The 1965 Highway Beautification Act
PRESIDENTIAL VISION Oct. 22, 1965
2 weeks later---White House Acted

Allocated:

$6 million to control junkyards and outdoor advertising

$60 million for landscaping and scenic enhancements
Congressional Intent in 1965:
The purposes of the HBA are set forth in 23 U.S.C. § 131(a). To:

• Protect the public investment in highways;
• Promote the safety and recreational value of public travel; and
• Preserve natural beauty.
CONGRESSIONAL MANDATE Section 303:

Section 303 of Pub. L. 89–285 mandated the holding of public hearings by the Secretary of Commerce prior to the promulgation of standards, criteria and rules and regulations necessary to carry out this section to be reported to Congress not later than Jan. 10, 1967.
Implementation of Congressional Mandate: Public Hearings

Between March 1 and May 10, 1966, public hearings were held in all 50 states plus the District of Columbia and Puerto Rico:

- 8,000 people attended these hearings
- 2,000 persons testified
- 20,000 pages of testimony
- 40,000 pages of exhibits submitted

“Customary use can only be considered within the overall purposes of the Act.”
Implementation: Federal-State Agreements

The hearings resulted in determinations of “customary use” for effective control of spacing, lighting and size.

Between June 1967 and May 1972 the Federal Highway Administration negotiates and signs agreements with the states.
Lighting, Size, Spacing

• Customary use standards (in general):
  
  • SIZE: public hearings--no greater face size than 750 sq. ft. Most FSAs--1200 sq. ft.
  
  • SPACING: public hearings--500 ft. for non-urban; for urban, no more than 2 per block with certain distances from intersections. Most FSAs?
  
  • LIGHTING: Public Hearings & most FSAs: Commercial advertising signs which contain, include, or are illuminated by any flashing, intermittent or moving lights are prohibited.
The Highway Beautification Act 50 years later . . .
The Future of Outdoor Advertising

479-1422

LAMAR
Did that billboard just change?

588-6535
Not Intermittent if . . .

• CEVMS do not violate a prohibition against "intermittent" or "flashing" or "moving" lights found in the FSAs,

  IF the duration of each display is generally between 4 and 10 seconds - 8 seconds is recommended

• Memo has no reference to the purposes of the HBA, to the word “Beautification”, or to the congressionally mandated public hearings establishing the prohibition in the first instance. In fact, when defining intermittent, there is not even a reference to the dictionary.
Intermittent: 

*Coming and going at intervals.*

Under the stated criteria, a 4-8 second message change is not intermittent but a 1, 2, or even a 3.999 second change is intermittent. Enforcement challenges?
Size
Spacing
Destroying Public Property
Congressional Intent

• Protect the public investment in highways;
• Promote the safety and recreational value of public travel; and
• Preserve natural beauty.
Lighting, Size, Spacing

• Customary use standards (in general):
  
  • SIZE: public hearings--no greater face size than 750 sq. ft. Most FSAs--1200 sq. ft.
  
  • SPACING: public hearings--500 ft. for non-urban; for urban, no more than 2 per block with certain distances from intersections. Most FSAs?
  
  • LIGHTING: Public Hearings & most FSAs: Commercial advertising signs which contain, include, or are illuminated by any flashing, intermittent or moving lights are prohibited.
Congressional Mandate: Customary Use

“Customary”

Usually done in a particular situation or at a particular place or time.