

March 5, 2020

Hannah B. Jernigan, Rulemaking Program Manager
NC Department of Transportation
1 South Wilmington Street
Raleigh, NC 27601



(Delivered via email to rulemaking@ncdot.gov)

RE: Proposed rulemaking changes to outdoor advertising

Dear Ms. Jernigan,

The North Carolina Chapter of the American Planning Association is a trade association representing over 1,400 local government planners and land use professionals who live and work in North Carolina. We are an organization that promotes equitable, healthy, and prosperous communities across North Carolina through professional planning, leadership, advocacy, and education.

We are deeply opposed to the NCDOT's consideration of rule changes that would allow existing outdoor advertising structures to be increased in height and converted to digital displays despite local regulations concerning these structures. Outdoor advertising devices have clear impacts on public safety, aesthetics, and land values. For these reasons, local governments adopt development regulations to help control these impacts.

As you know, planning and land use control is highly political and very location-specific. Local government leaders are charged with representing the views of their constituencies, which can be highly varied and nuanced. State mandates and preemption of local development control make it extraordinarily difficult for local government officials to execute the will of those that voted them into office.

We have seen numerous proposed legislative changes from the outdoor advertising lobby of late – in fact, new legislation seeking taller heights, greater illumination, increased ability to clear vegetation, and increased local preemption has been proposed during every legislative session in recent memory. The bill proposed during the 2019 long session was ultimately vetoed by the Governor because of its potential impacts.

We understand that NCDOT is exploring how to implement its 2013 charge from the General Assembly regarding outdoor advertising modernization, but we note that the bill's sponsor was explicit in his explanations that the bill would not result in taller structures and would not result in digital sign faces – yet, these exact issues are now being considered by NCDOT in the rule making process. Further, we note that during the same 2013 legislative session the House voted 112 to 0 to prevent NCDOT from being considered an environmental agency with the authority to preempt local land use regulation.

We understand and appreciate the NCDOT and the vital role it plays in keeping our state safe and prosperous. **We urge you to consider an alternative to the proposed preemptory rulemaking that instead recognizes local government ordinances as we all work to ensure these structures are safe.** We would like to pledge our support for a state-driven comprehensive and inclusive process for consideration of changes to outdoor advertising requirements instead of an industry-driven ad-hoc process.

Thank you for considering our professional concerns and we are at your disposal should you desire increased information or any assistance from our organization.

Warmly,

Benjamin H. Howell
Ben Howell, AICP, President, APA-NC


Chad Meadows, AICP, APA-NC Legislative Chair