

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Amendment of Regulations of the
Nevada Department of Transportation

The Nevada Department of Transportation is proposing the amendment of regulations pertaining to Chapter 410 of the Nevada Administrative Code. A public meeting will be held at the **Nevada Department of Transportation District II Headquarters, Third Floor Conference Room 302, 1263 S. Stewart St. Carson City, NV, commencing at 9:30 a.m. on Monday, February 12, 2018**. The purpose of the hearing is to receive comments from all interested persons regarding the Amendment of regulations that pertain to chapter 410 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The proposed amendment to Regulation NAC 410.350 is needed to amend the requirements for Commercial Electronic Variable Message Signs (CEVMS) including trivision signs and digital billboard signs. This proposed amendment was prompted by the passage of Assembly Bill No. 305 during the 77th Legislative Session which amended NRS 410.400 to add a definition for “commercial electronic variable message signs” and to prescribe regulations governing the issuance of permits and to specify the operational requirements for these signs.
2. The proposed amendment includes content, movement, and appearance during static displays, display time and change intervals on trivision signs, operating and monitoring systems to address the displays in the event of a malfunction, and brightness of billboards as ambient light conditions change.
3. Billboard Industry: (a) There is no anticipated immediate negative economic effect to the billboard industry. There could be an immediate positive economic effect, however, when static billboards are converted to digital billboards. (b) There is no anticipated long-term negative economic effect to the billboard industry. There could be a long-term positive economic effect, when static billboards are converted to digital billboards.
Public: (a) There will be no immediate negative economic effect to the public as a result of the adoption of this regulation. There will be no immediate positive economic effect to the public as a result of the adoption of this regulation. (b) There will be no long-term negative economic effect to the public as a result of the adoption of this regulation.
4. The costs associated with agency enforcement will be approximately \$18,000 per year. Current staff will be utilized to inspect the subject billboards for daytime and nighttime brightness levels of permitted CEVM billboards. There will be equipment costs associated with the purchase and maintenance of light measurement devices. This cost is estimated to be \$4,000 to \$6,000 per unit per district for an estimated cost of \$18,000 per year.
5. There is overlap of this proposed regulation under local governmental agency codes. The follow City and Counties have regulations pertaining to outdoor advertising signs:
 - (a) The City of Reno, Chapter 18.16, Article II of it Land Development codes.
 - (b) Washoe County Code (WCC), Chapter 110 (Development Code) Article 505.30 regulates Electronic Message Display (EMD) signs and 110.505.64 regulates billboards.
 - (c) Clark County Chapter 30.72
 - (d) City of Henderson, Chapter 19.8
6. The State is tasked, by the Federal Highway Administration, to regulate Outdoor Advertising signs under the Federal Highway Beautification Act (23 U.S.C. 131). The federal regulation pertaining to this is 23 Code of Federal Regulation Chapter 1, Subpart G.
7. The State Legislature created NRS Chapter 410 Beautification of Highways, which established a statutory basis for the regulation and control of Off-premise Outdoor Advertising and Junkyards. With

the creation of NRS Chapter 410, Nevada was consistent with the Federal Highway Beautification Act. These statutes provided a basis for NAC Chapter 410.

8. It is proposed that the permit application fee for the conversion of a billboard from a static display to a digital display be raised from \$200 to \$800.

Persons wishing to comment upon the proposed action of the Nevada Department of Transportation may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to Ruth Borrelli, Chief Right-of-Way Agent, Nevada Department of Transportation, 1263 S. Stewart Street, Carson City, NV 89712 or by emailing at rborrelli@dot.nv.gov. Written submissions must be received by the Nevada Department of Transportation on or before January 31, 2018. 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 regulation to be Amended 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 regulation to be Amended will be available www.nevadadot.com/doing-business/public-involvement-information and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. : A copy of the notice and proposed regulations has also been placed on the Nevada Department of Transportation's website at www.nevadadot.com. 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 of this notice and the proposed regulation will also be mailed to members of the public upon request.

A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, 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 reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

Additional copies of this notice and the proposed regulations to be amended will be available at:

Nevada Department of Transportation
1263 S. Stewart St.
Carson City, NV 89712

Nevada Department of Transportation
District III Office
1951 Idaho St
Elko, NV 89801

Nevada Department of Transportation
District I Office
123 E. Washington Ave.
Las Vegas, NV 89125

Nevada Department of Transportation
Winnemucca Maintenance Station
725 West 4th St.
Winnemucca, NV 89446

Nevada Department of Transportation
Tonopah Maintenance Station
805 Erie Main
Tonopah, NV 89049

Nevada Department of Transportation
Ely Maintenance Station
401 Ave. "F"
Ely, NV 89301

Nevada Department of Transportation
District II Office
310 Galletti Way
Sparks, NV 89431

Clark County Courthouse
200 S. Third St.
Las Vegas, NV 89155

Washoe County Courthouse
75 Court St.
Reno, NV 89520

Grant Sawyer State Office Building
555 E. Washington Ave.
Las Vegas, NV 89101

Public comment may be limited to three minutes per person at the discretion of the Department's spokesperson.