

## Municipalities Considering Amending Digital Billboard Regulations

by Larry Foxman

There are about 450,000 roadside billboards in the United States advertising everything from highway amenities to tourist attractions. Currently, 400 of them are digital billboards, and their numbers are estimated to grow tenfold within the next decade, according to the Outdoor Advertising Association of America. Bill Christensen, of the tech savvy website Technovelgy.com, predicts even faster growth of digital billboards, citing a \$2 billion market by as early as 2010.

Made up of thousands of light emitting diodes (LEDs), digital billboards appear much like the Jumbotron screens at most major league stadiums. The billboard industry claims the billboards are not dangerous to drivers, stating that although digital billboards look like TV images, the images are static, and don't move. But driving safety researchers, including the Traffic Injury Research Foundation, believe that digital billboards not only keep drivers' attention focused longer, but are also more "cognitively demanding." The Federal Highway Commission has yet to weigh in on the pros and cons of roadside digital billboards and has allotted \$150,000 to study the new technology.

In most situations, digital billboards will simply take the place of an already existing print billboard. In many cases, advertising companies need to obtain permits from local governments to convert traditional billboards to digital ones, and this means that nearly everything is negotiable — from numbers and placement, to brightness and image display time.

City officials can even negotiate time and space for advertising government programs and activities, or require the digital billboards be used for emergency or disaster announcements. One outdoor advertising company in Madison, Wisc., partners with local and state law enforcement to offer the digital billboards for Amber Alert messages for missing children, trumpeting the fact that an emergency message can be displayed within minutes of a request.

Since most municipalities already have ordinances dealing with roadside billboards, most officials elect to amend current legislation to incorporate the newer technology.

- In June 2006, the city of Columbia, S.C., voted to alter a city ordinance to allow digital billboards that would change images every six to eight seconds, opening the door for a large private company to upgrade 100 to 120 traditional billboards within city limits.
- Beginning in October 2006, the Rhode Island Transportation Department began a discussion to revisit its highway billboard rules, creating a definition of what a video billboard is, and banning flashing or moving lights on signs.
- Reading, Pa., allows digital billboards and treats them the same way as tri-vision boards. The billboards are allowed in highway-commercial zones, must be at least 100 feet from the roadway, and cannot be brighter than traffic lights.
- Minnesota cities Eagan and St. Paul have banned any new signs from being erected until they study the impact of the new technologies and determine whether official rule changes are needed to govern the advertisements. The Twin Cities suburb of Minnetonka went so far as to cut power to two digital freeway signs, saying they pose a dangerous distraction for drivers and citing a violation of the city's flashing sign prohibition.

- Zoning changes in Lincoln, Neb., allow digital billboards that meet state law requiring billboards to maintain their images for a minimum of 10 seconds and be placed at least 5,000 feet apart. The billboards will also have to meet a brightness standard and will be shut off between midnight and 5 a.m.

Municipalities considering amending current statutes and ordinances to deal with the reality of the new technology of digital billboards should consider the following criteria:

Federal and State Laws – The 1965 Highway Beautification Act and corresponding state laws are in place to provide for effective control of outdoor advertising. Roadside billboards fall under this category. Local laws and ordinances must adhere to these overriding federal and state statutes.

Distance from road/distance between billboards – billboard size defines both the distance from the road and the distance between billboards.

Brightness – bright digital billboards not only provide additional distraction to drivers at night, but also provide distracting glare through reflecting sunlight during the day.

Length of time image displayed – Image display times shorter than the industry standard of 8-10 seconds results in greater distraction for drivers and may be seen as animation, which is prohibited for roadside billboards.

Transition between images – Image transition should be quick. Any transition time longer than a second or two may create an additional distraction for drivers.

**Details:** For more information on digital billboards, visit NLC's City Practices at [www.nlc.org/Resources](http://www.nlc.org/Resources) for Cities, or contact the Municipal Reference Service at (202) 626- 3130. The database provides access to more than 6,500 local government programs.

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