

**ACTION ALERT/ Spread the Word! Council File 22-0392 at PLUM 5/10/22, 8:15 am  
PROPOSED PROGRAM TO PUT 300 DIGITAL BILLBOARDS ON METRO-CITY LAND**

PLUM Agenda can be found at:

<https://lacity.primegov.com/Portal/Meeting?compiledMeetingDocumentFileId=26964>

The Council File is **CF 22-0392 Digital Off-Site Signs / Outdoor Advertising / Transportation Communication Network Program Structures / Los Angeles County Metropolitan Transportation Authority (MTA)**

<https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=22-0392>

Written comments can be submitted directly from a link in the Council File above and at:

[LACouncilComment.com](http://LACouncilComment.com)

The audio for the PLUM meeting is broadcast live on the internet at <https://clerk.lacity.org/calendar>. The live audio can also be heard at: (213) 621-CITY (Metro), (818) 904-9450 (Valley), (310) 471-CITY (Westside) and (310) 547-CITY (San Pedro Area). **If the live audio is unavailable via one of these channels, members of the public should try one of the other channels.**

Members of the public who would like to offer public comment on the items listed on the agenda should call 1 669 254 5252 and use Meeting ID No. 161 644 6631 and then press #. Press # again when prompted for participant ID. Once admitted into the meeting, press \*9 to request to speak.

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The City Council PLUM Committee is scheduled to consider approval of an agreement between LA City and Metro that will result in the installation of 300 digital billboards on Metro/LA City public right-of-way under a program referred to as the Metro Transit Communication Network (TCN).

For the reasons outlined below, this action alert seeks to recruit your voice(s) to oppose the approval of the Metro TCN agreement between Metro and the City of Los Angeles going forward. The proposed program has had no public vetting, and no outreach has been done to neighborhood councils. Although digital billboards are a proven source of driver distraction and accidents, the dangers presented have not been addressed, and the proposed program has not been considered by the Council's Transportation Committee (or DOT) and is now before the PLUM Committee.

The City Council authorized the CAO to execute a Memorandum of Agreement (MOA) for the development of a TCN Program between Metro and the City (Council File 21-0600-SI 10 on Dec. 9, 2021. The MOA has been executed (Contract No. C-139852), which establishes a revenue sharing framework that brings the City 50 % of net revenue from outdoor advertising on TCN structures within the City's boundaries in a 20-year agreement. The implementation, however, is CONDITIONED upon the City enacting an ordinance that allows off-site advertising to be displayed on the TCN structures through the duration of the MOA, and subject to any design and development standards, including any mitigation measures; and take-down of static billboards. Per the MOA, Metro is the lead agency for CEQA compliance. The Council File requests the Planning Dept. with assistance of the City Attorney, to present an ordinance to allow digital off-site signs to be displayed on structures that are part of the TCN program between the City and Metro (Council File 21-0600-SI 10).

The adoption of a new LAMC to allow the off-site digital signs as part of the TCN program should be opposed. There has been no transparency, no community discussion and a future to address important questions and concerns. Any further Council Committee or Council action is wrong and should be halted at this time. Questions and concerns you raise can be brief or detailed. The background information that follows below is available for your reference and use in preparing testimony and speaking before PLUM.

**Motion or POINTS TO RAISE:**

That the City halt further consideration of the joint LA City-Metro Transportation Communication Network until responsive to public comment, concerns and questions and until questions related to environmental impacts and environmental clearance have been addressed.

Request robust and transparent outreach prior to further Council action.

Recommend that the City forward the TCN to the Council's Transportation Committee and LADOT to address issues and concerns related to driver distraction and the dangers of changing electronic/digital messaging in view of drivers to all street and highway users and particularly to pedestrians and bicycle riders.

Recommend that the Council seek legal opinion and analysis of the City's potential liability from any accidents in proximity to said digital signs to determine legal exposure resulting in injuries or death.

Recommend that Council seek legal opinion as to the impact of TCN implementation on the ability of the City to enforce off-site sign regulation. Assessment of the vulnerability as it related to past court rulings should also be sought.

Recommend that Council seek assessment of environmental impacts of the TCN program as they relate to night pollution, energy consumption, impacts on wildlife (insects, birds, nocturnal animals).

Recommend that Council address the issue of cumulative impacts of all the proposed off-site advertising programs that seek to place digital signage on the public right-of-way.

Recommend that the TCN program be assessed for impacts on public health. Impacts on those with seizure disorders, contributions to sleep disruption and associated health impairments from light pollution at night, impact of changing messaging as an urban stressor, etc.

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**BACKGROUND INFO** (The info below may be more than you would ever want to know but it has helped to put together a puzzle with pieces that suddenly fall into place and link the STAP Program and its proposed change in LAMC to this METRO program and then on to the Tourism Bureau's IKE program. There appears to have been a master plan...)

There is a list of questions at the end that you can ask at the hearing if so desired.

The working draft of the MOA Term Sheet, marked "PRIVILEGED & CONFIDENTIAL" is dated March 10, 2021. The item was approved by the Metro Board Executive Management Committee on Thursday on April 15, 2021. And APPROVED by the full Metro Board (chaired by Mayor Garcetti) at their April 22, 2021 meeting as part of the consent calendar. No public comment was taken on the item. From the agenda:

*"AUTHORIZE the Chief Executive Officer (CEO) to execute a Memorandum of Agreement (MOA) with the City of Los Angeles for Metro's Transportation Communication Network (TCN) on Metro rail right-of-way within the City of Los Angeles."*

No one following METRO's activities would have any idea that this "Transportation Communication Network" is actually a plan to permit 300 digital billboards to be erected on Metro property (some of which lies in LA City).

When the Metro Board approved the TCN, they acknowledged that implementation would require adoption of new City legislation that would allow for off-site advertising to be displayed in the public right-of-way. (LA City Municipal Code currently allows for advertising displays in the public right-of-way to be permitted only on transit shelters approved by the City Council.)

*"The enforceability of the LACMTA TCN shall be contingent upon the City enacting legislation that allows off-site advertising to be displayed on the signs. The LACMTA CEQA reports and analysis for the project shall encompass any City legislative changes needed to allow for the furtherance of this program."*

Not coincidentally, at the same time, the Dept. of Public Works/Streets LA was considering the selection of a new street furniture program to replace the expiring 20-year contract. Streets LA conducted numerous community info sessions (also referred to as "dog and pony shows") after the RFP for the new street furniture program ("STAP") was released but it was not until the STAP program Mitigated Negative Declaration (MND) was issued that the public saw that hidden within the details of the MND was language introducing a new LAMC. This raised questions as to why a new LAMC would be needed if there already existed a specific LAMC to allow for transit shelters with advertising to be placed in the public right-of-way. There was no presentation made or explanation given to explain the sudden appearance in the MND of a new LAMC. It soon became clear that the new LAMC was being written to allow additional undefined and unlimited numbers of advertising structures to be placed in the City's public right-of-way (ROW). The public ROW includes not only our sidewalks and parkways, but it also includes our streets – both residential and commercial.

FROM THE STAP MND: *"In addition, the City is proposing changes to Los Angeles Municipal Code (LAMC) Sections 67.01 and 67.02, which would modify the type of advertising structures allowed in the public right-of-way, in order to effectuate portions of the STAP program and potentially authorize the consideration of other projects in the future."*

In the case of the Metro TCN, the reference above is not quite accurate. The "other projects" was not a future project, it was a pending project (back to the future?). And, not only was the TCN waiting in the wings, but there was yet another off-site advertising program awaiting the adoption of the new LAMC. That is the "IKE" program. That is another topic for another time but know that the proposed IKE program to place hundreds of digital changing ad message "interactive kiosks" on our city's sidewalks and parkway areas has been proposed by the Tourism and Convention Bureau and will need the City's participation and cooperation AND the new LAMC in order to proceed.

MORE FROM THE METRO TCN:

*4. Transportation Technology Innovation Initiatives. The program structures will be designed to include programs, such as 5G technology, as well as live video and security feeds to supplement the limited number of existing cameras on the freeway and street corridors. TCP will be designed to support future innovations such as Autonomous vehicles, Smart energy grids, and high-speed wireless cameras.*

*5. Revenue Generation for Transportation Projects. The digital displays in the TCN will also allow off-site advertising. Revenue generated by this program will be utilized by the LACMTA and City to fund transportation programs.*

Again, no discussion of the changing digital advertisements, their content, their impact on neighboring properties, their ability to distract drivers and endanger those in their proximity.

***Static Billboard Takedown***

*The TCN will result in the removal of up to 320 static billboards from LACMTA property at no cost to LACMTA, of which approximately 200 are in the City of Los Angeles*

***Potential Locations***

*LACMTA will comply with all local, state and federal laws relating to locations and other aspects of the signs in accordance with the legislation to be enacted with respect to the LACMTA TCN and the signs that are a part thereof. Signs will not be placed in or within 200-feet of residential zones or will not be oriented facing residential zones within such 200-foot distance.*

Approval of this program requires exceptions not only to the LAMC, but it allows new billboards in the City which is out of compliance with the 2002 Sign Ordinance which bans new billboards except for those in defined sign districts. Will this undermine the integrity of the Sign Ordinance and the ability of the City to defend it against litigation by outdoor advertising companies and/or public interest organizations challenging the City's hard-won right to regulate?

At the time the program was considered by the full Metro Board, the local CD 5 and 11 offices were contacted to seek support for a motion to delay consideration pending a public outreach process. Instead assurances were given that the Metro program could not and would not go forward without a full consideration process as it went through the City's vetting process. Scheduling this at PLUM without advance notice (and by having already taken Council actions without public discussion) makes it clear that this program is meant to fly beneath the public's view without providing opportunity to raise questions or opposition.

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Prior to any formal consideration of the program by Council or Council Committee, responses to the following questions are requested:

1. What has been the public outreach on this project to date?
2. Where are the proposed locations for the digital signs? Will they be digital, changing messages, moving images... and where and how is that being advanced? Will moving video images be permitted? Will signs be equitably shared throughout the region or will locations be determined by potential advertising revenues? What input will communities have in signs proposed for locations in their areas? Will there be an "opt out" mechanism?
3. What impact will these signs have on adjacent properties? How will impacts be evaluated? Proximity to private uses?
4. How will sign operation be regulated? Can/how will content be regulated? Will prohibitions on certain types of content be enforced? What content?
5. Have specific vendors been considered? Are specific vendors being considered now? If so, who and what is the process for review? Will there be an RFP process? Is this a no-bid contract?

6. Will digital signs be within or outside of the LA City high intensity commercial zones identified in Version B+ of LA City's draft new/revised sign ordinance? How does this measure seek to comply with the current LA City 2002 Sign Ordinance's ban on new billboards? Is this program subject to the Sign Ordinance? If so, how does it comply and, if not, why not and on what basis can the City approve it?
7. How is the transportation communication program part of the program and how is it being advanced? What options to adopt these components exist without the advertising component? Would Metro proceed with this program if the advertising program were not a part of it?
8. What is the CEQA process? Who is to handle it? What are the project alternatives?
9. How is the City Planning Dept. involved?
10. How will traffic/pedestrian/bike and scooter rider dangers be evaluated? What are the projected impacts on traffic? (Freeway traffic visibly slows whenever a traffic message sign is lit and has a message.) What kind of impacts are expected from signs that offer advertising messages that change? Is the DOT involved? How will driver distraction be assessed?
11. What standards/policies are being considered to regulate operation of the proposed signage? Content? Brightness? Rotation rate?
12. What legal liability will the agencies involved have should there be accidents in the vicinity of these signs and drivers claim to have been distracted by the signs (or a victim of an accident lays blame to those who permitted distracting billboards)?
13. What are the fiscal requirements for the system and where will the funds for those improvements come from? If from the vendor/private partner, what kind of "profit" or yield will METRO and the City receive? How does this compare with the experience in other cities? What is the cost / benefit /tradeoff of money raised vs. visual blight and the compromising of roadway safety and possible injuries and deaths and possible related litigation?
14. How does METRO plan to mitigate against the commercialization of our roadways? Billboards are documented urban stressors. In a City with more and more density, our shared visual environment is part of the open space we enjoy. Billboards are viewed as visual blight.
15. What is to happen when METRO light rail tracks travel through residential areas? How can impacts on quality of life be assessed and residents provided with the option to halt placement of signage that can be seen or whose light pollution is seen from their properties? The right-of-way adjacent to homes is inappropriate for digital billboard placement whose residents do not wish to live under a 24/7 digital sunrise. Digital billboards cause strobe lighting affects that can be seen from those in all directions from these signs. What rights to oppose placements will communities have? The 200 foot distancing is not adequate protection from the light pollution and glare from digital billboards. What are the proposed hours of operation and refresh rates? What are the methods Metro plans to use to measure light emissions from these digital billboards (some of which are brighter during the day than during nighttime hours)?
16. What additional sensitive uses should be additionally protected from close proximity to the digital billboards?
17. What assessment is being made to assess the potential public health hazards from these digital billboards? The strobe light effect from digital billboards has been known to cause seizures in those with different seizure disorders. They have been known to cause vision problems for those driving who are sensitive to bright lighting. Light pollution is a recognized factor in sleep disruption and general health and well being. The light pollution from these signs if in proximity to residences could have significant negative impacts. The strobe lighting effect from changing messages is visible both day and night.
18. What are a community's rights to opt out of sign placement? What is the defined process for proposing a sign location and seeking community input?
19. What are the impacts on energy usage? How much energy will these signs consume?
20. What will these signs contribute to the region's night sky pollution?
21. What will be the roles of METRO, the City and any private vendor(s) in operating the Network, its data collecting infrastructure, its communications components, etc.?
22. If these signs gather data from passersby as is the case in many new digital sign programs, who will store the data gathered and in what formats? What security will be used to secure the data and protect it from hacking or abuse? To whom will it be available and for what purposes? What kinds of data are to be collected and from what sources (cell phones, license plates, etc.)? With whom will the various forms of data be shared? Are there any restrictions on the types of data to be gathered? How can the public opt out or opt in?
23. What other digital sign programs is METRO considering? What is the status of plans to digitize transit shelters? Other short or long-range plans for signage in conjunction with METRO stations, transit stops, or METRO properties? Cumulative impacts of added signage and multiple programs? When land use projects are evaluated there is an analysis of cumulative impacts. The appearance of this program at the same time that Streets LA is proposing STAP, and the Convention and Tourist Bureau is considering IKE, the cumulative impacts are significant and cannot be ignored or "piecemealed" away.

24. What impact does the addition of 300 digital billboards in the region have on the value of other digital and static advertising structures in the City? Will these signs negatively impact future income from other advertising structures?
  25. Has the City explored alternatives that seek to maximize revenues from FEWER advertising structures vs. adding hundreds of digital advertisements via transit shelters, the Metro digital billboards, and the proposed IKE program from the Convention and Tourism Bureau?
  26. What is the cumulative impact of these programs on the environment, on energy consumption, etc.
  27. Why isn't the METRO Communications Network program going before the Council Transportation Committee?
  28. Why the intentional lack of transparency for this proposed program?
  29. What are the proposed uses for the City's share of funds derived from this program? Where will monies be placed? What is the process for determining appropriate spending?
  30. How will this program go to undermine the City's ability to regulate signage? How does its implementation relate to the City's compliance with past court rulings?
  31. How will this program affect the City's interest in and ability to adopt a revised and strengthened sign ordinance?
  32. The proposed static billboard takedowns are woefully inadequate. A digital billboard generates many times the income of a static sign. The takedown should be established at 10 to 1, as adopted by the City Planning Commission in its recommendations for a revised Sign Ordinance. Furthermore, before any static signs are removed, it must be determined whether or not those signs are legally permitted. Illegal and/or unpermitted signs or those that are not in compliance with their permits should not be counted against any required takedown requirements (and should be removed). What plans are in place to empower the City Attorney's office to review the permit/legal status of existing billboards that have not faced enforcement action and whose legal status has been in question?
  33. What mechanism has been incorporated into the project to gather accident data in proximity to these signs and to allow for the removal of signs that are associated with increases in accidents or in accidents resulting in injuries and/or death in their proximity.
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FYI: **CF 22-0392**

On December 8, 2021, the Council authorized the City Administrative Officer to execute a Memorandum of Agreement (MOA) for the development of a Transportation Communication Network (TCN) Program between the City and the Los Angeles County Metropolitan Transportation Authority (Metro), (Council File No. 21-0600-SI 10). The MOA has been executed (Contract No. C-139852), which establishes a revenue sharing framework that provides the City with 50 percent of net revenue from outdoor advertising on TCN structures located within the boundaries of the City. The contract term of the MOA is twenty years, effective January 12, 2022 through January 12, 2042, and its implementation is conditioned upon the City enacting an ordinance that allows off-site advertising to be displayed on the TCN structures through the duration of the MOA, and subject to any design and development standards, including any mitigation measures; and the take-down of static billboards. In addition, per the MOA, Metro is the lead agency for California Environmental Quality Act compliance. I THEREFORE MOVE that the Council instruct the Planning Department, with the assistance of the City Attorney, to prepare and present an ordinance to allow digital off-site signs to be displayed on structures that are part of the Transportation Communication Network Program between the City and Metro (Council File No. 21-0600-SI 10).

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Council File 21-0600-SI 10 has not been found as of this writing!

PLEASE SUBMIT A WRITTEN COMMENT AND CALL IN TO SHOW THE CITY THAT THE PUBLIC IS WATCHING AND IS NOT WILLING TO ALLOW OUR PUBLIC RIGHT-OF-WAY TO BECOME A COMMERCIAL ADVERTISING TABLEAU THAT ENDANGERS THOSE USING OUR ROADWAYS.

PLEASE SPREAD THE WORD.