

**PROPOSED REGULATION OF THE
DEPARTMENT OF TRANSPORTATION**

LCB File No. R134-98

August 19, 1998

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

AUTHORITY: §§2-15, NRS 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 an 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 of a business is providing an attraction, the 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 408.746 is hereby amended to read as follows:

408.746 *1.* 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. Camping;**
- 2. Lodging;**
- 3.] (a) Attraction;**
(b) Camping;
(c) Lodging;
(d) Food; and
- [4.] (e) Gasoline.**

2. *Not more than four panels may be erected along an approach to an exiting terminal.*
3. *A panel for a specific service or activity must not display more than six business signs.*
4. *A business sign for an attraction may only be displayed on a panel that is erected in an urban area.*

Sec. 8. 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. 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. 9. 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. 10. 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. 11. 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. 12. 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. 13. NAC 408.784 is hereby amended to read as follows:

408.784 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 [,] *or activity*, business signs for no more than two types of services *or activities* may be displayed in combination on the same panel. The legend “*ATTRACTION*,” “CAMPING,” “LODGING,” “FOOD” or [“*GAS*,”] “*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.

Sec. 14. 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. 15. 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 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.*