

NO: R239

COUNCIL DATE: December 3, 2018

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **November 29, 2018**

FROM: **General Manager, Engineering**

FILE: **6280-50**

SUBJECT: **Delegation Regarding Digital Billboards on Moving Vehicles**

RECOMMENDATION

The Engineering Department recommends that Council:

1. Receive this report for information;
2. Not support the proposed mobile digital billboards; and
3. Authorize the City Clerk to forward a copy of this report and the related Council resolution to the delegation that appeared before Council-in-Committee regarding this matter.

INTENT

The purpose of this report is to respond to the delegation to Council-in-Committee by Paramjit Dhadha on November 19, 2018, during which he sought Council support for the operation of a digital LED truck advertising business.

BACKGROUND

On November 19, 2018, Paramjit Dhadha appeared as a delegation before Council and provided a presentation outlining the benefits of digital LED truck advertising. Mr. Dhadha is seeking Council support to operate a mobile digital billboard vehicle business in Surrey.

Mobile digital billboard vehicles are an advertising display mounted on a truck or van that promotes products, services or events while driving around the city. Most mobile billboard vehicles are dedicated, customized trucks with displays on the side and back panels. Some advertising operations that offer external sound systems, advanced video displays, and interactive displays featuring props and performers. The example presented to Council by Mr. Dhadha was a large cube van with digital billboard displays on 3 sides.

DISCUSSION

Staff has evaluated the request and the following section outlines key concerns and considerations related to the operation of mobile digital billboard vehicles in the City of Surrey.

Applicable Provincial Legislation

The Motor Vehicle Act (“MVA”) does not permit signs or advertisements to be erected on or over provincial roads, except where approved by the Minister of Transportation and Infrastructure. The MVA also prohibits signs on or over municipal roads, except where permitted by municipal by-laws. Therefore, if the City prohibits signage, electronic or otherwise, on or over municipal roads, the prohibition would be consistent with Provincial legislation.

The MVA Regulations permit illuminated signs, provided they are located on the roof of the vehicle and meet specific size, location, content, lighting, and brightness criteria. The mobile digital billboard proposed by the delegation does not meet the criteria of the MVA Regulations.

Mobile Digital Billboard Vehicles in Other Jurisdictions

In their presentation, the delegation indicated that mobile digital billboard vehicles are similar to those proposed or in operation in other cities in Canada and around the world. The operation of these vehicles in North America is limited. Staff have been able to confirm that mobile digital billboard vehicles are operating in New York, Los Angeles, and Las Vegas, and these business may operating in other cities as well. A scan of signage and business licencing regulation in major Canadian cities revealed no evidence of by-laws that regulate or support such operations. Depending on how municipal regulations are drafted, the absence of a specific reference to mobile digital billboard signs can mean they are prohibited, or can mean these business can operate in the absence of specific regulation.

The City of Vancouver’s Sign By-law prohibits all signs other than those specifically permitted. The Vancouver Sign By-law does not specifically permit mobile digital billboard vehicles, and therefore they are prohibited. Mobile billboard vehicles are operating in the City of Toronto, and the City has contemplated regulation on several occasions after concerns over distracted driving were raised. In 2010, the City of Toronto staff prepared recommendations to Council that would have enabled and regulated mobile billboards on moving vehicles; however, the recommendations were never enacted. Toronto currently does not regulate the operation of mobile billboards on moving vehicles, and since their by-laws are silent on the issue, these businesses continue to operate in Toronto without an established regulatory framework.

Mobile digital billboard vehicles are permitted in other cities outside of Canada, such as Los Angeles, New York and Las Vegas where the digital ad trucks operate in highly urbanized and lower speed environments that may be more compatible with the service than in Surrey.

Safety and Nuisance Concerns

As noted above, while no major Canadian cities expressly regulate mobile digital billboard vehicles, all have regulations or prohibitions on electronic signage. Where electronic signs are permitted, municipalities place strict requirements on the form and location of the signs as a way of addressing some of the negative impacts associated with electronic signage, specifically traffic safety concerns and visual blight. For example, regulations limit the proximity of electronic signs to intersections, crosswalks, rail crossings, specific roads or areas, residential uses, and major parks and natural areas. The City of Calgary’s sign regulations strictly control the location of digital signage to ensure that there is no interference with traffic control devices, and explicitly prohibit the location of digital signage on streets or utility rights of way.

The 3-sided digital billboard display vehicle proposed by the delegation would be distracting and could potentially pose a hazard to drivers, cyclist, and pedestrians, and would not be consistent with the City's forthcoming Vision Zero Safe Mobility Plan.

Environmental and Congestion Concerns

Mobile digital billboard vehicles operate by driving around within defined areas of the city, typically in places with high traffic and pedestrian volumes to ensure maximum exposure for the advertising content. This business model would result in unnecessary vehicle emissions and would contribute to traffic congestion in already congested parts of the city.

Conflict with Digital Signage Contracts

The City has exclusive contracts with Pattison Outdoor Advertising to provide street furniture and roadway media displays throughout the city. The media installations are particularly capital intensive, requiring the contractor to supply, install, and maintain the fixtures, and thus warrant exclusivity with a single partner. The contracts were awarded through competitive-bid processes and provide a stable and expanding revenue stream for the City. Permitting the operation of mobile digital billboard vehicles on city roadways in direct competition with Pattison installations would conflict with the intended exclusivity of the existing contracts and jeopardize the revenue source. Furthermore, the contracts specify that all content on the Pattison installations must comply with national standards, and that ten per cent of the content/display time on the roadway media displays is allocated for City content, which is used to display public safety and event programming information.

Applicable City By-laws

The Surrey Sign By-law No. 13656 regulates the number, size, type, form, appearance, and location of any signs located in the city. While the Sign By-law does not specifically reference mobile digital billboard signs on vehicles, several sections of the By-law are applicable.

Section 5(2) states that "no sign shall be permitted on or within a highway", with certain exceptions. One exception is for a "vehicle sign", which may be permitted except when the vehicle "is stationary and visible from a highway for a period in excess of 6 hours".

Neither a sign permit nor an inspection is required for a "vehicle sign" that is being driven on city roadways, although the sign can only be used in compliance with all applicable provisions of the Sign Bylaw. For example, vehicle signs cannot be used in a manner which interferes with the visibility or safe operation of a traffic control device or motorist visibility.

Section 10 of the Sign Bylaw lists various types of signs that are prohibited which include "flashing signs" and "electronic message board signs" that are prohibited everywhere in the City with the exception of specific sites that have been granted a variance, or signs in place prior to the prohibition being introduced in 2013. "Electronic message board signs" are signs "in or on which the information that is displayed can be changed automatically by means of the electronic switching of lamps or illuminated tubes, and includes digital sign, HDTV or video wall sign, LED sign, and any other type of electronic media sign."

The delegation's proposed digital billboard vehicle incorporates LED displays and would be categorized as an electronic message board sign, and therefore would be prohibited by the existing By-law.

Legal Review

The Legal Services Division has reviewed this report has no concerns.

SUSTAINABILITY CONSIDERATIONS

The proposal to operate digital billboards on moving vehicles within the City does not support the objectives of the Sustainability Charter 2.0 themes of Built Environment & Neighbourhoods and Public Safety. Specifically, the operation of digital billboards on moving vehicles within the City does not support the following Strategic Directions (“SD”) and Desired Outcomes (“DO”):

Built Environment & Neighbourhoods

- DO03: The City Centre is a dynamic, attractive and complete metropolitan area and important international destination, and is one of North America’s most livable and desirable downtowns.
- SD04: Continue to plan and develop a transportation and mobility network (including active transportation) that supports safety, placemaking and integration of neighbourhoods.

Public Safety

- DO09: The transportation network supports and provides safe mobility for all ages and abilities.
- DO10: Surrey is part of a coordinated effort to reduce the risk of harm for all road users, with attention to those who are most vulnerable, including pedestrians and cyclists.
- SD09: Address traffic safety issues in a holistic way, particularly around schools and critical accident locations.

CONCLUSION

Staff has evaluated the request and recommends that Council not support the proposal based on conflict with City By-laws; serious safety concerns; environmental and congestion impacts; and conflicts with existing city digital media contracts.

The Engineering Department recommends that Council:

1. Receive this report for information;
2. Not support the proposed mobile digital billboards; and
3. Authorize the City Clerk to forward a copy of this report and the related Council resolution to the delegation that appeared before Council-in-Committee regarding this matter.

Fraser Smith, P.Eng., MBA
General Manager, Engineering

JB/RJG/jma