

**ADOPTED REGULATION OF THE  
DEPARTMENT OF TRANSPORTATION**

**LCB File No. R134-98**

Effective December 17,2001

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-19, NRS 408.557, 408.563, 410.380, 410.390, 410.400 and 484.781.

**Section 1.** Chapter 408 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

**Sec. 2.** *“Attraction” means a service or activity provided by a business primarily for tourists that may include, without limitation, entertainment and cultural, historical, recreational and educational activities.*

**Sec. 3.** *If the type of service or activity of a qualified business is providing an attraction, the qualified business 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 statutes, regulations and ordinances pertaining to health, sanitation, accessibility and safety at public accommodations;*
- 3. Provide adequate parking; and*
- 4. Be located not more than 3 miles from an exiting terminal.*

**Sec. 4.** NAC 408.700 is hereby amended to read as follows:

408.700 As used in NAC ~~[408.702]~~ *408.700* to 408.830, inclusive, *and sections 2 and 3 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC

408.702 to 408.740, inclusive, *and section 2 of this regulation*, have the meanings ascribed to them in those sections.

**Sec. 5.** NAC 408.724 is hereby amended to read as follows:

408.724 “Panel” means a rectangular board or sheet which contains the legend *“ATTRACTION,”* “GAS,” “FOOD,” “LODGING” or “CAMPING,” 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.

**Sec. 6.** NAC 408.726 is hereby amended to read as follows:

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

**Sec. 7.** NAC 408.742 is hereby amended to read as follows:

408.742 Except as otherwise provided in NAC 408.774 to ~~408.794,~~ *408.792*, inclusive, NAC 408.700 to 408.830, inclusive, apply to the interstate and the state highway system.

**Sec. 8.** NAC 408.744 is hereby amended to read as follows:

408.744 1. Panels must be installed primarily in rural areas where services to motorists are available, but if the department determines that the terrain or relocation of a business indicates a need for panels in an urban area in order to direct properly the traveling public, panels may be installed within that area.

2. Panels must be located so as to take advantage of natural terrain, to minimize the impact on the scenic environment and to avoid visual conflict with other signs along the roadway.

*3. Not more than four panels may be installed along an approach to an exiting terminal.*

**Sec. 9.** NAC 408.746 is hereby amended to read as follows:

408.746 The panels for each type of available service *or activity* from qualified businesses must be placed on the main traveled way so that the traveling motorists, while proceeding in the direction of traffic, ~~encounters~~ *encounter* the panels in the following order, starting from the panel farthest from the exiting terminal:

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

**Sec. 10.** NAC 408.748 is hereby amended to read as follows:

408.748 *1.* Except as otherwise provided in this section, ~~and NAC 408.794,~~ a single panel for each type of service *or activity offered by a business* for *an attraction*, 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 *or activities* may be placed on a single panel, if space is available. Any such combination must be approved by the traffic engineer.

- 2. Not more than six business signs may be displayed on a panel.*
- 3. The department may limit the number of panels that may be erected at an interchange in an urban area to one panel to ensure that the installation of panels in the area complies with the requirements for spacing prescribed in the department's Manual on Uniform Traffic Control.*

**Sec. 11.** NAC 408.750 is hereby amended to read as follows:

408.750 The type of service *or activity* for which a business sign may be displayed on a panel is limited to providing *an attraction*, gasoline, food, lodging or space for camping. Each type of service *or activity* must satisfy the applicable criteria set forth in NAC 408.752 to 408.758, inclusive, *and section 3 of this regulation*, to qualify for a business sign.

**Sec. 12.** NAC 408.760 is hereby amended to read as follows:

408.760 Except as otherwise provided in NAC 408.800 *and section 3 of this regulation*, a qualified business must be located within 1 mile of an interchange or intersection, measured by the distance from the center point of the interchange or intersection to the nearest point of convergence of the driveway of the business with a highway.

**Sec. 13.** NAC 408.762 is hereby amended to read as follows:

408.762 1. If a qualified business is not visible from any part of the exiting terminal, a supplemental panel ~~may~~ *must* 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 to~~ *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.

**Sec. 14.** NAC 408.770 is hereby amended to read as follows:

408.770 Panels and supplemental panels must bear the legend *“ATTRACTION,”* “GAS,” “FOOD,” “LODGING” or ~~“CAMPING”~~ *“CAMPING,” as applicable*, and one or more horizontal rows of business signs, with a directional arrow as appropriate.

**Sec. 15.** NAC 408.782 is hereby amended to read as follows:

408.782 1. At an interchange with a single exit, the type of service *or activity* 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 *or activity* followed by the number of the exit must be displayed on the panel in a single line above the business signs in each section. At an interchange which is not numbered, the directional legends “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 *or activity* 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 panel for gasoline must have no more than six business signs. Panels for food, lodging or camping must each have no more than four business signs.]~~

**Sec. 16.** NAC 408.786 is hereby amended to read as follows:

408.786 ~~[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, on a panel for food, lodging or camping must be contained within a 60-inch wide and a 36-inch high rectangular area.]~~

**Sec. 17.** NAC 408.790 is hereby amended to read as follows:

408.790 Except as otherwise provided in NAC 408.792, ~~[and 408.794]~~ the provisions of NAC 408.778 ~~[, 408.780, 408.782, 408.786 and]~~ to 408.788, *inclusive*, apply to panels, supplemental panels and business signs located on an expressway.

**Sec. 18.** NAC 408.796 is hereby amended to read as follows:

408.796 *1.* 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.] (a)~~ Accept applications for a period of 30 days after ~~[the last day of publication of the notice.~~

~~—3.]~~ *the date specified by the department or contractor.*

*(b)* 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.~~

~~—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 5 years must reapply.]~~

*the proximity of each qualified business to the interchange, giving preference to the qualified businesses located closest to the terminus of the off ramp.*

*2. When six or more qualified businesses apply to display a business sign for an attraction on a panel, the department or its contractor may establish a fee applicable to the specific area where the business sign will be displayed which reflects the market value for a sign in that area.*

*3. As used in this section, “contractor” means a person who enters into a contract with the department to administer a program for erecting signs for specific services or activities as authorized by the department’s Manual on Uniform Traffic Control Devices.*

**Sec. 19.** NAC 408.784 and 408.794 are hereby repealed.

---

---

## TEXT OF REPEALED SECTIONS

---

---

**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 “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.

**408.794 Business signs on panels.** A maximum of four business signs for each type of service may be displayed along each approach to an intersection. No more than four business signs may be displayed on each panel. A maximum of two business signs for each of two different types of services may be combined on the same panel, and the legend for each type of service must be displayed above its business sign along with an appropriate directional legend such as “NEXT RIGHT” or “NEXT LEFT” or a directional arrow.



## NOTICE OF ADOPTION OF REGULATION

The Nevada Department of Transportation adopted regulations assigned LCB File No. R134-98 which pertain to chapter 408 of the Nevada Administrative Code on November 16, 2001. A copy of the regulations as adopted is attached hereto.

### LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066

#### LCB FILE NO. R-134-98

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 408.

- 1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

Notice of Intent to adopt administrative rules (R-134-98) amending Chapter 408 NAC was noticed on August 19, 1999 and published three (3) times: September 5, 12, and 19, 1999 in the Las Vegas Review Journal, the Las Vegas Sun, the Nevada Appeal and the Reno Gazette-Journal newspapers as a permanent regulation. Notice of Intent was also posted at all NDOT District offices, public libraries and the requisite state offices throughout the state. Public response at workshops conducted on September 21, 1999 at NDOT headquarters in Carson City, and on September 22 at the LCB hearing room in Las Vegas, and at the public hearings conducted in the same locations in Carson City and Las Vegas on September 27 and 29, respectively, was favorable to the proposed regulations, particularly to those sections adding "Attractions" as a new category of specific services (LOGO) directional signs. No public comments opposing the regulations were offered. A copy of the written comments may be obtained by calling Dennis Baughman, Hearings Officer for the Nevada Department of Transportation at (775) 888-7440 or by writing to Mr. Baughman at 1263 So. Stewart St., Room 201, Carson City, Nevada 89712.

- 2. The number persons who:**
  - (a) Attended each hearing:** 5
  - (b) Testified et each hearing:** 1
  - (c) Submitted to the agency written comments:** None.
- 3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1. A copy of the transcripts of testimony may be obtained by calling Dennis Baughman, Hearings Officer for the Nevada Department of Transportation at (775) 888-7440 or by writing to Mr. Baughman at 1263 So. Stewart St., Room 201, Carson City, Nevada 89712.

**4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The permanent regulation was adopted by the Director of the Nevada Department of Transportation on November 16, 2001 without change to the draft regulation (R-134-98) prepared by the LCB.

**5. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**

- (a) Both adverse and beneficial effects; and**
- (b) Both immediate and long-term effects.**

- a. The proposed revisions are expected to have an immediate or long-term beneficial economic effect upon the state's community of businesses eligible for logo signs.
- b. There is no estimated economic effect on the general public.

**6. The estimated cost to the agency for enforcement of the adopted regulation.**

There is no additional cost to the agency for enforcement of this regulation.

**7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other state or government agency regulations that the proposed amendments duplicate.

**8. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

The proposed amendments comply with Federal Laws -- Title 23 USC, Section 131(f) and 23 CFR 750.

**9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation does not provide or involve new fees to be collected by the department. Since the LOGO sign program is managed by a private sector contractor, there will be rental fees paid to the contractor by eligible business operators who wish to have their businesses advertised at various interchanges or intersections on state highways near their locations.