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Lawsuit seeks to overturn Federal ruling on digital billboards

WASHINGTON, January 23, 2013 – Today Scenic America filed a lawsuit in the U.S. District Court for the District of Columbia seeking to overturn a controversial Federal Highway Administration (FHWA) ruling. The ruling reversed the agency’s long-held position that barred intermittently changing commercial digital billboards. The lawsuit alleges that FHWA has wrongfully allowed commercial digital billboards to proliferate along federal highways nationwide.

The lawsuit, filed on behalf of Scenic America and its members by Georgetown Law Center’s Institute for Public Representation, asserts that FHWA’s 2007 guidance violates the lighting standards established under the customary use provisions of the Highway Beautification Act.

“For over five years we have pleaded with FHWA to do the right thing and revoke the memorandum,” said Mary Tracy, president of Scenic America. “In every instance, they have turned a blind eye to the standards established by the Highway Beautification Act. These standards were meant to protect all citizens from the trespassing glow of digital billboards flashing commercial advertisements along high-speed roadways. Because the agency has ignored the law, today we are asking the Court to tell FHWA to follow the law.”

Digital billboards, brightly-lit signs with commercial ads that change intermittently every few seconds, appeared along federal highways around 2005. State transportation officials, charged with controlling outdoor advertising and following FHWA’s longstanding prohibition on intermittent commercial message lighting, turned to FHWA for additional guidance. Under immense pressure from a powerful billboard lobby to approve the signs, FHWA reversed its long-held position.

“We receive distress calls from people all over the country who find these TVs-on-a-stick lining our highways to be distracting eyesores, and in some instances the signs even shine into the windows of nearby homes,” said Tracy. “These billboards devalue private property, distract drivers, tarnish the beauty of our natural and built landscapes and negatively impact the quality of life for many people. FHWA has been totally unresponsive, and we can no longer stand by and watch this agency ignore the Highway Beautification Act.”

Representing Scenic America are Thomas Gremillion, Staff Attorney, and Hope Babcock, Director, of the Institute for Public Representation, Georgetown University Law Center. Scenic America is also advised by outside counsel, William D. Brinton of Rogers Towers, P.A. in Jacksonville, Fla.

For more information contact Margaret Lloyd, Scenic America Vice-Chair, at 713.898.2819 or Lloyd@scenic.org; or Bill Brinton, Scenic America counsel, at 904.346.5537 or wbrinton@rtlaw.com

Background information on the web: <http://scenic.org/billboards-a-sign-control/digital-billboards/scenic-america-lawsuit-on-fhwa-ruling>

Scenic America is the only national nonprofit organization dedicated to preserving and enhancing the visual character of America’s roadways, countryside and communities.