

The Honorable John Peyton, Mayor  
City of Jacksonville  
117 West Duval Street, Suite 400  
Jacksonville, FL 32202

**Re: Veto of Ordinance 2009-401 – Bus Shelter Advertising**

Dear Mayor Peyton:

As citizens very concerned about the visual appearance of Jacksonville now and in the future, we urge you to veto Ordinance 2009-401. This ordinance will, for the first time ever, allow internally illuminated advertising within the public rights-of-way. Everyone recognizes the great need for additional bus shelters, but this ordinance is not the right way to provide them.

This bill is a giant step backward in the decades-old effort to combat visual pollution in our city. In 1987 the City Council adopted a strong ordinance regulating on-site signs. In addition to limiting the size and number of signs, it prohibited signs in the right-of-way and required signs to be set back ten-feet from the right-of way.

When the City Council failed to meaningfully address the issue of proliferating billboards, voters took the matter into their own hands, collecting approximately 18,000 signatures in a single day to place on the ballot a proposed Charter amendment to prohibit new billboards and require the removal of about one-third of the existing billboards. The referendum passed in a landslide and, as a result, over 1000 billboard faces have been removed from Jacksonville streets. Entire roadways are now billboard-free because of the Charter amendment and subsequent settlement agreements.

Ordinance 2009-401 undermines both the on-site regulations in the City's Ordinance Code and the off-site billboard ban contained in the City Charter. The internally illuminated bus shelter signs, placed only a few feet from traffic, will be a distraction to drivers and an eyesore to the City. The bill invites challenges to portions of the on-site sign regulations alleging that the shelter advertising undermines the rationale for the ten-foot setback requirement and the prohibition on signs in the right-of-way.

This bill also provides the mechanism for a challenge to the City's billboard ban by outdoor advertising companies. In Los Angeles, which banned billboards but allowed bus shelter advertising, the federal court struck down the billboard ban, ruling that permitting off-site advertising in the right-of-way while prohibiting it elsewhere undermined the city's rationale for the billboard ban, namely traffic safety and aesthetics. While the appeals court reversed that ruling, the billboard company is seeking review by the Supreme Court.

It is impossible to predict how this case and similar cases will finally turn out or what the outcome would be in a suit brought against Jacksonville. In any event, the billboard ban and other sign regulations are being placed at an unnecessary risk and the City is being

subjected to substantial legal costs and damage claims, for which JTA is only willing to partly indemnify the City.

The ordinance as passed is flawed in many other respects. It does not adequately protect residential neighborhoods, as bus shelter advertising is allowed by right in many multifamily residential areas and by sign waiver even in low density residential neighborhoods.

The bill requires no minimum number of bus riders to qualify for placement of a shelter and contains no other criteria to ensure that shelters are placed where they are most needed. As a result, shelters will be likely placed on streets that maximize advertising revenues, not where they would provide shelter for the greatest number of passengers.

There is a need for bus shelters in Jacksonville and in the last several years JTA, to its credit, has made significant inroads in combating the shortage of shelters. It needs to be more creative and aggressive in securing other funding for bus shelters in a way that does not seriously undercut this City's commitment to protecting the visual environment.

JTA has developed a list of corridors throughout this City that it has "targeted" for advertising on public rights-of-way and private property in fixed locations. This is bad public policy.

We know that you respect the Jacksonville Community Council, Inc. (JCCI) and its well-respected study process that has led to so many community improvements over the past three decades. JCCI's Visual Pollution Study (1985) noted that the bus bench advertising agreements then in existence were ill-advised and led to visual blight. The JTA and the Planning Department were encouraged to develop alternatives to the placement of transit advertising on public space.

Please do not ignore that advice and the September 2009 recommendation of the Planning Commission that this bill be DENIED.

Please veto this bill.

Sincerely,

Tracey I. Arpen, Jr.  
Co-founder, Scenic Jacksonville, Inc.