

## No more billboards

### Legislators should deliver this warning to ad companies: Don't mess with Texas.

When Texas legislators begin rewriting the state's highway beautification bill during this upcoming session, we encourage them to keep a single thought in mind: WWLBD. What would Lady Bird do? Lady Bird Johnson, that is, the former first lady and primary mover behind the national Highway Beautification Act - or Lady Bird's Bill as former Sen. Bob Dole called it.

That act, passed 51 years ago, worked to protect scenic corridors along our national highways and byways that are all too often obscured by billboards. To put it more succinctly: A golden sunset should take precedence over the Golden Arches.

Texas has our own beautification act for state roads, but last week the Third Court of Appeals in Austin struck down the core of that law as an unconstitutional violation of the First Amendment. Now our elected legislators are charged with fixing it.

Legal eagles may remember that the Texas Highway Beautification Act was upheld by the Texas Supreme Court back in 2003, but a recent ruling out of the U.S. Supreme Court has brought billboard regulations across the country under new scrutiny. That federal decision trickled down to Texas in the specific case of a Ron Paul sign being erected along State Highway 71 in Bee Cave. The sign

lacked proper permitting and was outside the special 100-day exemption period around elections. That election exemption creates different rules for different types of signs, setting off the alarm for free-speech lawyers worried about content-based discrimination. Under the First Amendment, rules have to remain consistent whether your roadside sign is telling people to vote for Ron Paul or advertising his services as an obstetrician.

It should be easy enough to rewrite a content-neutral law that imposes the same time, place and manner restrictions for signs along our state roads, all while preserving those road trip-worthy views.

However, Texans who love the scenic drives of the Hill County, or East Texas piney woods, or West Texas desert landscapes, should worry that the legislative process will open the door to politicians who owe a favor or three to the wealthy billboard industry. The outdoor advertising market is essentially controlled by three major companies - Clear Channel Communications, Viacom and Lamar Advertising - and they like to get their way.

That political pressure, however, should find itself smacked down by a single sentence - Don't mess with Texas.

You wouldn't put an ad on the Alamo. You wouldn't slap a bumper sticker on the back of the

Battleship Texas. And we shouldn't put any more billboards across the great Texas sky. In a world where nearly every surface and experience is an opportunity to sell advertising, our legislators should stand up for the right for Texans to gaze freely upon the bounty between the Red River and Rio Grande and ensure that the natural beauty of the Lone Star State isn't up for negotiation.

Vermont, Maine, Hawaii and Alaska each have a statewide billboard ban. Places like Houston and Dallas have placed a hard cap on the number of billboards within city limits. The least that legislators can do it hold the line on current billboard regulations.

As President Lyndon Johnson said when he passed the Highway Beautification Act: "We have placed a wall of civilization between us and the beauty of our countryside. In our eagerness to expand and improve, we have relegated nature to a weekend role, banishing it from our daily lives. I think we are a poorer nation as a result. I do not choose to preside over the destiny of this country and to hide from view what God has gladly given."

Texas has a lot to give for those willing to look. Let's make sure that the Legislature doesn't take those views away. It is what Lady Bird would have wanted.