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PADOVANO LLC

UNITED STATES SUPREME COURT BILLBOARD DECISION

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On October 16, 2017, the United States Supreme Court handed billboard companies a big victory by refusing to hear a longstanding lawsuit by Scenic America against the United States Department of Transportation concerning digital billboards. Specifically, Scenic America, a non-profit organization which seeks to preserve and improve the visual character of America's communities and countryside, had sought to challenge a 2007 memorandum issued by the Federal Highway Administration. That memorandum provided guidance to the various states that state laws permitting digital billboards with images changing every four to ten seconds did not violate a prohibition on "intermittent" or "flashing" or "moving" lighting which were deemed to be unsafe for drivers, and were prohibited pursuant to the Highway Beautification Act of 1965. The Supreme Court decision was issued by Justices Gorsuch, Roberts, and Alito.