

Scenic North Carolina

For Immediate Release

February 29, 2012

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Group Challenges New Billboard Rules in Court

Scenic NC Takes a Stand for Public Trees

The Duke Environmental Law and Policy Clinic today filed a lawsuit in Wake County Superior Court on behalf of the North Carolina non-profit group Scenic NC. The suit is a challenge to recently issued rules allowing billboard companies to clear cut trees on the state's roadways in order to increase the visibility of billboards.

The lawsuit asks the court to set aside temporary rules issued earlier this year on the basis that the rules violate the state's Administrative Procedures Act (APA). "The public was deprived of the opportunity to speak on these rules, which changed mid-stream at the request of the industry," said Reyn Bowman, of Scenic NC. The APA requires that agencies must re-issue rules if they are substantially changed from what was sent to public hearing.

Despite the substantial public outcry against these rules and the critical impact they will have on communities statewide, there were no public hearings in parts of the state that will be most severely affected. "It is important that citizens have adequate opportunity to weigh in on these rules which will substantially and negatively impact the landscape and scenic beauty of this state," added Bowman. "A recent poll conducted by Public Policy Polling indicates that more than 80% of North Carolina voters surveyed said they opposed removing more trees so that billboards could be seen for longer distances.

The temporary rules as initially noticed by the state's Department of Transportation required the billboard companies to re-plant when more than 60% of the vegetation is cleared. In response to objections from the industry, the final rules removed that requirement. The temporary rules enacted in January do not require replanting even if all trees are cut down.

The temporary rules are due to go into effect on March 1 to implement a controversial measure passed by the NC General Assembly this year. The NC Department of Transportation estimates that several hundred thousand trees could be destroyed, and that the value of the public's sacrificed trees will be \$12 million.

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Scenic NC, Inc. is a non-profit corporation dedicated to preserving and enhancing the scenic character and resources, natural beauty and community appearance throughout the State of North Carolina.