

Notes for news report on LED billboards – 3/21/2014

I, Paul Bergmann, Executive Director for Scenic Kentucky, have been asked to express Scenic Kentucky's opposition to the granting of Light Emitting Diodes (LED) billboard permits, in general, and specifically at this time.

A reporter for WHAS has contacted me and Marlene Grissom, the S K President, about Metro Louisville permitting several new LED billboards. This is contrary to the long standing state and federal laws prohibiting flashing, intermittent, or moving lights, which specifically included off-premise "commercial electronic variable message signs" (CEVMS) or the new LED billboards. These nationwide restrictions go back to the Highway Aid Act 1958 ("The Bonus Act") and to the Highway Beautification Act (HBA) 1965 otherwise known as "The Lady Bird Johnson Act". Only in the past few years has the Federal Highway Administration (FHWA) modified its interpretation to allow LED type off-premise signs.

Due to FHWA's about-face on interpreting this prohibition, Scenic America (of which we are an Affiliate) has sued the FHWA, since its change affects all the states that allow billboards. A lower court has signed-off on the FHWA changed interpretation. Scenic America is appealing to the next level of judicial review. Accordingly, a judicious move would be to not act until the lawsuit is settled. Rather, the billboard industry is rushing to get as many permits as possible and likely putting local jurisdictions at risk.

If Scenic America's position is ultimately upheld, all states (including Kentucky) will be required to stop granting and maybe even retract these approvals. It is our opinion, that the billboard industry is rushing to get as many permits as possible and likely putting local jurisdictions at risk. Would these permitted boards then be "grandfathered"? Will there be lawsuits over this situation to keep up those boards that were questionably permitted?

Scenic Kentucky's position is that these billboards are a major distraction (their main purpose is to get you to read their message) and therefore they create a safety issue for the motoring public - several countries and major American cities have ban them; that they are a blight on adjacent property (property frequently left to deteriorate - who would want to invest in these properties?); and that they are a major imposition on a neighborhood (both due to brightness at night and property value losses even blocks away). Ask a billboard company official if he/she would want one next to his house? (Just like that oil company official in Texas concerning fracking -- not in my backyard!) One need only ask "What is the impression we give to visitors and industry to our area?" We oppose this blight on the city -- and ask, at a minimum, that all LED billboard permits be halted until the Scenic America court case is settled. Logically, we would very much support an outright prohibition of any new billboards in Metro Louisville.

Electronic billboards cause confusion in state law

<http://www.whas11.com/home/Electronic-billboards-cause-stir-in-the-courts-251550571.html>