STAKEHOLDER COMMENTS
Summarized by Issue

BILLBOARDS

Reagan Advertising. With the respect to Section 25-10-3; definitions # 3, limit to one definition: *Elevated Travel Ways* OR *Elevated Travel Lanes*. There is no need to have both terms included in the definition. With respect to definition # 5 *Main-Traveled Way*, the last sentence should be deleted in the sense those areas referenced in the sentence should not be excluded from the definition. *Main-Traveled Way* should include turning roadways, entrance or exit ramps and parking areas as well as frontage roads or entrance ramps of any type.

With respect to Section 25-10-152(5) regarding replacement of off-premise signs should be deleted in its entirety. Rather than make it punitive for someone who has a sign relocated from their property and then in turn replaces a sign on the same property, which the City has had a difficult time enforcing under the current Ordinance, it should be clarified, and the replacement section should be removed. The replacement section serves no benefit to anyone. It allows the signs to remain in its current location in perpetuity. Moreover, someone replaces a sign on a piece of property, after a sign has been relocated; the result is an increase the overall number of signs within the City of Austin. This is contrary to the stated objectives of the preambles of the Ordinance and the relocation policy.

With respect to 25-10-152 (6)(b), the punitive statement needs to be removed in conjunction with the elimination of Section 25-10-152(5). No statement has been made anywhere, in the existing ordinance. It is unlawful to replace a sign where relocation has already taken place. Additionally, what is to happen to additional or future sign owners who can be subject to penalties for purport acts which were carried out by the previous owners?

With respect 25-10-152(6)(d)(ii), the word sign should be pluralized as well elevated travel ways and we should insert the word main-traveled way of the elevated travel lanes for clarification purposes. Additionally, the distance in 25-10-152(6)(d)(ii)(1) seems too short at 500 feet. Reagan Advertisings recommend expanding this to 1000 feet. Additionally, 25-10-152(6)(d)(ii)(2) should be deleted in its entirety, as 2640 feet is far too excessive and the definition itself is ambiguous. It would be simpler to say that signs placed on flyovers are prohibited and list what those flyovers are rather than try to define a ramp and/or other interchanges or intersections which can lead to further ambiguities and problems.

With respect to paragraph 25-10-152(h)(i), the dates for compliance are somewhat short and we will need additional time to bring this into conformity.

With respect to paragraph F on page 38, there is a typo as the current paragraph references the prohibition in subsection (e). This should be subsection (f).

BILLBOARDS continued…

Scenic Austin. We propose that the entire subject of billboards and Scenic Roadways is so complex and important to the future of the City that this topic should be handled over a longer period of time so that all implications of any changes are fully understood.

a. *"Allow signs on limited commercial corridors within the Scenic Roadway Sign Districts."*

The Scenic Roadway ordinance was created to protect roads of particular scenic, historic or tourist value from a proliferation of signage. We believe strongly that commercial usage does not eliminate the scenic value of a roadway. However, we understand that many roadways were added to the Scenic Roadway list in hopes that certain goals would eventually be met.

It is our position that, if the issue is that some of these roadways are indeed no longer desirable historical, scenic, or tourist destinations or travel routes, their position on the Scenic Roadway list should be re-evaluated. We do not, however, support creating alternate designations or classes of scenic roadways to permit the relocation of billboards. A roadway should be designated "Scenic" or not. If "Scenic," the presence of billboards would create an unfair imposition on the businesses along those roadways in that they would be restricted by the Scenic designation while the billboards are not. Therefore, we suggest that further discussion should eliminate the idea of relocating signs to Scenic Roadways and focus more on addressing the issue of whether the roadways on the Scenic list should be revisited to evaluate whether or not it is appropriate for them to remain classified as such.

b. "Clarify and establish penalties for §25-10-152(B)(6)(b) that removes the right to replace a billboard sign once it is removed"

We are aware that there have been two instances where relocated billboards were replaced on the original sites. We are concerned that, with the ordinance as written, this may be an unintended consequence. Our meeting with Mr. Billy Reagan confirmed that his interpretation of the ordinance made this particular situation possible and potentially even legal.

The combination of the billboard replacement and the billboard relocation provisions provide an opportunity for two sign owners to exist on the same property. During the late 90's, a practice known as "Sign Rustling" came into popularity and was supported at the time by the City Council with the drafting of the Billboard Replacement provisions. "Sign Rustling" is when a (generally smaller) billboard company negotiates a new lease with the land owner, effective after the original billboard's lease is ended.

Under current ordinance, if a lease is not renewed on a property, it is likely that the billboard owner will relocate that sign to another property. However, if the property owner signs a new lease with someone else before being notified of the billboard owner's intent to relocate, two sign owners exist for the same property, both with the potential opportunity to relocate.

As we have stated on numerous occasions, Scenic Austin is not in favor of either of these polices. No other city in the state allows for signs to be replaced or relocated. Allowing either removes the only proven effective method of reducing billboards in Austin: attrition.

BILLBOARDS continued…

c. "Allow signs to be relocated to commercial corridor sign districts without regard to the size of the sign."

The current relocation ordinance allows for signs up to 672 square feet, which is a sign with the approximate dimensions of 20'x 34'. We believe that signs of this size are inappropriate along our interior commercial corridors, and recommend that this be removed from consideration.

The term "commercial corridor" includes nearly all of our major roadways, and the residential adjacency provisions in the Relocation ordinance only require billboards be placed 500 feet from a residential *structure* in a residentially-zoned district. This means that currently vacant, residentially zoned properties may have a billboard at its property line, and provides no protection for residential areas in the ETJ, where there is no zoning. A billboard of the size proposed is nearly the width of a two-lane roadway, and it can be argued that, at that size, the 500 foot residential adjacency requirement may not be enough.

When the ordinance was originally discussed, the goal was to remove signs from very targeted areas to "more appropriate" areas. Since then, the areas from which the billboards may be moved has grown to encompass a large portion of the central city to nearly any other place within that same area. We believe that the spirit of the ordinance has been compromised, and that this ordinance will continue to provide unintended consequences.

d. "Allow the face size of newly-relocated signs to be as large as the total aggregate square footage of face size of all signs removed as a part of the application."

We have been told that the poster-sized advertisements attached to billboard support structures (most commonly seen on Austin's east side) are illegal signs. We suggest that this language be changed to: *"Allow the face size of newly-relocated signs to be as large as the total aggregate square footage of face size of all* ***legal, non-conforming*** *signs removed…",* to ensure that these illegal signs are not included in the aggregate.

MOBILE BILLBOARDS

Anderson Mobile Advertising. The biggest concern Anderson Mobile Advertising has with this amendment is that the sign ordinance resolution calls for an outright ban (prohibition) of "motorized mobile advertising". According to the language, this includes third party advertising whereby "advertising" is the sole/exclusive purpose of the advertising vehicle. Anderson Mobile Advertising further understands that the resolution seeks to prohibit "mobile advertising" in Austin City based on three primary concerns; congestion, safety and pollution (emissions).

While Anderson Mobile Advertising appreciates each of these concerns, we definitely question their subjectivity. Further, Anderson Mobile Advertising is more than willing to implement practices/policies that limit any "possible negative" impact in each of these areas. We also appreciate and support the fact that, left unchecked, mobile advertising could proliferate throughout Austin and thus potentially become a bigger "issue" tomorrow than it is today.

With that said, mobile advertising serves several "positive" functions in the cities we serve. 1) AMA makes up to 30% of our inventory available (free or at dramatically reduced cost) to not-for-profit organizations such as; The Partnership for a Drug Free America (see attached testimonial), Crime Stoppers, Amber Alerts, Anti-litter campaigns, etc. 2) Mobile advertising is generally less expensive than "traditional" out-of-home alternatives which makes us a viable advertising option to locally owned, small, and/or minority owned businesses in and around Austin city. 3) Our ability to advertise up to 30 different advertisers on a single truck INCREASES the affordability and availability to our customers while DECREASING the number of vehicles needed to serve those customers. 4) At the end of the day, our trucks return to OUR warehouse and thus are not a constant "blight" (to borrow a scenic Austin term). 5) Anderson Mobile Advertising purposefully avoids traffic. We do not run during morning drive time and our driver/ambassadors are encouraged to avoid congested streets for favor of higher visibility areas. It does not do our advertisers any good for us to be stuck in traffic. 6) Anderson Mobile Advertising is more than willing to agree not to "use humans in our MOBILE advertising" as this was a primary concern of a sponsoring member of the City Council.

The ban on "motorized mobile advertising" as it is currently written calls to question the equity of banning our form of out-of-home advertising while allowing taxi, bus, pedi-cab, shelter, and transit outdoor advertising to continue to serve Austin City businesses/customers. Let alone the fact that bandit signs, vinyl wrapped private and commercial vehicles, and commercial fleets advertise on Austin City streets what may or may not be third party advertising messages. How does Austin City propose enforcing this resolution in a fair and equitable manner and who is charged with defining and policing what may or may not be "third party for the sole purpose of advertising". Is the city ready to police and judge the intent/purpose of every commercial message to determine the "primary" purpose of the vehicle advertising it? I suspect not.

It is therefore our hope that the City of Austin, its Council, the proponents and key sponsors of this resolution, and (ultimately) the citizens of Austin City and surrounding areas consider structured, equitable regulation as it relates to mobile advertising versus regulation by prohibition.

MOBILE BILLBOARDS continued….

Our position is that "motorized mobile advertising" should be removed from consideration in this current resolution and restructured/re-presented in a future resolution which allows for fair, equitable and pragmatic consideration to ALL forms of mobile advertising in our city.

Scenic Austin. We applaud the City's desire to ban the mobile billboard industry in Austin, and we believe that this item should go ahead with speed, and separate from the Billboard issues. However, we are concerned that the exclusion of pedi-cab or bicycle-pulled advertising may be a mistake. We propose that all mobile billboards be prohibited in Austin and its ETJ.

TAXI CAB REGISTRATION

Yellow Cab. Ordinance 25-10-388 – A franchise holder may affix an advertisement to a taxicab that does not obstruct the view of the driver, the visibility of signs, vehicle lights, or signal equipment required by this subchapter. The registration fee assessed to taxi cab owners should be equitable with the fee for billboards. Other transportation vehicles such as pedi-cabs, limos, carriages, charter buses, etc should also have to pay the registration fee.

Scenic Austin. Scenic Austin believes the city should consider expanding the registration requirements to all businesses regulated by the transportation code, including charter bus and pedi-cab services. Our experience shows that targeting specific industries when there are clearly several engaged in the same practice may lead to litigation.