

Proposal to Regulate LED Billboards in the CLC Outdoor Lighting Ordinance

by John Gilkison

History

When the City of Las Cruces (CLC) Outdoor Lighting Ordinance (OLO) was drafted in 1999 and passed by the CLC City Council in 2000 LED Billboards were not considered by the Ad Hoc Committee that drafted the ordinance. LED Billboards have only been appearing within the city limits within the last year.

Currently standard billboards are regulated by the OLO by the requirement that they be illuminated by Full Cut Off (FCO) lighting fixture and they can only be lit from the top down. Fixtures that emit less than 1,800 lumens are currently exempt from the FCO requirement. The maximum amount of light that is allowed on the ground is currently 70 foot candles (fc).

New Ordinance Proposals

Two proposed changes to the OLO are before CLC City Council now that would effect billboard lighting. They are a proposal to change the maximum cap for ground illumination from 70 fc to 50 fc, and to reduce the lumen's minimums for FCO Lighting from 1,800 lumens to 1,100 lumens. Since LED Billboards are similar to internally illuminated signs and not externally illuminated signs, these current controls would do little to regulate LED Billboards.

Proposed LED Billboard Regulations

We would like to adopt most of the points specified in a letter from Mark Isler of Newman Signs written on August 13, 2008 to Sharon Thomas outlining their self regulation proposals. We would like to specify that they be adopted into the OLO as official regulations with the force of law however with some minor modifications. Self regulation means little a competition between sign companies arise for brighter and brighter signs, for gaudy or colorful highly animated displays. Mark Isler's proposals are as follows.

- 1: No Animation
- 2: No transitional elements between copy changes, no movement at all.
- 3: No designs that have white backgrounds, in order to reduce glare.
- 4: Signs shall have a minimum of 12 seconds (see Tulsa draft) between copy changes, (Mark specified 7 seconds, which we feel is too short of dwell time).
- 5: Signs shall be dimmed automatically from 30 minutes after sunset to 30 minutes before sunrise to 5% of their daylight brightness setting, (Mark specified 10%). The International Dark Sky Association recommends 5%, we would like to see this 5% figure used in the OLO

regulation.

6: Providing spaces for non profits, charity and positive/inspiring messages, is not germane to city regulatory considerations.

7: Amber alerts, public safety messages, pre-empt advertising may be germane to city regulatory considerations within the OLO.

Other Considerations for LED Billboard Regulation

We have a copy of the Tulsa Oklahoma draft sign ordinance which has several passages on LED Billboards we think would be useful for regulating such signage within the OLO. They are as follows.

d: From page 3- No such sign shall exceed an illumination of seventy (70) foot candles as measured from a two (2) foot distance. We would like to see this changed to fifty (50) foot candles in order to be in line with our newly proposed maximum for ground measured illumination of Fifty (50) fc. We think said measurements with a light meter should be determined by measuring the whitest part or lightest colored part of the display surface.

g: From page 3-No such sign shall resemble or simulate any warning or danger signal, or any official traffic control device, sign, or light.

h: From page 3- No such digital sign shall be permitted to operate unless it is equipped with:

- (1) a default mechanism that shall freeze the sign in one position or static message if a malfunction occurs; and
- (2) notwithstanding paragraphs 1221.C.2.e. a mechanism able to automatically adjust the display's illuminative brightness according to ambient light conditions by means of a light detector/photo cell by which the sign's brightness shall be dimmed.
- (3)

2: From page 8- An outdoor sign shall be separated a minimum distance of one thousand two hundred (1,200) feet from any other outdoor advertising LED billboard. We have added the emphasis of limiting such signage separation to 1,200 ft between LED Billboards and not just (signs) as it is written in the Tulsa draft. Said distance shall be measured from the center of the sign structure as measured from the ground.

7: From page 11- Any digital outdoor advertising signs shall be separated a minimum distance of two thousand four hundred (2,400) feet from any other digital outdoor advertising sign facing the same traveled way. The same measuring technique shall be used as delineated in the above paragraph.

Final Remarks

We think that unregulated LED Billboards or digital signs in general can represent a danger to the traveling public. Distractions lasting more than two or three seconds while driving have been proven to cause accidents. A large animated billboard represents just such a distraction. Their brightness if not controlled also represent a distraction that often may be hard not to look at, when traffic may call for more attention. For this reason we would like to adopt the standards for distance between digital billboards directly from the Tulsa draft ordinance. We feel that the distinction between signs set up in the same traveled way is a good one, it calls for even the greater separation of 2,400 ft as outlined.

Controlling brightness can become a complicated problem if a luminance meter and luminance measurements are required. For this reason we think the illuminance measurements the Codes Enforcement Office are already familiar with and capable of making now are a better option. Using the newly proposed 50 fc (rather than the current 70 fc cap) as measured two feet from the sign we think will control brightness effectively. Furthermore a call for an automatic setting of 5% of daylight values for 30 minutes after sunset to 30 minutes before circumvent most of the potential problems that a higher setting would allow to happen.

New LED Billboards should be limited to replacement of only existing billboards as long as the separation distances are observed. No new billboards should be allowed to be erected in a place where none exist now.

We also think that there should be a moratorium for the erection of any new LED Billboards until the matter can be studied and regulations such as we have suggested can be promulgated. The danger to the traveling public demands this. If many months or years pass before regulations can be enacted it would prove nearly impossible to go back and insist that existing signage be altered or even taken down if they were to prove to be in violation of the new statutes. A moratorium on LED Billboards as soon as is practical is advisable until the matter can be studied and proper regulations put in place to control this new technology.