Scenic Nevada

October 22, 2014

Mayor and City Council
City of Sparks
431 Prater Way
Sparks, NV 89431-4598

Dear Mr. Mayor and City Council Members,

We are writing about the sign code update which you will review October 27 at your council meeting. We ask that you support the most restrictive regulations for digital special free standing signs (billboards).

Digital billboards are intrusive energy hogs that block scenic views and are meant to distract drivers, increasing risks to public safety. Short of banning digital billboards, enacting strict regulations would be the best way to protect the driving public, property owners and taxpayers as well as preserve scenic beauty.

Again we support the sign code changes with a few exceptions to do with digital billboards, including **spacing**, **brightness levels**, **dwell time** and **residential separation.**

Spacing

We support a spacing requirement that would allow the fewest additional digital billboards. At this writing, we aren't sure which of the alternatives to staff's original recommendation of 3,000 feet is preferable. What we do know is that fewer digital billboards mean fewer driver distractions, making our roads safer. We also know that fewer digitals will mean energy savings and a reduction in the carbon footprint as well as less light pollution. Attached is our handout on the negative impacts of digital signs.

Fewer digital billboards also will reduce the risk to taxpayers who must pay for digital billboards removed in the event of a road improvement project. State law requires that billboard owners be

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paid for the sign and the advertising dollars lost once the sign is removed.

For example, the payout to Clear Channel Outdoor was $295,000 for the removal of four billboards and the cost to build a new one during the Regional Transportation Commission's Moana Lane widening project in Reno. The payout to Clear Channel Outdoor for ***one digital*** billboard that was removed for a bridge project in St. Paul, MN was $4,321,000. We think this was the first condemnation proceeding in the nation for a digital billboard.

Costs for traditional billboards are high. Costs for digital billboards are astronomical. Ultimately, there is no benefit to Sparks' citizens to allow digital billboards because of these potential costs. Also, we don't think Sparks' residents are clamoring for more digital billboards. Restricting their numbers is in the best interests of the community.

The outcome of a lawsuit regarding digital billboards along federally controlled highways like Interstate 80 may also affect taxpayers. The NDOT digital permits granted in Sparks may have been premature. NDOT staff said they permitted digital billboards after 2007, when the Federal Highway Administration - in a "guidance" memo - declared that digital billboards did not violate the ban on flashing intermittent lights. In 2011, an appellate court in Arizona found otherwise. See NDOT's staff report attached.

Because of what happened in Arizona, the billboard lobby convinced the Nevada state legislature in 2013 to change the law. Now digital billboards are defined in state law and regulations vetted in public hearings are required. Meanwhile, Scenic America sued the FHA for the 2007 guidance memo that signaled digital billboards were okay.

NDOT staff will hold workshops to develop regulations and then hold a public hearing. The final draft needs approval from the State Board of Transportation and the Legislative Counsel Bureau.

Sparks is the only jurisdiction here currently allowing permits to be issued for digital billboards. Reno has a moratorium and Washoe County has said no to digital billboards. It is unknown whether NDOT is granting permits today without regulations in place. We think it would be good idea to wait until the Scenic America lawsuit is resolved and NDOT has approved regulations before permitting any more digital billboards in Sparks, especially, along I80, a federally controlled highway.

Brightness

Brightness controls affect driver safety. The sign industry is pushing brightness levels that are at least three times brighter than a standard billboard at night. Attached is a photo of a traditional billboard located near Sparks that measures less than 100 nits at night.

The photo and measurement was taken on Oct. 17 by Jerry Wachtel, a well known traffic safety expert for the past 30 years and principal in the Veridian Group which has conducted studies on traffic safety issues for federal, state and sign industry interests.

The Veridian Group was hired by Scenic Nevada to conduct a study on sign brightness levels in Washoe County. The study included taking brightness measurements on standard and digital signs, both on and off-premise, in all three local jurisdictions within the Truckee Meadows.

His measurements, conclusions and recommendations for a digital brightness standard will be included in a report to be released shortly. But, preliminary findings show that digital signs in Washoe County are much brighter than necessary, in fact 22 times brighter than non-digital signs.

The industry standard, recommended by staff, calls for a brightness level of not more than 0.3 foot candles. At night that is equal to between 300 and 350 nits for digital billboards. Traditional billboards in most studies average less than 100 nits. Mr. Wachtel's current study in Washoe County also found that so far traditional billboards here average less than 100 nits, with the exception of one billboard in Reno.

Obviously, a traditional billboard is bright enough to be seen at night now. Why does the sign industry insist on making them three times brighter? We think the reason is to increase sales by showing potential advertisers that digitals grab attention with brighter lights.

David Hickey of the International Sign Association, a pro digital sign organization, said in June 2014: "Lots of times cities just copy each other, which is not always a good thing, but if they're going to do it, at least they can copy language that the sign industry considers reasonable and beneficial."

It may work for the sign industry, but it doesn't work for the community. It's a well known fact that humans are hard wired to look at movement and light. Studies show that excessive sign brightness affects driver performance, and, therefore, driver safety.

Digital billboards will be especially distracting if they are allowed to outshine traditional billboards and traffic safety signs at night. Adopting an unnecessary brightness standard that may increase driver distraction levels is helpful only to the billboard industry. It does nothing to protect the driving public or the aesthetics of Sparks.

We realize that staff has spent a lot of time researching brightness levels. We ask that you wait for the final report from Mr. Wachtel before agreeing to the industry standard of .3 foot candles. The brightness levels of digital signs should be limited to 5,000 nits in the daytime and 100 to 125 nits at night.

Dwell Time

The draft code would allow an eight second dwell time, again a standard being pushed by the billboard industry nationally. Like bright signs, short dwell times increase the risk of distraction.

According to an important study, a two-second distraction of any kind more than doubles the risk of a crash or a near crash. Digital billboards are meant to distract and distractions can lead to accidents.

Shorter dwell times allow more advertisements to display, increasing company profits. In fact Reno officials were told increasing the dwell time from eight to 15 seconds didn't fit the company's business model. Washoe County staff is recommending 20 second dwell times for on-premise signs. Longer dwell times can reduce road distractions. An eight second dwell time only increases company profits at the expense of public safety. We would request at least a 20 second dwell time.

Residential Separation

As staff explained there is no required separation between digital billboards and residences because billboards are only allowed in the industrial zone. We think it's necessary to provide a limit for the following reasons.

There is no opportunity for the public to weigh in on the impacts of a digital sign because public hearings are not required for sign permits, apparently by court order.

Billboards can reach forty feet tall, and can be 672 square feet, under the code. If the billboard is digital the flashing changes of light will be broadcast over a very wide area. We've been told that some digital billboards are visible from six miles away. These signs will not be turned off at night. The brightness levels, if adopted, will be at least three times brighter than a traditional billboard. Our fear is anyone living in a residential neighborhood that is within a mile or two of a digital billboard may be negatively affected, yet there is no mechanism in place to protect homeowners and no way for citizens to object before the sign is approved.

As time passes, our community grows, land changes hands and zoning routinely changes from one type to another. While some may say it is unlikely, there may come a day when homes are located closer to an industrial zone than they are today.

We think it would be prudent now to include a separation of at least 1,000 radial feet between homes and digital billboards and at least 500 radial feet between digital business signs and residences.

We appreciate your attention to this very important community issue. If you have any questions for us or need more information, please don't hesitate to contact Scenic Nevada.

Sincerely,

Lori Wray

Lori Wray, Director
Scenic Nevada Board of Directors