

2017 Kentucky Legislative Session – Scenic Kentucky Fact Sheet

Scenic Kentucky, Inc. is a 25 years old 501(c)(3) non-profit organization that works at local, state and federal levels to advocate for protecting the scenic heritage of the Commonwealth of Kentucky.

Scenic Kentucky Mission Statement – Scenic Kentucky’s mission is to preserve, protect and enhance the scenic and aesthetic character of Kentucky’s communities and roadsides.

Scenic Kentucky Fact Sheet – Scenic Kentucky greatly opposes the Kentucky Transportation Cabinet changes to its Administrative Regulations. These are:

Electronic Advertising Devices / Billboards – The new set of Administrative Regulations overturns the Highway Beautification act of 1965 prohibition of these type billboards *originally noted as very unsafe*:

- The cabinet now allows a swap of 6 static boards for 1 LED board or 3 to 1 depending on the roadway. The minimum size of the swap board could be 50 sq. ft. for a sign up to 672 sq. ft.
- There is no requirement for a setback of the board from an on or off ramp of a roadway – raising many questions about ramp and intersection safety.
- The proposed night light level is 3 times as bright as that recommended for driver’s safety.

Removal and Pruning of Vegetation – approved along all state and federal highways:

- Removal and pruning of vegetation in the public right-of-way which has been repeatedly denied for approximately 14 years by the state legislature. There has been no showing of a public good for such permission. S K notes the purpose for highway maintenance *that billboards cannot meet* are:
 - Add to the safety of the motoring public;
 - Eliminate any hazard to personal property;
 - Enhance the visibility for the traveling public; and
 - Eliminate unsightly conditions improving roadway aesthetics.

Static Advertising Devices / Billboards – Requirements under the 1958 Bonus Act have been dropped – Kentucky signed the Bonus Act agreement in 1961. These changes are:

- The cabinet dropped the requirement for 10 businesses in rural areas with one in operation since 1959, opening many new locations along the Interstates and Parkways of Kentucky.
- The cabinet dropped the 1,620 foot setback in non-urban areas for Interstates and Parkways to a 660 foot setback, opening new sites bypassed because of the many hilly areas in rural Kentucky.

Economic Impact on Cabinet

- The cabinet stated there will be no economic impact on staff. We disagree. Each application will require checking of submitted data and field work to guarantee that the law is properly followed. A Removal and Pruning permit will specifically require checking of any activity before and after.

Closing Comments / Litigation – Scenic Kentucky has sued the Kentucky Transportation Cabinet over the recent permissive Administrative Regulations changes made to the long standing prohibitions addressing LED billboards, clearing of vegetation in the public right-of-way, and setback distances in rural areas of the state. As of December, 2016, the case is pending before the Court of Appeals.