



## **OUTDOOR MEDIA ASSOCIATION**

### **SUBMISSION TO DRAFT POLICY FOR THE MANAGEMENT OF ROADSIDE ADVERTISING**

December 2016

## **EXECUTIVE SUMMARY**

The Outdoor Media Association (OMA) congratulates the Department of Transport and Main Roads (TMR) on forming the Roadside Advertising Consultation Group (RACG) and is pleased to give feedback to TMR on ways to improve the Roadside Advertising Guide for the benefit of all Queenslanders.

In this submission, the OMA provides comments on the draft TMR *Policy for the Management of Roadside Advertising – October 2016*. In addition to this, the OMA has taken the opportunity to highlight longstanding items of concern regarding the regulation of roadside advertising in Queensland and proposes solutions that will benefit all Queenslanders, without compromising safety.

## **01 INTRODUCTION**

The Outdoor Media Association (OMA) is the peak national industry body representing 90% of Australia's Out-of-Home (OOH) advertising industry.

The OMA congratulates the Department of Transport and Main Roads (TMR) on forming the Roadside Advertising Consultation Group (RACG) and was pleased to be invited to represent the Out-of-Home (OOH) advertising industry at the RACG's first meeting on Monday 14 November 2016.

Thank you for the opportunity to respond and comment on the TMR draft *Policy for the Management of Roadside Advertising – October 2016* (the Draft Policy). The OMA understands the broad intention of the Draft Policy is to permit roadside advertising which is determined to be safe.

This intention is supported by the industry, which at its core, shares TMR's sensitivity to driver and pedestrian safety. Each of our members invests significant resources to ensure advertising devices do not impact on driver and pedestrian safety. While the Roadside Advertising Guide assists in ensuring safety, the OMA disagrees with the Guide's overarching assumption that roadside advertising signage causes driver distraction, and that digital signage is more distracting than static signage.

In 2009, the OMA conducted the first ever Australian on-road study of driver distraction in the presence of advertising signs. It compared driver behaviour and performance in the presence of third party signage, on-premise signage and in the presence of digital, compared to static signage. The study found:

- Drivers maintain their eyes on the road 78–79% of the time, regardless of what signage is present
- Ninety-nine percent of fixations at advertising signs is less than 750 milliseconds, the minimum time needed by a driver to perceive and react to an unexpected event
- Driver behaviour did not differ dangerously, regardless of signage present. Drivers maintained safe average headway and there were no lane departures.<sup>1</sup>

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<sup>1</sup> [http://www.oma.org.au/\\_data/assets/pdf\\_file/0015/13254/Digital-Billboards-Down-Under.pdf](http://www.oma.org.au/_data/assets/pdf_file/0015/13254/Digital-Billboards-Down-Under.pdf)

These findings are supported by a number of Australian and international studies, notably the Monash research project the same year,<sup>2</sup> and the New York State Department of Transportation (NYSDOT) study, which established eight seconds as the appropriate minimum dwell time for digital OOH. The NYSDOT studied accident records and found no change in crash patterns near digital OOH, concluding: “Limited data suggests that there is no change in the crash patterns in the vicinity of the off-premise [commercial electronic variable message signs] CEVMS billboards”, though they recommended continued monitoring. The base assumption that digital OOH causes driver distraction is flawed and belies the considerable work of the OOH industry in designing and operating safe signs.

The OMA would also like to take this opportunity to highlight some longstanding items of concern regarding the regulation of roadside advertising in Queensland. These are, in particular: inconsistent regulation of on-premise and third-party advertising, and restriction notice areas applied to low speed roads.

## **02 BACKGROUND**

The current version of the Roadside Advertising Guide was released in 2013. At the time of its release, the OMA made TMR aware of the industry’s concerns with the guide. At the 2016 RACG meeting, the OMA’s representative tabled correspondence between the OMA and TMR which provides historic context for these longstanding concerns with the regulation of roadside advertising in Queensland.

The OMA is supportive of the key plans for Review Stage 1, which are ‘to acknowledge a greater emphasis on the commercial opportunities for industry and government within the policy’ and to ‘produce a transparent, equitable and consistent, state-wide framework for the management of roadside advertising devices’.

However, the OMA insists that, if TMR’s review is to be genuinely consultative, reasonable and evidence-based consideration must be given to matters which remain unresolved from 2013.

## **03 POLICY FOR THE MANAGEMENT OF ROADSIDE ADVERTISING**

The OMA supports the Draft Policy’s recognition that roadside advertising provides a customer service to the community and commercial opportunities.

The OMA acknowledges the intent of the Draft Policy which is to permit roadside advertising within or adjacent to state-controlled roads where it can be demonstrated that the location, placement, design and operation of the advertising device, does not distract drivers or adversely impact road safety and efficiency.

The OMA provides some comments regarding each section of the Draft Policy.

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<sup>2</sup> An on-road study of the effect of roadside advertising on driving performance and situation awareness Young, K. L., Stephens, A., Logan, D. & Lenne, M. G. 2015 Proceedings of the 4th International Driver Distraction and Inattention Conference. Regan, M. & Victor, T. (eds.). Vermont South VIC Australia: ARRB Group, p. 1 - 12 12 p.

### **3.1 Objectives (page 5)**

The OMA is supportive of the Objectives of the Draft Policy which are:

- To ensure the safety and efficiency of the road network
- To provide an equitable, transparent and consistent approach to the management of roadside advertising devices, within and outside the boundaries of State Controlled Roads.
- To promote agile solutions to keep pace with the rate of technological change.

The OMA considers that the Objectives of the Draft Policy are of such importance that they should be moved to the beginning of the Policy Statement.

### **3.2 Scope (page 3)**

The OMA supports Clause 1.3 Scope (paragraph 4) of the Draft Policy, which states that TMR does not manage advertising standards on content (or advertising copy) displayed on advertising devices, and that TMR relies upon the Advertising Standards Board to enforce minimum advertising standards through the self-regulation controls within the advertising industry.

### **3.3 Principles (page 4)**

The OMA generally supports the ‘Principles’ of the Draft Policy outlined on page 4 and is pleased with the positive recognition of the value that outdoor advertising can offer to businesses, government and the community.

The principles generally align with the overall outcomes sought for advertising devices by the OMA. These are detailed in the OMA’s Model Advertising Device Codes for each state. The Model Codes are best practice guidelines for the regulation of OOH advertising devices. They aim to balance placement, design and utility outcomes for local governments and the community with the commercial requirements of the OOH industry. The Model Code for Queensland will be finalised after the commencement of the new Planning Act in 2017. The Model Code for WA is attached as an example.

However, while the OMA fully supports the principle that ‘roadside advertising shall not compromise road safety or traffic efficiency’, it recommends redrafting the following sentence. This sentence currently reads that “Roadside advertising devices have the potential to distract drivers and have a negative impact on road safety.” This suggests that roadside advertising devices generally have a negative impact on road safety, without providing any data to quantify this. Research from the OMA and other key road authorities demonstrates that there is no definite link between roadside advertising devices and driver distraction or negative impacts on road safety.

### **3.4 Roadside Advertising Manual (page 7)**

The OMA objects to the renaming of the Roadside Advertising Guide to the Roadside Advertising Manual. It is the OMA’s strong view that the Roadside Advertising Guide is advisory in nature and that the assessment of compliance must not be arbitrary, but rather administered on a case-by-case basis.

### **3.5 New Technology and Design Innovation (page 7)**

The OMA is supportive of TMR’s intention to be “responsive to opportunities arising from technological and innovative advancement in roadside device design and operation.” It is the OMA’s view that digital signage has the potential to offer significant utility to governments for emergency messaging, way-finding, and more.

The access of this digital utility by governments is already occurring, with OMA members partnering with police and emergency services to deliver safety messages across Australia. The OMA would be pleased to engage further with the QLD Government on additional future opportunities presented by OOH.

### **3.6 Fees and Charges (page 7)**

The OMA acknowledges that TMR requires a fee or charge to be paid for major advertising devices “relative to the benefit derived by the advertiser and commensurate with current market rates”. However, the OMA considers that the community benefit that a sign can offer – for example its use for emergency messaging or the delivery of wayfinding services – should also be taken into account in this calculation.

### **3.7 Vegetation and Tree Clearing (page 8)**

The OMA is broadly supportive of this section.

### **3.8 Implementation (page 8)**

The OMA considers that this section would be improved if it acknowledged that many signs have existing use rights, and therefore cannot be ‘phased out’. The current drafting will lead to confusion when it comes to signs with existing use rights which do not comply with the Draft Policy. TMR cannot legally require that a sign with existing use rights is ‘phased out’, rectified, relocated or removed. As such, it would be appropriate for the wording in this section to be updated.

## **04 LONGSTANDING ITEMS OF CONCERN**

In 2012/13, the OMA and TMR consulted at length regarding updates to the RAG. The OMA would like to reiterate its concerns dating from this time, with the expectation that these will be considered as part of this review process. The concerns raised in the OMA’s 2013 letter are:

1. The Guide inconsistently regulates on premise and third party signage. All signage should be subject to the same conditions and this is not the case with the current version of the Guide.
2. Members have concerns about the inclusion of restriction notice areas for low speed (under 80km/hr) roads.
3. Signage will be measured from road level not ground level
4. Data logging provisions

Items 1 and 2 encapsulate the issues of greatest concern for OMA members. That is: inconsistent regulation, whether for on-premise and third-party or illegal shipping container signage is inequitable and does not lead to positive safety outcomes. This also includes separation distance between signs.

With specific regard to restricted notice areas in low speed environments, the OMA strongly urges TMR to revise arbitrary restrictions, which, in many cases, are overruled by the relevant local government authority.

Given the substantial capital cost of digital advertising devices, OMA members have typically preferred to develop digital devices in close proximity to major intersections throughout Queensland. In the vast majority of cases, these locations are adjacent to state controlled roads, in low speed environments (less than 80km per hour).

While safety at these intersections is paramount, it is the view of the OMA that the

Roadside Advertising Guide applies arbitrary separation distances which are unrealistic and have no practical impact on safety.

The OMA estimates that, over the past five years, more than 50 digital advertising devices have been developed within the Restriction Notice Area, as prescribed by TMR. In each case, the development has had no impact on driver safety, with no recorded instance of a traffic accident related to the placement of a digital device.

It is the OMA's strong desire that, as part of the review process, consideration is given to this particular point and that an evidence based response is included in the new document.

## **05 COMMENTS ON REVIEW PROCESS**

The OMA is supportive of the consultative manner in which TMR is planning this review process and is pleased to contribute in whatever way is meaningful. The OMA hopes that, in the same spirit of consultation, due consideration will be given to the concerns which remain unresolved from 2012.

## **06 ABOUT THE OMA**

The OMA is the peak national industry body representing 90% of Australia's Out of Home (OOH) media display and media production companies, as well as some media display asset owners, including Government agencies such as the NSW Roads and Maritime Services.

Part of the role of the OMA is to develop constructive relationships with governments and to contribute to the process of developing policies for outdoor advertising that are fair and equitable to the industry, governments and the community.

Advertising and marketing play a fundamental role in the Australian economy, and are significant drivers of economic growth, contributing some \$40 billion of value in 2014.<sup>3</sup> Out-of-Home (OOH) advertising makes up approximately 5.3% of the advertising spend in Australia.<sup>4</sup>

The OOH industry gives back to the community. Across Australia, the OOH industry:

- Contributes more than 17,664 pieces of public infrastructure with a replacement value of \$352 million, including bridges, bus shelters, kiosks, benches and bikes;
- Directly contributes \$273 million GDP each year to the economy;
- Pays over \$49 million in taxes;
- Employs over 900 people directly and a further 2,200 indirectly;<sup>5</sup> and

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<sup>3</sup> 2016 Deloitte Access Economics, *Advertising Pays - The economic employment and business value of advertising*

<sup>4</sup> 2015 Commercial Economic Advisory Service of Australia (CEASA)

<sup>5</sup> 2016 Deloitte Access Economics, *Out-of-Home Adds Value: Out-of-Home Advertising in the Australian economy*.

- Supports arts, sports and charitable organisations, donating advertising space valued at more than \$34 million in 2015 to more than 160 campaigns;<sup>6</sup>
- Is widely used by governments to engage with the community and build awareness for tourism, road safety alerts and health awareness campaigns.

OMA media display members advertise third party products on both digital and static signs across a variety of OOH formats and locations including, airports, bicycle stations, billboards, buses, bus stations, cafes, commercial buildings, doctors' surgeries, free-standing advertisement panels, medical centres, office buildings and lifts, pedestrian bridges, railway stations, shopping centres, trams, universities and street furniture (bus/tram shelters, public toilets, telephone booths and kiosks).

OMA media display members advertise third party<sup>7</sup> products on both digital and static signs across a variety of OOH formats and locations; airports, bicycle stations, billboards, buses, bus stations, cafes, doctors' surgeries, free-standing advertisement panels, medical centres, office buildings and lifts, pedestrian bridges, railway stations, shopping centres, trams, universities and street furniture (bus/tram shelters, public toilets, telephone booths and kiosks).

## 07 CONCLUSION

The OMA looks forward to TMR's review of our submission and to working closely with the RACG over the coming months to ensure that regulation of roadside advertising in Queensland is clearly understood, fair and equitable.

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<sup>6</sup> 2015 OMA Annual Report

<sup>7</sup> Advertising in which the advertisement is not associated with the premises. That is, where a land or asset owner allows an Outdoor media display company to display an advertisement for a third party company or product.