

**LCB File No. R134-98**

**PROPOSED REGULATION OF THE  
DEPARTMENT OF TRANSPORTATION**

**NOTICE OF WORKSHOPS TO SOLICIT COMMENTS  
ON PROPOSED REGULATION**

The Nevada Department of Transportation, 1263 South Stewart Street, Carson City, Nevada is proposing the amendment of regulations pertaining to chapter 408 of the Nevada Administrative Code (NAC). The workshops will be held as follows:

September 21, 1999 - 10:00 a.m. to 12:00 noon  
Room 314  
Nevada Department of Transportation Headquarters  
1263 South Stewart Street  
Carson City, Nevada

September 22, 1999 - 10:00 a.m. to 12:00 noon  
Room 401  
Grant Sawyer Office Building  
555 E. Washington Street  
Las Vegas, Nevada

The purpose of the workshops is to solicit comments from interested persons on the general topics addressed in the proposed regulations. This proposed regulation adds new sections and amendments to chapter 108 of the NAC to define "attraction signs," establish eligibility criteria for attraction businesses, establish procedure for assessing fees and determining which attraction businesses will appear on attractions signs panels when more businesses apply than can be placed on a panel. The purpose of the proposed regulation is to establish rules governing the administration of "attraction" logo signs under an experimental project recently authorized by the Federal Highway Administration (FH/WA). The logo signs are proposed to be placed, under this experimental project, at certain exits on Interstate 15 near the Las Vegas Strip in Clark County.

A copy of this notice and the proposed amendments to the regulations will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the amendments will be available at:

Public Information  
Nevada Department of Transportation  
1263 South Stewart Street  
Carson City, Nevada 89712  
(775) 888-7771

District I Office  
Nevada Department of Transportation  
123 East Washington Avenue  
Las Vegas, Nevada 89101  
(702) 385-6500

Tonopah Maintenance Station  
Nevada Department of Transportation  
805 Erie Main  
Tonopah, Nevada 89049  
(775) 482 6475

District II Office  
Nevada Department of Transportation  
310 Galletti Way  
Sparks, Nevada 89431  
(775) 688-1250

District III Office  
Nevada Department of Transportation  
1951 Idaho Street  
Elko, Nevada 89801  
(775) 777-2700

Winnemucca Maintenance Station  
Nevada Department of Transportation  
725 W. 4th Street  
Winnemucca, Nevada 89446  
(775) 623-8000

Ely Maintenance Station  
Nevada Department of Transportation  
1401 Avenue "F"  
Ely, Nevada 89301  
(775) 289-1700

and at the main public library, in all counties in which an office of the department is not maintained, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies will also be mailed to the members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

This Notice of Workshop to Solicit Comments of Proposed Regulation has been sent to all persons on the department's mailing list for administrative regulations and posted at the following locations:

Nevada Department of Transportation  
1263 S. Stewart Street  
Carson City, Nevada

Governor's Office  
Capitol Building  
Carson City, Nevada

District I Office  
Nevada Department of Transportation  
123 E. Washington Avenue  
Las Vegas, Nevada

Nevada State Personnel  
555 E. Washington Avenue  
Las Vegas, Nevada

Washoe County Courthouse  
75 Court Street  
Reno, Nevada

Clark County Courthouse  
200 S. Third Street  
Las Vegas, Nevada

The department will make reasonable accommodations for members of the public who are disabled and wish to attend the workshop. IF special arrangements for the workshop are necessary, please contact Ed Wilson, Nevada Department of Transportation, 1263 S. Stewart Street, Carson City, Nevada 89712 or call (775) 888-7711.

# **PROPOSED REGULATION OF THE DEPARTMENT OF TRANSPORTATION**

## **NOTICE OF INTENT TO ACT UPON A REGULATION**

### **Notice of Public Hearings for the Amendment and Adoption of Regulations of the Nevada Department of Transportation**

The Nevada Department of Transportation, will hold public hearings to receive comments from all persons regarding the adoption, amendment or repeal of regulations pertaining to chapter 408 of the Nevada Administrative Code (NAC). The public hearings will be held as follows:

September 27, 1999 - 10:00 a.m. to 12:00 noon  
Room 314  
Nevada Department of Transportation Headquarters  
1263 South Stewart Street  
Carson City, Nevada

September 29, 1999 - 10:00 a.m. to 12:00 noon  
Room 401  
Grant Sawyer Office Building  
555 E. Washington Street  
Las Vegas, Nevada

This notice of intended action is provided pursuant to the authority of Nevada Revised Statutes (NRS) 233B.060(2).

The following information is provided pursuant to the requirements of NRS 233B.060:

1. This proposed regulation adds new sections and amendments to chapter 408 of the NAC to define "attraction signs," establish eligibility criteria for attraction businesses, establish procedure for assessing fees and determining which attraction businesses will appear on attractions signs panels when more businesses apply than can be placed on a panel. The purpose of the proposed regulation is to establish rules governing the administration of "attraction" logo signs under an experimental project recently authorized by the Federal Highway Administration (FH/WA). The logo signs are proposed to be placed, under this experimental project, at certain exits on Interstate 15 near the Las Vegas Strip in Clark County.

2. The proposed regulations involve the Nevada Department of Transportation, Nevada Logo, Inc. and eligible "attractions" businesses interested in advertising their locations to the traveling public.

3. Economic Effects of the proposed regulation:

a. Business sought to be regulated.

The estimated economic effect on the business sought to be regulated is minimal. The adverse effects are minimal. The beneficial and immediate effects are that motorists should find that these “attractions” signs will assist them to find the way to the multi-service attraction. The long-term effect is the same.

b. Public.

The estimated economic effect on the public is minimal. The adverse effects are minimal. The beneficial and immediate effects include the expectation that traffic accidents involving tourists will be reduced by providing advance directional assistance to motorists who are traveling on unfamiliar freeways and streets. The long-term effect is the same.

4. The estimated cost to the department for enforcement of the proposed regulation is -0-.

5. There aren't any regulations and ordinances of other state or local governmental agencies which overlap or duplicate the proposed regulation. The proposed regulations overlaps or duplicates federal regulations administered by the Federal Highway Administration, U.S. Department of Transportation.

6. This proposed regulation is required by the Highway Beautification Act, codified at 23 U.S.C.A. §§ 109 and 131(f). This federal law concerns and regulates outdoor advertising on highways.

7. The proposed regulation is more stringent than the federal regulation that regulates the administration of logo signs and complies with requirements established by the FHWA in the Manual on Uniform Traffic Controls which the State of Nevada has adopted pursuant to NRS 484.781. The proposed regulation provides for the addition of a new category of service eligible to have logo signs on freeways. This authorization initially applies to a limited number of interchanges in Las Vegas on Interstate 15 during an experimental project authorized by the FHWA. It is anticipated that this new category of service will become available for logo signs in all states and on all freeways nationwide when the FHWA adopts administrative rule changes.

8. The proposed regulation will establish an increase in an existing fee.

Persons wishing to comment upon the proposed action of the Nevada Department of Transportation may appear at the scheduled hearing or may address their comments, data, views or arguments, in written form, to the Director, Nevada Department of Transportation, 1263 South Stewart Street, Carson City, Nevada, 89712. Written submissions must be received by the Nevada Department of Transportation on or before September 24, 1999. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Department of Transportation may proceed immediately to act upon any written submissions.

A copy of this notice and the proposed amendments to the regulations will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the amendments will be available at:

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(775) 888-7771

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Upon adoption of any regulation, the Nevada Department of Transportation, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reasons for overruling the consideration urged against its adoption.

This Notice of Intent to Act Upon a Regulation has been sent to all persons on the department's mailing list for administrative regulations and posted at the following locations:

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Carson City, Nevada

Governor's Office  
Capitol Building  
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123 E. Washington Avenue  
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75 Court Street  
Reno, Nevada

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200 S. Third Street  
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# PROPOSED REGULATION OF THE DEPARTMENT OF TRANSPORTATION

## Proposed Amendments To NAC Chapter 408 Adding “Attractions” Signs To Provisions Governing Informational and Directional Signs For Tourists (NAC 408.700 — 408.830)

### Legal Authority:

Federal — Title 23 USC, Section 131(f) — Control of Outdoor Advertising; 23 CFR 750

State — NRS 410.380, .390, .400; NRS 408.563; also, NRS 484.781 — adopting provisions of the MUTCD by reference; NAC 408.700 — .830

### Background:

The National Committee on Uniform Traffic Control Devices (NCUTCD) has adopted proposed changes to the federal Manual on Uniform Traffic Control Devices (MUTCD) to add “ATTRACTIONS” as a fifth category of specific service signs (LOGO) to the existing four categories: “GAS, FOOD, LODGING and CAMPING.” The NCUTCD recommendation to amend the MUTCD is now before the Federal Highway Administration (FHWA) for formal adoption into Section 2G of the MUTCD which governs the use of specific services signs by state departments of transportation. Nevada has become one of seven states to receive special authority from the FHWA to conduct an experimental “Attractions” signing program at exits 36 — 41 on I-15 in Las Vegas through June 1, 2001. The FHWA is expected to adopt the NCUTCD proposed changes before the June 1, 2001 expiration of this experimental program. Copies of the NCUTCD proposed changes and the FHWA letter authorizing the NDOT experimental attractions signing program are enclosed.

### Proposed New Sections and Amendments:

**408.701 “Attractions business” defined.** *“Attractions business” means a business that provides tourist oriented services of regional significance consisting of cultural, historical, recreational, educational, or entertainment activities, and a major proportion of whose income and visitors are derived from motorists not residing in the immediate area.*

**408.703 “Contractor” defined.** *“Contractor” means a qualified firm retained by the department to administer the specific services signing programs authorized by the federal Manual on Uniform Traffic Control Devices.*

**408.724 “Panel” defined.** “Panel” means a rectangular board or sheet which contains the legend “GAS,” “FOOD,” “LODGING,” [or] “CAMPING” or “ATTRACTIONS,” each of which may contain directional information, one or more business signs or any combination thereof. A panel is commonly referred to as a sign panel or sign assembly.

**408.726 “Qualified business” defined.** “Qualified business” means a business furnishing gas, food, lodging or service for camping, or attractions to the traveling public.

**408.746 Order of Placement.** The panels for each type of available service from qualified businesses must be placed on the main traveled way so that the traveling motorist, while proceeding in the direction of travel, encounters the panels in the following order, starting from the panel farthest from the exiting terminal:

1. *Attraction;*
2. Camping;
3. Lodging;
4. Food; and
5. Gasoline

*The number of sign panels along an approach to an exiting terminal shall be limited to one for each type of service , to a maximum of four.*

**408.748 Contents.** Except as otherwise provided in this section and NAC 408.794, a single panel for each type of service for *attractions*, camping, lodging, food, or gasoline must be erected in advance of an interchange or intersection in each direction of traffic. **[For interchanges in remote rural areas, a]** A combination of not more than **[two]** *three* types of services may be placed on a single panel, if space is available. Any such combination must be approved by the traffic engineer. *For urban interchanges, the number of panels may be restricted to a single panel to ensure that such panels be installed in compliance with spacing requirements prescribed in the department's Manual on Uniform Traffic Control Devices. Eligibility for space on urban panels shall be determined as prescribed by NAC 408.796(3)(c).*

**408.750 Types of services for which business signs may be displayed on panel.** The type of service for which a business sign may be displayed on a panel is limited to providing *attractions*, gasoline, food, lodging or space for camping. Each type of service must satisfy the applicable criteria set forth in NAC 408.752 to 408.75**[8]****9**, inclusive, to qualify for a business sign.

**408.759 Qualifications of service: Attractions.** *If the type of service is an attraction, it must:*

1. *Be open to all persons regardless of age, race, religion, color, sex, or national origin;*
2. *Comply with all federal, state and local regulations pertaining to public accommodations for health, sanitation, accessibility and safety;*
3. *Provide adequate parking accommodations; and*
4. *Be located within three miles of the exit.*

**408.762 Supplemental panels.**

1. If a qualified business is not visible from any part of the exiting terminal, a supplemental panel **[may]** *shall* be placed on the exiting terminal at such location as will serve best the motoring public and will be compatible with traffic safety.

2. If a qualified business is visible from any part of the exiting terminal, **[it is not eligible for]** a supplemental panel **[unless the supplemental panel is necessary in order]** *may be placed on the exiting terminal at such location as will serve best the motoring public and* diminish hazards to traffic or to minimize confusion because of the complexity of a particular interchange.

**408.770 Required contents of panels and supplemental panels.** Panels and supplemental panels must bear the legend *"ATTRACTIONS," "GAS," "FOOD," "LODGING,"* or

“CAMPING” and one or more horizontal rows of business signs, with a directional arrow as appropriate.

#### **408.782 Contents of panels; number of business signs.**

1. At an interchange with a single exit, the type of service followed by the number of the exit must be displayed on a panel in a single line above the business signs. At an interchange which is not numbered, the directional legend “NEXT RIGHT” or “NEXT LEFT” must be substituted for the number of the exit.

2. At an interchange with double exits, panels must consist of two sections, one for each exit. The top section must display the business sign for the first exit and the lower section must display the business sign for the second exit. The type of service followed by the number of the exit must be displayed on a panel in a single line above the business signs. At an interchange which is not numbered, the directional legend “NEXT RIGHT” or “NEXT LEFT” or “SECOND RIGHT” or “SECOND LEFT” must be substituted for the number of the exit. If a panel for a type of service is to be placed at only one exit, one section of the sign panel may be omitted or a panel used for an interchange with a single exit may be used.

3. A *specific services* panel [for gasoline] must have no more than six business signs. [Panels for food, lodging or camping must have no more than four business signs.]

**408.784 Contents of panel in rural area.** At an interchange in a remote rural area where not more than two qualified businesses are available for each of two or more types of service, business signs for no more than two types of services may be displayed in combination on the same panel. The legend “*ATTRACTIONS*,” “CAMPING,” “LODGING,” “FOOD,” or “GAS,” must be displayed on the panel above its respective business sign on the panel. The number of the exit must be displayed above the legend depicting the type of service, except that for an interchange which is not numbered, the directional legend “NEXT RIGHT” or “NEXT LEFT” must be substituted for the number of the exit.

#### **408.786 Size of business signs.**

[1.] Each business sign, including the border, displayed on a panel [for gasoline] must be contained within a 48-inch wide and a 36-inch high rectangular area.

[2. Each business sign, including the border, displayed on a panel for food, lodging or camping must be contained within a 60-inch wide and a 36-inch high rectangular area.]

**408.796 Procedure for accepting applications.** If the department desires to place business signs on a new panel, the department *or its contractor* will do the following:

1. [Issue a press release and publish a notice in the local and regional newspaper where the panel is to be located stating that the department will accept applications from the responsible operators of businesses for the placement of business signs on the panel. The publication of the notice will run at least once a week for 4 successive weeks. The department, as a convenience, may provide copies of the press release to the local governmental entity, chamber of commerce or other related entity in the area where the panel is to be located.

2.] *For businesses in nonurban areas* — accept applications for a period of 30 days [after the last day of publication of the notice] *from a specified date.*

[3] 2. If the number of applications received within the 30-day period exceeds the maximum number of available spaces for business signs on any single panel, base the order of ranking on[:

- (a) Random drawing for each interchange or intersection; or
- (b) The date and time in which the application is received by the department, if the traffic engineer determines that a random drawing is impractical] *the proximity of each fully qualified business to the interchange with preference being given to those businesses closest to the terminus of the off ramp;*

3. *For attractions businesses in urban areas — when six or more qualified attractions services apply, the contractor may establish a fee structure reflecting a market value for attractions signs applicable to each urban area of the state.*

[4. Five years after the installation of each business sign on the panel, the department will repeat the steps specified in this section for each business sign. The responsible operator of a business who wishes to keep his business sign on a panel for more than five years must reapply.]

## Explanation of Proposed NAC 408 Changes By Section

- 408.701** Adds a new section defining “Attractions business.”
- 408.703** Defines “contractor.”
- 408.724** Adds “attractions” to the list of services eligible for specific services (logo) signing.
- 408.726** Adds “attractions.”
- 408.746** Adds “attractions.” Limits the maximum number of sign panels for each exit to four as proposed by the NCUTCD. Our “attractions” sign experimentation in Las Vegas involves the installation of only one panel at each exit exclusively for “attractions.”
- 408.748** Clarifies existing NAC provision governing the number of different services that can be included on a single panel. This change reflects current practice in other states and serves to reduce the number of individual sign panels needed at an interchange with a limited number of services or space available.
- 408.750** Adds “attractions” to the types of services that *may* be displayed on a specific services panel. The permissive language in this section is important to note because NDOT is currently authorized by the FHWA to conduct an “attractions” signing experiment only in Las Vegas, on I-15, between exits 36 - 41. Eventually, “attractions” will be allowed throughout the rest of the interstate highway system on existing sign panels with other services.
- 408.759** Adds a new section prescribing qualifications of eligible “attractions” services.
- 408.762** Clarifies existing NAC to require supplemental ramp and trailblazer signs for businesses that are not visible from the end of the ramp; and to make their use permissible even if the business is visible from the end of the ramp. Supplemental guide signs serve to assist motorists to get to the destination of choice in the safest and most efficient manner.
- 408.770** Adds “ATTRACTIONS”
- 408.782** This section was adopted in 1986, when NDOT first started the specific services signing program. Since the early 1990's, when our logo sign program was privatized, all services have been allowed to have up to 6 - 48" X 36" rectangular business signs on their respective service sign panels. This change makes this NAC provision consistent with current policy and procedure.
- 408.784** Adds “ATTRACTIONS”
- 408.786** Prescribes the size of individual business placards. See preceding explanation.
- 408.796** Subsection 2(b) pertains to businesses located in nonurban areas and is amended to prescribe that preference be given to those fully qualified businesses located closest to the off ramp. Subsection 3, pertaining to attractions signs in urban areas, is added to permit the contractor to establish fees for attractions signs in a market environment for each urban area of the state where demand is high and supply is limited by federal rules and regulations to only 6 spaces. While our present authority to proceed with attractions signing is limited to an

experimental project in a specific area of Las Vegas, the language of this new subsection assumes future expansion to other urban areas of the state when the FHWA adopts changes to the MUTCD adding attractions signs. Statutory authority to derive revenue from this type of signing is provided in NRS 408.567. Subsection 4 is a holdover provision from 1986, has not been applicable since 1992, and is repealed.