

# **ENVIRONMENTAL QUALITY ADVISORY COUNCIL**

## **Recommendations/Questions Regarding Illegal Highway Signs and Cigarette Butt Litter in Fairfax County**

**July 12, 2010**

### **BACKGROUND:**

The twin litter plagues of illegal highway signs and cigarette litter have vexed Fairfax County for decades. Illegal highway signs, despite recommendations for controlling them from a county task force in 2001, continue to be a source of annoyance for the vast majority of county citizens. Meanwhile, no serious effort has ever been made to crack down on cigarette litter. However, while neither of these can ever be completely eliminated, there are things that the county can do that would substantially ameliorate both signs and cigarette butts, and at little or no cost to the county.

EQAC has identified two legislative changes that the Board of Supervisors could recommend to the General Assembly in regard to the illegal sign issue. We also feel that there are several goals that should be pursued to address both the sign and cigarette litter concerns, and we are seeking the Board's endorsement of these goals and assistance in developing approaches to meeting them.

### **LEGISLATIVE RECOMMENDATIONS:**

EQAC has two legislative recommendations; we will be pursuing these ideas as proposals that will be submitted for consideration through the County Executive's standard submission process. In brief, these ideas are as follows:

1. Remove Fairfax County's participation in state law §33.1-375.1. In EQAC's view, this law actually hinders Fairfax County from doing anything about illegal signs. This law also confuses uninformed people into thinking that it is legal to place signs in the VDOT Right-of-Way.
2. Modify state law §33.1-373 and return it to its 1993 provisions. Specifically, restore the penalty for illegal signs to a Class 1 misdemeanor. Also modify the law to allow equitable fine sharing between the state and the county.

### **LITTER REDUCTION GOALS:**

In addition to the above legislative ideas, we feel that a series of litter reduction goals should be established. We seek the Board's support in endorsing these goals and in developing approaches to meeting them. Our suggested goals, and possible actions that can be taken in support of them, are as follows:

**Goal 1: The county should set an example by limiting its own sign placements to the minimum extent necessary.**

We recognize that some county government signs serve important, and in some cases legally mandated, purposes. Signs advertising zoning hearings, for example, are essential to keeping the public informed of important land use processes and opportunities for participation in these processes. We seek the Board's support, however, in ensuring that signs that are more discretionary in nature (e.g., advertisements for Celebrate Fairfax) are limited to county property or private property with the permission of the land owner.

**Goal 2: The county should better publicize information pertaining to sign restrictions.**

The following are a couple of approaches that could be taken:

- Put stronger language on the county's Web site regarding illegal signs in the VDOT rights-of-way.<sup>1</sup>
- Provide clear information to applicants for permits to erect temporary political signs, within the permit application form, that these permits do not apply to the VDOT ROW and that these permits only pertain to signs placed on private property with the permission of the land owner<sup>2</sup>.

**Goal 3: Political signs should only be placed in a manner that adheres to state law; they should not be placed in VDOT rights-of-way.**

In EQAC's view, this is the single worst source of illegal signs, and we are concerned that the chronic and willful violation of state law may breed cynicism among voters. We ask that Board members consider limiting their signs to private property with the permission of land owners and that alternatives to littering local highways with signs be sought. For example, might more effective approaches to advertisement be available through the use of computers and/or mass communication tools?

**Goal 4: Participation in VDOT's Adopt-A-Highway program should be encouraged.**

The Adopt-A-Highway program is an effective mechanism through which illegal signs in highway rights-of-way can be removed. Fairfax County should consider the adoption of highway segments and should encourage its residents and employees to participate in this program.

**Goal 5: Fairfax County Public Schools should take an active role in supporting reductions in the illegal posting of signs.**

It is EQAC's view that public school groups are frequent violators of state sign laws but that these groups may not be aware of what the rules are. The Board could encourage the Superintendent of FCPS to:

- Develop and disseminate information to remind faculty, students and booster organizations that it is illegal to place signs in the VDOT Right-of-Way and to stress to our students, both by example and through guidance, the need to obey the law;
- Establish in-house penalties for violators; and
- Ensure that signs for school-sponsored events are restricted to school property or to private properties (with the permission of the land owners).

**Goal 6: Enforcement efforts regarding cigarette litter should be strengthened.**

County police could increase enforcement efforts for persons who violate the County's litter laws by improperly disposing of cigarette butts. EQAC recognizes that enhanced enforcement efforts would require resource dedication and that additional resources may not be available for this purpose. However, we are also aware that improper disposal of cigarette butts is a Class 1 misdemeanor and any fines imposed on violators charged with a violation of the County's litter laws would be sent to the County.

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<sup>1</sup> <http://www.fairfaxcounty.gov/dpz/faqs/signsfaq.htm>

<sup>2</sup> [http://www.fairfaxcounty.gov/eb/sign\\_permit.pdf](http://www.fairfaxcounty.gov/eb/sign_permit.pdf)