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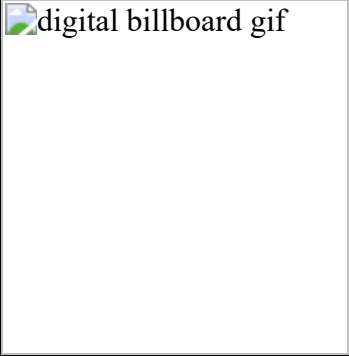
## Scenic America lawsuit seeks to overturn ruling on digital billboards

Scenic America has filed a lawsuit in the U.S. District Court for the District of Columbia seeking to overturn a 2007 Federal Highway Administration (FHWA) ruling that reversed the agency's long-held position that barred intermittently changing commercial digital billboards along federal highways.

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 Lady Bird Johnson's 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. Because the agency has ignored the law, today we are asking the Court to tell FHWA to follow the law."

[Click here to read more.](#)



## New studies says digital billboards pose threats to driver safety

A [new study](#) published in the journal *Traffic Injury Prevention* concludes that digital billboards attract and hold the gazes of drivers for far longer than a threshold that previous studies have shown to be dangerous.



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will support our unique and vital mission to protect and enhance America's roadways, countryside and communities.

### Quote of the Month:



**Howard Luck Gossage, one of the fathers of modern advertising, in a February 1960 Harper's Magazine column titled [How to Look at Billboards](#):**

*"But doesn't everything visible violate one's air space? Not at all. Visibility is not the only consideration. The Taj Mahal, street signs, the Golden Gate Bridge, a maze of telephone wires, even a garbage dump—however they may intrude on the eye—are not where they are merely to waylay your gaze; they have other functions as well. A billboard has no other function, it is there for the sole and express purpose of trespassing on your field of vision. Nor is it possible for you to escape; the billboard inflicts itself unbidden upon all but the blind or recluse."*

The study, conducted by researchers at the Swedish National Road and Transport Research Institute and funded by the Swedish Transport Administration, found that drivers looked at digital billboards significantly longer than they did at other signs on the same stretch of road, with the digital signs often taking a driver's eyes off the road for two seconds or more. A well-regarded [2006 study](#) by Virginia Tech for the National Highway Traffic Safety Administration found that anything that takes a driver's eyes off the road for more than two seconds greatly increases the risk of a crash.



The Swedish Government commissioned the study as part of a trial run for digital billboards in the city of Stockholm. As a result this study and another about driver attitudes toward the billboards by the same authors (not yet published in English), the Government removed the billboards at the end of the trial period.

Meanwhile, a [new research report](#) by [Austroads](#), the association of Australian and New Zealand road transport and traffic authorities, says it is likely that movement or changes in luminance on a sign will involuntarily capture a driver's attention.

"Where this happens in a driving situation that is also cognitively demanding, the consequences for driving performance are likely to be significant," the report says. "If this attentional capture also results in a situation where a driver's eyes are off the forward roadway for a significant amount of time this will further reduce safety."



An Australian legal expert has said outdoor advertising companies [could be found liable](#) if a driver caused an accident and blamed the incident on a billboard. Digital billboards are designed to distract drivers and outdoor advertisers are "defenseless" against claims of doing so, said John Voyage of the law firm Maurice Blackburn.

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