

Written Testimony of Scenic Ohio

Regarding HB 62

By: Gary W. Meisner, Chairman Scenic Ohio / March 19, 2019

Re: Major Problem with current Ohio Revised Code related to the protection of Ohio's Scenic Byways.

Chair, McColley; Vice Chair, Uecker; Ranking Member, Antonio and Senate Committee Members, my name is Gary Meisner; Chairman, Scenic Ohio. Following is our written testimony and recommendations regarding the current version of HB 62 for your consideration.

What is Scenic Ohio:

Scenic Ohio was founded in 1933 and initially called the Ohio Roadside Development Council. We are a 501 (c) (3) charitable organization and totally privately funded by Ohio citizens. We were later known as the Ohio Roadside Council and 20+ years ago we renamed the organization, Scenic Ohio. **We are the longest standing non-profit organization in the United States that advocates safe and attractive highway corridors. We advocate the conservation of Ohio's scenic places, tourist sites and Scenic Byway corridors.**

We have been actively assisting ODOT for decades. During the last 5 years we have been conducting "Green Highway Workshops" to assist ODOT staff in being more sustainable. We serve on ODOT's Scenic Byway Advisory Committee which offers opinions on Byways.

We advocated the establishment of the Federal Scenic Byways Program in 1991 and Ohio's Scenic Byway program by educating public officials of the importance of protecting our scenic roadways.

We recognize Ohio's outstanding scenic places through our annual awards program. Recipients have included Ohio's: scenic villages and small cities, zoos, canal preservation organizations, private nature preserves, archaeological sites managers, special ODOT projects, scenic farmsteads and many similar scenic places over the years.

We advocate, assist and promote:

- Safe and Beautiful Highway Corridors.
- Context Sensitive Solutions and Excellence in Transportation Planning with local jurisdictions involvement.
- Protecting the viewsheds and highway corridor approaches to Ohio's Scenic Resources, historic sites and districts, archaeological sites, ecological and recreational preserves, parks and other scenic places.
- The installation of native plants and low maintenance landscapes along our highways.
- The use of long-useful life "living sound walls".
- The use of safety cable systems on divided highway.
- Creating "pollinator corridors" along our highways to aid Ohio's agriculture.
- The upcoming - new Ohio Tourism website.
- Ohio's jurisdiction's rights to protect and manage local scenic byway corridors.



SCENIC OHIO

AMERICA'S OLDEST
ADVOCATE OF
BEAUTIFUL & SAFE
SCENIC HIGHWAYS

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On behalf of the Scenic Ohio board of directors we would like to voice our major concerns relative to the future of Ohio's Scenic Byways. The following is our understanding of the Scenic Byway Issues and Scenic Ohio's Recommendations:

Amendment 1 Recommendation:

Include the following ODOT language deleted by the House Committee to re-include this modest change.

"ORC 5516.05 (New language added in RED)

5516.05 Designation of scenic byways - advertising devices.

The director of transportation may designate any portion of the **state highway system**, interstate system, national highway system, or primary system as a scenic byway. The director shall exclude from designation as a scenic byway any segment of a highway in a zoned or unzoned commercial or industrial area that is determined by the director to be inconsistent with the designation of a scenic byway.

No advertising device may be erected upon a designated scenic byway, except in accordance with division (A), (B), or (C) of section **5516.02** of the Revised Code, division (A), (B), (C), (D), (E), or (G) of section **5516.06** of the Revised Code, or division (A), (B), (C), or (D) of section **5516.061** of the Revised Code. Any advertising device lawfully in existence prior to the designation of a scenic byway, upon such designation, is a nonconforming advertising device under section **5516.07** of the Revised Code.

Effective Date: 09-16-1998."

Narrative:

Scenic Byways represent less than 1% of the highway miles in Ohio. The only significant requirement of a designated Scenic Byway is that no new billboards can be constructed.

The current language in the Ohio Revised Code puts at risk 2/3 of the miles of Ohio's Designated 2,400 miles of Scenic Byways. "At risk" translates to the potential of billboards being added "by right" to 1,600 miles of Ohio's Scenic Byway Road system.

This appears to be due to an overlooked loophole in the O.R.C. language only referencing Federal and State roadways and not mentioning local roads. This has led to a number of billboard submittals to local roads and on State and Federal highways for new billboards along our Scenic Byways in the last two years. This is also leading to many illegal billboards being installed along local roads designated Scenic Byways. Unless immediately addressed, this will negatively impact the visual appearance of Scenic Byway corridors in **57 of Ohio's 88 counties.**

We were made aware last week that ODOT recommended a revision to the ORC in HB 62 which would provide better protection to our designated Scenic Byways on **local roads**. We were not aware of the possibility to present an opinion on this issue to the House Committee. Apparently, this revision was removed from HB 62 after testimony from the OAAO, the Ohio billboard lobby organization.

We support an amendment to be re-included in the Transportation Bill HB 62, to better protect the entire length of all Ohio Byways on all interstate, state and local routes in Ohio. Billboards often negatively impact the scenic qualities, and property values along these unique highway corridors. The original intent of Scenic Byway designation was to specifically protect our Scenic Byways from additional billboards.

Amendment 2 Recommendation:

We further recommend that the Ohio Senate consider an important additional amendment to the Transportation Bill.

“Re-establishment of the right that all Ohio jurisdictions along Scenic Byways to be able to control their visual environment through the use of amortization to control and prohibit off-premise signs on Scenic Byways.”

Narrative:

Amortization allows a billboard to remain for a set period of time after a local jurisdiction passes legislation to prohibit. Historically 10 or 20 years is the period of amortization used.

50 years of case law upholding this right of local jurisdictions preceded the 1965 Highway Beautification Act. Last minute revisions to the HBA and HBA 1967 amendment reduced the right of local jurisdictions to use amortization to control billboard proliferation.

Billboards are advancing on sections of Ohio’s Scenic Byways on local roadways. Providing a means that would gradually clean up local roads over time from billboard intrusions utilizing amortization would be honoring the intent of Ohio Scenic Byways legislation by using a long-standing planning and zoning tool.

It is important to protect both the property values and scenic values along Ohio Byways.

We live in a home rule state and our Ohio local jurisdictions deserve the right to control their visual environment along Scenic Byways. It is time this amortization right is given back to our local jurisdictions for both highway safety and aesthetic reasons.

Conclusion:

Scenic Ohio is the only private organization in Ohio that advances safe and attractive highway corridors. We provide education and a voice to the many Ohioans that want safe and beautiful highways. We hope these key issues will be resolved in a manner that respects the original intent of the Scenic Byway Program and protects all Ohio citizens from degradation of visual environments in their communities along Ohio’s most Scenic Byways.

Mr. Chairman and members of the committee; Thank you for the opportunity to submit this written testimony to you today. Attached are two letters of support from Ohio History Connection and Heritage Ohio sent to Governor Wray last year regarding this issue for your reference.

We would be happy to answer any questions related to our opinions on Byways issues.

Sincerely,

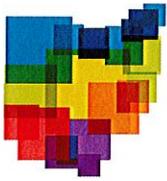


Gary W. Meisner, FASLA / Chairman, Scenic Ohio

Jim McGregor, Vice Chairman, Scenic Ohio

Copy: Governor Mike DeWine, ODOT Director Jack Marchbanks, Ph.D.

Scenic Ohio Board of Directors



HERITAGE OHIO

Vital Places. Vibrant Communities.

846 1/2 East Main Street
Columbus, OH 43205
P 614.258.6200

Mr. Jerry Wray
Ohio Department of Transportation
1980 West Broad Street
Columbus, OH 43223

RE: Scenic Byways/Billboards

Dear Mr. Wray

It has come to our attention that there are challenges with the Ohio Revised Code in allowing billboards on Ohio's Scenic Highways.

As Ohio fights to protect the integrity of scenic by-ways and their view sheds for the enjoyment of our residents and growing tourism market, we are appalled that loopholes are allowing new billboards on our scenic highways.

We believe strongly that local jurisdictions should be able to control their visual environment and the potential positive effects to their economy. Prior to the 1965 Highway Beautification Act and 1967 Amendment, all Ohio jurisdictions could control their visual environment by local ordinances and using amortization provisions. This was supported by 50+ years of case law. Ohioans deserve the ability to control highway clutter, ban billboards when appropriate and not be penalized. We need to minimize distractions on our highways.

We ask that you consider a moratorium on new billboards along Ohio Scenic Byways until the ORC is updated, and this issue resolved.

As Ohio's statewide historic preservation organization, maintaining the historic integrity of place is one of Ohio's assets that we must work to protect.

Sincerely,

Joyce Barrett
Executive Director

Cc: Sen. Frank LaRose and Sen. Stephanie Kunze
Rep. Doug Green and Rep. Tom Patton
Rep. Craig Riedel



Jerry Wray, Director
Ohio Department of Transportation
1980 W. Broad St.
Columbus, OH 43223

Dear Director Wray:

As you know, the Ohio History Connection has served as the state's nonprofit history partner since our founding in 1885. Like you, we also partner with organizations across the state including federal and state agencies such as the Ohio Department of Transportation and nonprofits such as Scenic Ohio and countless others.

The Ohio History Connection and our network of more than 50 historic sites and museums across the state have benefitted from longstanding programs that protect Ohio's historical resources, making them more valuable to both visitors and local communities. The Ohio Scenic Byways Program is one such example. We have recently been informed that ODOT is working with Scenic Ohio to address loopholes in the Ohio Revised Code to more adequately protect the entire length of the Byways on all interstate, state and local routes in Ohio. We support and appreciate your efforts to do so and to also empower local jurisdictions to control their view sheds and visual environment through local ordinances.

Thank you for your continued support of Ohio history and historic preservation, especially as it relates to ODOT's partnership with the State Historic Preservation Office. Let me know if we can do anything to help make ODOT even more successful.

Sincerely,

Burt Logan
Executive Director & CEO
State Historic Preservation Officer