

Signs of the Times

Major Messengers

Three companies dominate the outdoor advertising business, accounting for nearly 70% of the more than 17,000 billboard permits in the state.

➔ Lamar Advertising

Headquarters: Baton Rouge, La.

4,205: Active outdoor advertising permits in Florida

87: Digital billboards in Florida

➔ Clear Channel

Headquarters: San Antonio, Texas

4,187: Active outdoor advertising permits in Florida

102: Digital billboards in Florida

➔ CBS Outdoor

Headquarters: New York, N.Y.

3,506: Active outdoor advertising permits in Florida

28: Digital billboards in Florida

Outdoor advertising companies have been mostly successful at getting cities and counties to allow digital billboards. Will the industry push for laws that would eliminate local control altogether?

The message displayed on the 14-by-48-foot digital billboard along a stretch of the Veterans Expressway in Tampa comes to motorists via thousands of red, green and blue light-emitting diodes, each smaller than the tip of a pencil eraser, spaced just millimeters apart.

Collectively, the diodes can render up to 4.4 trillion colors. Sensors coupled with sophisticated software automatically adjust the LEDs to keep images and text clear regardless of clouds, fog or glaring sunlight. Over the course of 64 seconds, the billboard will display ads for eight companies.

The sign — one of 27 that Clear Channel Outdoor operates in the Tampa Bay region

Size: The majority of electronic billboards are 14 feet by 48 feet.

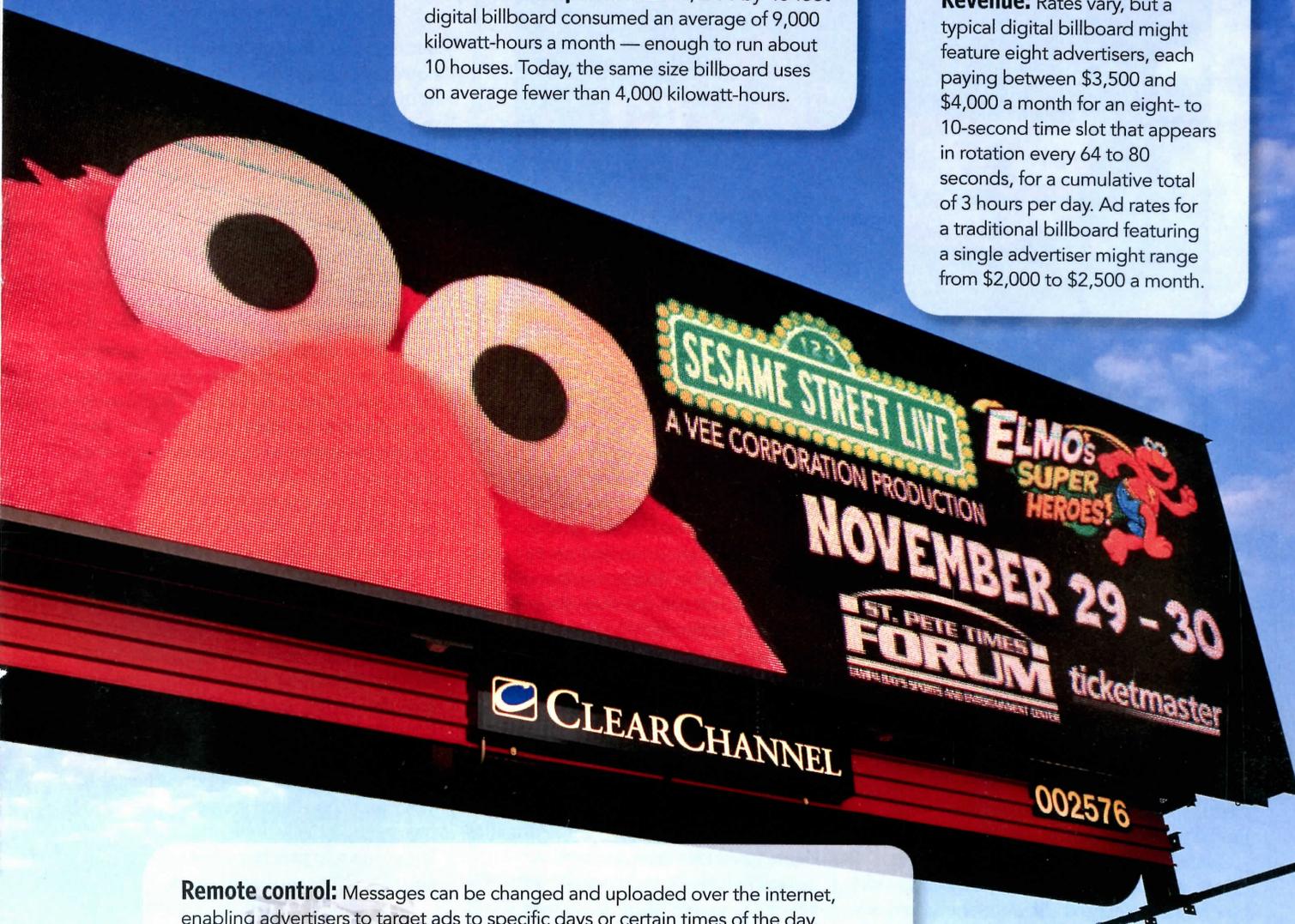
Construction cost:

From \$200,000 to \$500,000 (can be as high as \$1 million), not including maintenance, electricity and other operational costs

▲ **Billboard companies in some cases have agreed to remove traditional signs in exchange for being allowed to install digital billboards. Community organizations don't always like the deals, however.**

Power consumption: In 2006, a 14-by-48-foot digital billboard consumed an average of 9,000 kilowatt-hours a month — enough to run about 10 houses. Today, the same size billboard uses on average fewer than 4,000 kilowatt-hours.

Revenue: Rates vary, but a typical digital billboard might feature eight advertisers, each paying between \$3,500 and \$4,000 a month for an eight- to 10-second time slot that appears in rotation every 64 to 80 seconds, for a cumulative total of 3 hours per day. Ad rates for a traditional billboard featuring a single advertiser might range from \$2,000 to \$2,500 a month.



Remote control: Messages can be changed and uploaded over the internet, enabling advertisers to target ads to specific days or certain times of the day. In Tampa, Fox 13 uses digital boards to advertise story lines for its top shows each evening. "You can literally create copy on your desktop today, upload to one of the operations center where they vet the copy, get it cleared and it can be up in an hour or two," says Joe Little, chairman of the Florida Outdoor Advertising Association.

and one of 102 it has installed statewide since 2006 — can bring Clear Channel Outdoor as much as \$30,000 a month in revenue, many times what it gets from a traditional, "static" billboard.

Some 217 digital billboards now dot Florida roadways, and the number is growing. While industry representatives say they'll never displace traditional billboards completely, the digital signs are an "important part of the future" for billboard companies, says Joe Little, chairman of the Florida Outdoor Advertising Association and also vice president of real estate in the southeast region for CBS Outdoor.

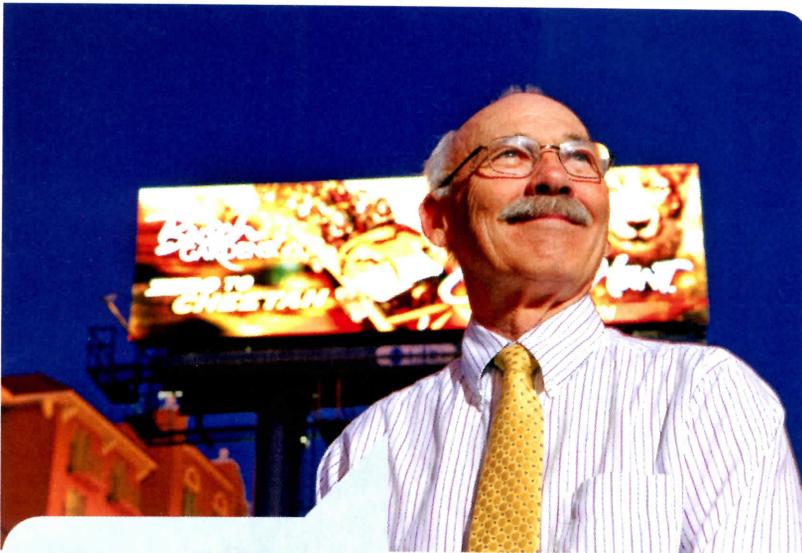
Getting to that future, however, involves

dealing with local governments and, often, opposition from local citizens groups. The community organizations tend to object to digital billboards on traditional grounds — they're unsightly, they say. And the groups also argue that digital signs create a greater visual distraction for drivers than traditional billboards.

So far, the industry has crafted a mostly successful strategy to gain acceptance by emphasizing the benefits of digital billboards — positioning them, for example, as elements in community alert systems that can be used to help find fugitives, track down missing children or warn of severe weather.

Billboard companies have also struck various deals with cities. Miami, for example, collects between \$4 million and \$6 million annually from billboard companies paying to put signs on city-owned property.

The billboard companies also have been willing to negotiate "swap" deals with communities — for every digital billboard that a company puts up, it agrees to remove some number of traditional billboards. Winter Park, for example, allows digital companies on a case-by-case basis to put up one digital billboard in exchange for taking down three older signs. Tampa and Orlando have established a 1-for-4



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swap, and Pinellas County has a 1-for-2 exchange.

Some communities, however, haven't been as eager. In St. Petersburg, opposition from the city's Council of Neighborhood Associations, activists with Scenic St. Petersburg and other community members pressured the city commission into scuttling a proposed deal with Clear Channel in which the billboard company would have agreed to put up six digital billboards in exchange for tearing down 80 — and agreed to replace them with static boards after 20 years.

At one public hearing, citizens spoke of being "startled" by digital billboards while driving. Trudy Barker, a community activist fighting billboards, showed the council a photo of a billboard featuring Tampa radio personality Bubba The Love Sponge sitting on a toilet. She reminded council members that they can't choose the content of the ads. Others complained that the city would be opening a Pandora's box by welcoming digital billboards and said the city should stick to its no-new-billboards policy.

The city council's 5-3 vote against the proposed deal shocked council member Leslie Curran, who voted in favor of it. The city, she says, "missed an opportunity" to get rid of a large number of older billboards that the city essentially has no other way of eliminating.

Clear Channel's lobbyists were equally perplexed. "It's the darnedest thing I ever saw — people who didn't like billboards fighting to keep more billboards in town," says Todd Pressman, a lobbyist in nearby Palm Harbor who helped clear the way for electronic billboards in neighboring areas of Tampa, Pinellas County and Pasadena.

Meanwhile, in Jacksonville, anti-billboard forces are up in arms over Clear Channel's recent push to put up eight digital billboards in the city. A 1995 settlement between the city and billboard companies resulted in the removal of 1,000 billboards and established strict rules about where billboards could be erected.

The agreement left Clear Channel with some leeway after it exceeded the

minimum number of required removals, however. And in 2010, Jacksonville City attorneys approved the company's plan to erect a handful of digital boards in places where replacement boards were allowed. The move outraged billboard opponents, who viewed the installation of the digital boards as a step backward. Bill Brinton, a Jacksonville attorney who represents Scenic Jacksonville, indicated that opponents plan to challenge the digital billboards in court.

So far, local governments remain mostly in control of their communities' billboard future. But state legislators passed a law in 2002 that requires local governments to reimburse billboard companies for their full investment if they force a company to remove a sign — potentially, at a cost of hundreds of thousands of dollars for each sign.

And Curran is among those who worry that the Florida Legislature may get involved again — and pass legislation pre-empting local communities from strictly regulating electronic billboards and giving the companies free rein to convert their billboards to the digital format. Lawmakers in North Carolina rejected a similar proposal earlier this year, and the digital billboard industry has been actively lobbying other state legislatures to pass laws that override local restrictions on digital signs.

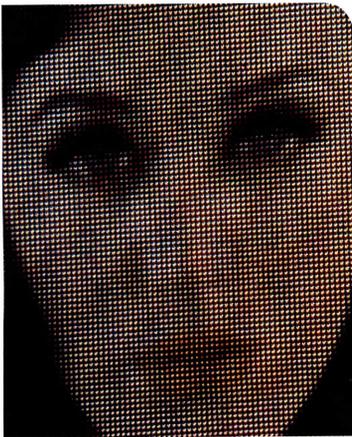
St. Petersburg "had an opportunity to limit them," says Curran, "and now my concern is that it will be the state that will be dealing with it."

Pete Dunbar, a billboard industry lobbyist, says he doesn't think that will happen in Florida. "If we were to choose to go up to Tallahassee and say, 'Here's the new deal. We're pre-empting everyone' — I'm going to have 463 local govern-



"These battles are often fought between the industry through their lawyers and lobbyists and others they bring to the table to influence elected officials versus neighborhood associations and garden clubs and beautification organizations." Local citizens are "simply overwhelmed."

— Bill Brinton, attorney representing Scenic Jacksonville



Software automatically controls sensors that adjust thousands of LEDs in digital billboards to keep images and text clear regardless of clouds, fog or glaring sunlight. At night, the signs are dimmed so they appear no brighter than they would during the day.



New Frontier

As digital billboards proliferate across the state, many Florida cities and counties are amending their sign codes to deal with the new technology. Susan Trevarthan, vice president at Citizens for a Scenic Florida and a Fort Lauderdale lawyer who represents local governments on land use, planning and zoning law issues and has drafted and defended several sign codes for Florida communities, provides some tips for local governments looking for ways to mitigate safety and aesthetic concerns associated with the electronic signs.

➔ **Limit brightness:** While LED displays have to generate a certain level of brightness to be seen, the locality should establish a maximum level that varies based on ambient light conditions and provide a way for measuring the brightness.

➔ **Require a "fail-safe" system, in the event of failure:** "What happens if there's a malfunction? You want to make sure the screen goes to black and not to white."



Attorney Susan Trevarthan says some communities have ushered in digital billboards without a fight — simply wanting to have the latest sign technology.

➔ **Plan for emergencies:** Digital signs require a significant amount of electricity. In the event of an energy brown-out, for instance, mandate the signs will go dark.

➔ **Limit motion:** Governments can't dictate the content of the messages, but they can specify the display method, size and other time, place and manner regulations. Regulators can prohibit flashing, blinking and animated signs as well as interactive signs and message sequencing.

➔ **Transition times:** Set minimum "dwell" times so drivers will see no more than one message change while passing the sign.

➔ **Distance matters:** Set distance and spacing requirements from roadway curves, hills, interchanges, official signs and other digital signs.

ments saying, 'You're pre-empting our home rule.' We don't want to be in their face. We want to work with local governments and hope they'll be reasonable."

As digital billboard battles play out in city council meetings and courtrooms, there's a potential wild card in the form of a study by the Federal Highway Administration. The agency has been researching whether digital signs cause drivers to take their eyes off the road for unsafe periods of time. It completed the study in November 2010 but hasn't released the results — for reasons that remain unclear.

The study's conclusions could have big implications for both government and the sign companies, says Jerry Wachtel, a consultant who worked on it and a previous study published in 2009.

If the agency imposes regulations, many state or local governments may be unable to comply because they'd have to compensate the companies for their signs and the income stream from the signs projected over their life expectancy.

Meanwhile, the companies worry that the agency could impose a moratorium on building the signs — or create regulations that might make them far less profitable.

"That's why companies are racing to get these billboards built as fast as they can," says Wachtel. 

FloridaTrend.com/Links 

Learn more about crafting and enforcing local regulation for digital signs and billboards at this link.