



For Immediate Release

October 6, 2022

Contact: Elizabeth O’Nan at chocenc@gmail.com

Chapel Hill Signs and Bus Ads Removed, Raising First Amendment Concerns

The Chapel Hill Organization for Clean Energy (CHOCE) has announced plans to petition the Chapel Hill Town Council to allow their message of environmental stewardship to be displayed in public right-of-ways and on Chapel Hill Transit Authority buses. On September 13, the Town of Chapel Hill removed CHOCE yard signs placed in public right-of-ways around town. Approximately two weeks later, Chapel Hill Transit Authority “parked” buses which included ads paid for by CHOCE.

The signs and ads are a part of the group’s effort to make the Chapel Hill community aware of the harmful impacts of the coal plant operated on the campus of the University of North Carolina. The bus ads depict future UNC athletes who have been forced to wear moonsuits, due to air quality issues created from burning coal. The yard signs feature a moonsuited UNC employee removing a pile of coal ash produced by the plant.

In its response to the Town’s removal of the signs, CHOCE cites the Supreme Court ruling in *Reed v. Town of Gilbert, Arizona, 135 S.Ct. 2218 (2015)*. *Gilbert* holds that sign code which identifies various types of signs based on the message that they convey, and provides different restrictions for each type, constitutes “content-based regulations of speech”, which is prohibited by law.

On September 26, Houck Advertising received word from the Chapel Hill Transit Authority that CHOCE’s bus ads were in violation of “section 1.02 of policies and standards for advertising on Chapel Hill Transit facilities”. That section states:

1.02 Certain Excluded Advertising. Chapel Hill Transit will not accept for display on its Transit Facilities the types of advertising defined in Section 2.01 of these policies and standards (“Excluded Advertising”). By not accepting Excluded Advertising, Chapel Hill Transit can: (a) maintain a professional advertising environment that maximizes advertising revenues and minimizes interference or disruption of the commercial aspects of its regional transit system; (b)

maintain an image of neutrality on political matters and other noncommercial issues that are the subject of public debate and concern; (c) protect passengers, employees and Chapel Hill Transit facilities from harm or damage that can result from some individual's reactions to political or controversial materials; and (d) help build and retain transit ridership.

According to CHOCE President, Elizabeth O'Nan, the transit authority expressed concerns over the ad's references to the university. "Since the town indicated their only problem with the bus ad was the reference to UNC, we've submitted a new version with all of the UNC references blocked out.," says O'Nan. The original bus ads, which were accompanied by a promotional [Youtube video](#), ran for three weeks, prior to their removal.

The Town has yet to respond to the group's request that the signs and bus ads be reinstated. CHOCE plans to deliver its petition to the Town Council at their October 19 meeting.

The University of North Carolina has operated its own coal-fired power plant since the 1920's. For several years, CHOCE and various other environmental groups have urged the university to close the plant. In May of 2010, former UNC Chancellor Holden Thorpe announced plans for the university to "end all coal use" by May of 2020. By 2012, the university had renounced this goal. While many of the nation's largest utility companies, including Duke Energy, have now implemented plans to end their use of coal in the near future, UNC-Chapel Hill currently has not publicly indicated a specific plan to do so.

NEWS ALERT: UNC KEEPS COAL PLANT, BUT ISSUES ATHLETES NEW UNIFORMS.

**We can't all wear
moonsuits!**
STOPUNCCOAL.ORG

