temporary setback in their efforts to raise billboard permit fees to \$317, support the prohibition and other efforts continue a strong trend for scenic conservation in the City of Angels.

- Brookhaven and Philadelphia are among six Mississippi municipalities that prohibited new billboards in 2002. In addition to the billboard bans, Mississippi has now implemented a new state scenic byways program to protect its most beautiful roads.
- On November 5, 2002, the voters of Spokane County spoke loudly and clearly. By a vote of more than 57 percent to 42 percent, voters told their elected officials to remove 19 billboards through amortization in an unincorporated area of Spokane County. The area already prohibits new billboards. Now the voters have chosen to take the existing ones down.
- Amarillo and El Paso, Texas both prohibited new billboards, with the help of Scenic Texas.

2001

- Scenic America worked with New York City to improve billboard ordinances, including the prohibition of commercial billboards in mixed and industrial areas within 200 feet of, and visible from, major highways. Scenic America's president, Meg Maguire, submitted an affidavit on behalf of the city in federal court when they were sued by Infinity Outdoor Advertising Corporation.
- Scenic South Carolina declared victory in July when Richland County passed an ordinance prohibiting new billboards.

2000

- Citizens for a Scenic Florida led an all-out effort to counter the billboard industry's attempts to change state law to prohibit amortization of billboards by local governments. They have also provided extensive assistance to Tampa and other localities that have passed stronger billboard controls.
- Scenic Michigan successfully helped the City of East Lansing defend against a lawsuit by Adams Outdoor Advertising on the takings issue. In an important decision, the Michigan Supreme Court ruled that East Lansing's billboard law on amortization was not a taking and the company was not entitled to compensation. Scenic Michigan also submitted an *amicus curiae* brief for the case of *Adams v. City of Holland*, which the Michigan Supreme Court is currently considering.
- Scenic Missouri spearheaded a statewide ballot initiative to stop new billboard construction. While narrowly defeated at the polls, the initiative mobilized broad support for billboard reform in Missouri and has led citizens and legislators to call for state legislation.
- Scenic North Carolina helped pull off a last minute victory in the state legislature extending a moratorium on billboard construction on Interstate 40.
- Scenic Tennessee helped obtain stricter billboard controls in Memphis.
- Scenic Virginia, which opened an office and hired their first full-time executive director and part-time office administrator, helped defeat a bill allowing telecommunications towers to be built on VDOT right-of-way without local approval. They also presented their educational slide show across the state.
- Scenic Minnesota won a long-fought battle in St. Paul to prohibit the



construction of billboards.

- Voters in Reno, Nevada voted 57-43% in favor of a ballot initiative, introduced by Citizens for a Scenic Reno, on the November ballot banning new billboard construction.
- In 1991, The city of Houston, TX, enacted legislation to take down existing billboards in the city through amortization.

Promoting Visual Quality

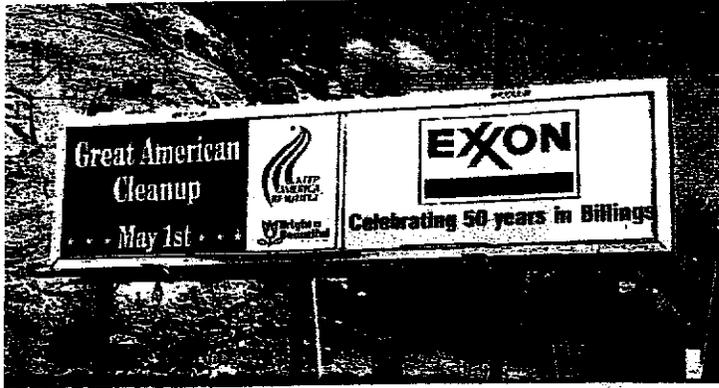
Scenic America promotes alternatives to haphazard development. We are advocates for long-term protection of America's scenic landscapes. We provide timely advice and materials to activists working to conserve their community's character, encourage well-designed roads, and promote community tree conservation programs.

Especially effective are our nationwide efforts to protect "scenic byways." Roads like the Blue Ridge Parkway, and the Pacific Coast Highway, both reflect and shape the regions through which they pass. Scenic byways are not only beautiful roads to drive; they also stimulate tourism and promote economic growth.

Scenic America has been involved in a number of projects to promote visual quality:

2003

- Scenic California and Scenic America have completed a GIS map of scenic resources along 283 miles of Highway 99 from Bakersfield to Sacramento County to help local governments and citizens protect the special scenic qualities of California's Central Valley. In addition we are producing scenic policy analyses for eight California jurisdictions.
- Scenic America continues to work with the Piedmont Environmental Council and other environmental groups on the Journey Through Hallowed Ground (JTHG), a scenic and historic corridor stretching from Charlottesville, Virginia to Gettysburg, Pennsylvania. Following the path of Route 15, the corridor is home to numerous historic presidential estates, civil war battlefields, towns, churches, and cemeteries, as well as beautiful farmland, vineyards, rivers, and mountains. Working together, we are making headway in trying to preserve these historic and scenic resources from development pressures.
- After much press coverage and community outrage, developers in Roanoke County, Virginia abandoned a plan to develop more than 300 acres of land straddling the Blue Ridge Parkway. This stretch of the Blue Ridge Parkway was designated a "Last Chance Landscape" by Scenic America in 2002 because of the development pressures threatening its scenic beauty.
- Scenic America worked with the US Department of Transportation to include a provision to encourage the states to adopt Contest Sensitive Solutions (CSS), also commonly referred to as Context Sensitive Highway Design (CSD), in the Bush Administration's SAFETEA transportation bill. We have been working with state legislatures as well. Based on model language published in Scenic America's *Getting It Right in the Right of Way*, Illinois lawmakers passed a bill to incorporate CSS in highway design, making it one of only four states to do so. We have also consulted with citizen activists and legislators to promote CSS legislation in North Carolina, New Mexico, California, Delaware and Virginia.



Billboard Mars Billings' Rimrocks

Billings Enacts Billboard Moratorium

On June 28th the Billings City council unanimously passed a six-month moratorium on new billboards. A series of six public input meetings was held to hear comment on the issue. Sign company representatives and business owners using billboards were in the majority at all meetings, although there was a good turnout of scenic advocates.

The facilitator charged the group to reach a "consensus" on new regulations. Many scenic activists felt this was not a reachable goal.

A "group of four," that included the CEO of Lamar Outdoor Advertising, compiled the recommendations of the public group. Their report was unfortunately presented to City Council Committee of the Whole as the "consensus" draft, while another one which also included input from other citizens and proposed a gradual reduction in the number of billboards, was put on the shelf.

Scenic advocates are searching for ways to get the broader and more stringent draft back on the table. Stay tuned! -- Paul Whiting

Laurel Rejects 5 Billboards

Laurel City Council recently denied permits for 5 billboards. "The construction of five large billboards at the east entrance to the community--where there are none now and where the view is presently of the larger community and open space--is not conducive to enhancing the image of Laurel as a community that cares about itself," said planner Cal Cumin. The billboard company can't reapply for the permits for one year.

The city also fined a smaller company \$2500 for erecting two billboards without city permits. Both signs, however, were allowed to remain.

Double Trouble

No new billboards have gone up in Missoula County since SAVE members helped to pass the 1995 County Corridor Ordinance. However, two along Hwy I-90 across from BFI's dump have doubled in size from single sided to double sided monopoles. Not only does that double Lamar Outdoor Advertising Company's profits, it doubles the "in your face" advertising travelers must endure.

Gallatin County. *The Bozeman-Chronicle* ("Billboards: Residents want restrictions on huge signs" 4/30/01) reported that 3/4 of residents at growth-policy meetings held around the county favored restricting the number, size and location of billboards. They may have found a spokesperson. Geoff Heath, a new county planning board member, claims billboards degrade the viewshed. "And I think they really degrade my neighborhood," he was quoted as saying.

Bozeman banned new billboards in 1990 in the city and the donut area around the city. Great Falls recently enacted stricter billboard standards and established 4 scenic corridors. Billings allows new billboards only if a non-conforming one is removed. But only a few of Gallatin County zoning districts have banned billboards.

"I have only one political aspiration in my life," Heath said, "and it is to see these things gone."



Hamilton

Photo by Chad Harder, *The Missoula Independent*

Ravalli Co. is "Last Chance Landscape"

Scenic America has chosen Ravalli County as one of ten endangered American landscapes for 2000. All include places of beauty or distinctive community character that face both a threat and a potential solution.

Ravalli was chosen because of its rapid population growth, lack of a comprehensive plan, and highway #93 expansion. That adds up to a potential for increased traffic, more businesses, billboards and stripmalls, as well as haphazard growth along the highway.

Ravalli residents Phyllis Bookbinder and Elizabeth Knowlton-Turney believe a stronger off-premise sign ordinance would alleviate blight. To help protect Ravalli's scenic qualities, contact Phyllis (961-1382) or Elizabeth (880-3750).

3

The Highway Beautification Act: A Broken Law

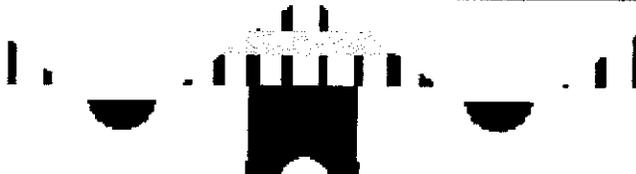
Montana



SCENIC AMERICA

Billboard Blight Index: Montana

Billboards on the Rise:	✓
Billboards in Unzoned Areas:	✓
Tree Cutting Allowed:	✓
Renewal Percentage:	100%
Annual Billboard Subsidy:	\$255,000



Montana

15th in the Nation for Number of Billboard Structures on Federal-Aid Highways.

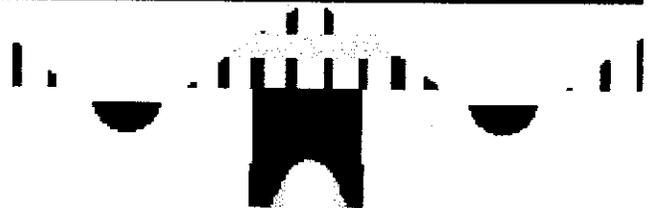
Billboard Structures in Montana‡:	5,891
Conforming Billboard Structures:	3,241
Billboard Structures that violate HBA standards:	2,558
Billboards erected without a permit:	92



Montana

18th in the Nation for Number of Billboard Structures per Federal-Aid Highway mile.

Total Federal-Aid Highway miles:	6,645
Number of Billboard Structures per 10 miles of Federal-Aid Highway:	8.9

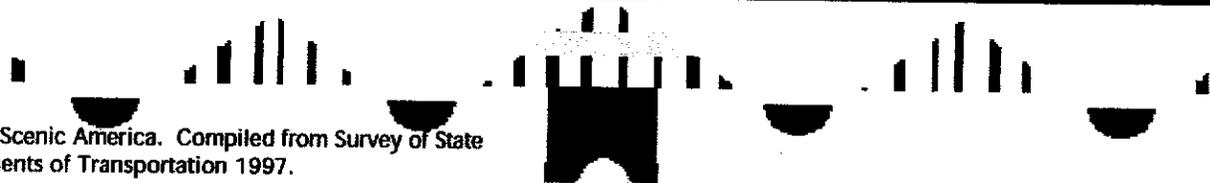


Federal Aid Highways are those to which the standards of the HBA apply. They include all interstates, federal-aid primary roads like U.S. Route 1, and all of the National Highway System.

‡ Figures represent the total number of illegal billboards plus permits for non-conforming and conforming billboard structures as reported by state departments of transportation. States allow from one to four billboard faces per permitted structure.

Many Billboards in Montana Violate the Standards of the HBA.

		Rank
Billboard Structures on Federal-Aid Highways that violate the HBA:	2,558	12th
Percent that violate HBA standards:	43%	10th
Billboard structures that violate HBA standards per 10 miles of Fed Aid Hwy:	3.8	15th
Number of billboard structures removed in FY 1995 that violate HBA standards:	0	



Source: Scenic America. Compiled from Survey of State
Departments of Transportation 1997.

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4

Exhibit 4--Potential Single-Sided Billboard Buy-Out Cost Based on National Average of \$1250 Income Per Month

\$1250/mo. Per single sided sign x 12 months x 10 yr = \$150,000
Potential Income each

In Montana, approximately 6,000 billboards exist. The potential income value of these billboards is \$900 million over 10 years.
 $6,000 \times \$150,000 = \$900,000,000.00$

This potential cost to taxpayers, if it was to be paid by counties in Montana, would average about \$15 million per 'average' county for 10 years of value compensation loss.

This is about \$1.5 million per county each year for payment to billboard companies for loss of their value if all the billboards were removed in all the counties. Double sided and double wide billboards would cost multiples of this.

Game farm initiative not a 'taking'

By Michael Howell

The game farm initiative, I-143, a voter-passed initiative that made "canned hunts" on game farms illegal, has recently withstood a challenge in court claiming that the law resulted in an illegal taking of private property without just compensation to the owners. District Judge David Rice of Havre has ruled that the law did not result in any illegal taking.

Three different game farm owners filed suit against the state claiming that they were owed compensation for the loss of their businesses following passage of the law. The cases were consolidated into a single action.

Rice decided that there were valid reasons for enacting the law that outlawed "canned hunts," transfers of game farm licenses and the licensing of any new game farms. A previous court ruling already established that the limitations imposed by the law represented a legitimate state interest in preventing the spread of infectious diseases from game farm animals to wildlife. Now Rice has found that passage of the law did not involve an illegal taking of private property.

One problem Rice found with the idea was that there was no way to establish how much money would have been made by the businesses in the future, making it impossible to determine the amount lost.

Furthermore, Rice wrote, "The fact that a regulatory change may impair a business or even force it into bankruptcy, is not conclusive evidence that a taking has occurred." Rice distinguished the effects on the business from effects upon the land, arguing that the people still had possession of their land and could put it to some other economic use, "removing only one potential use that has been validly deemed to be injurious to the public health, welfare and safety."

Rice also reasoned that owners should have been aware from the beginning of their businesses that they could be affected by regulatory changes.

"The state does not owe compensation for injury to the value of a business that exists only because the Legislature has allowed it. I-143 is nothing more or less than a validly enacted extension of the existing regulations," concluded Rice.