

**NOTICE AND AGENDA OF A PUBLIC MEETING**  
**AND**  
**NOTICE OF WORKSHOP TO SOLICIT COMMENTS**  
**ON PROPOSED REGULATIONS**

The Nevada Department of Transportation is proposing the amendment of regulations pertaining to Chapter 410 of the Nevada Administrative Code. A workshop will be held at the **Nevada Department of Transportation District II Conference Main Room at 310 Galletti Way, Sparks, NV, commencing at 9:30 a.m. on Tuesday, October 6, 2015.** This workshop will be video-conferenced to the **District III Main Conference Room, 1951 Idaho St., Elko, NV.**

Listed below is an agenda of all items scheduled to be considered. Unless otherwise stated, items may be taken out of the order presented on the agenda at the discretion of the Department's spokesperson.

The purpose of this workshop is to solicit comments from all interested persons in the topics addressed in the proposed regulations to be adopted. The workshop will discuss the following topic:

Regulations proposed to be adopted under authority of NAC 410.350 Sign construction: Illumination; commercial electronic variable message signs. (NRS 410.400) The purpose of the proposed regulation is to: Amend the requirements for Commercial Electronic Variable Message Signs (CEVMS) including trivision signs and digital billboard signs; proposed revisions include 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.

**NAC 410.350 Sign construction: illumination / luminance; commercial electronic variable message signs.** (NRS 410.400)

1. Signs shall not be erected or maintained which shall be so illuminated that they interfere with the effectiveness of or obscures any official traffic sign, device or signal. Signs must not include or be illuminated by flashing, intermittent or moving lights, except any parts necessary to give public service information such as the time, date, temperature, weather or similar information. The terms flashing, intermittent or moving lights is not limited to actual lighting, and includes stationary and or moving reflective disks and rotating slats that reflect light in a flashing or moving manner, and create the effect of moving or flashing light, or emit odors, smoke or sound. Signs must not cause beams or rays of light to be directed at the traveled way if the light is of such intensity or brilliance as to cause glare that impairs the vision of the driver of any motor vehicle or interfere with any driver's operation of a motor vehicle. Illumination or lights for signs must not resemble or simulate any lights used to control or warn traffic or provide danger signals.

2. Commercial electronic variable message signs (CEVMS) include trivision signs and digital billboard signs. A digital billboard shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement during the static display period, of any part of the sign structure. Each static message shall not include flashing or the varying of light intensity. CEVMS

technology, shall, not, in itself, constitute the use of flashing, intermittent or moving light or lights. A CEVMS sign when operated in accordance with the operating standards in Section 3 below shall not constitute glare or the use of flashing, intermittent or moving light or lights hereunder. A CEVMS sign does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD).

3. A CEVMS including, without limitation, a trivision sign, may be approved as an off-premise outdoor advertising sign in an urban area if the sign does not contain flashing, intermittent or moving light or lights, does not impair the vision of the driver of any motor vehicle, or interfere with any driver's operation of a motor vehicle within the right-of-way, and the following conditions are met:

(a) An existing sign may be modified or updated if the sign conforms with established criteria relating to zoning, size, lighting and spacing or meets the requirements of NAC 410.703.

(b) A message on a trivision sign shall have a minimum static display time of six (6) seconds and a maximum change interval of three (3) seconds. A message on a digital billboard sign shall have a minimum display time of six (6) seconds and shall transition instantaneously to the human eye.

(c) A trivision sign must contain a mechanism that will stop the sign in one position if a malfunction occurs. A digital billboard sign shall be operated with sufficient safeguard systems and monitoring in place to prevent unauthorized access, use or hacking, including infrastructure, hardware, software and networks by unauthorized users.

(d) In the event of a malfunction the digital billboard owner must either turn the display off, show a "full black" image, or freeze an authorized image on the display in one position until such time as the situation has been corrected.

(e) A digital billboard shall use automatic dimming technology to adjust the brightness of the digital billboard relative to ambient light so that at no time shall a digital billboard exceed a brightness level of three tenth (0.3) foot-candles above ambient light, as measured using a foot-candle meter and in conformance with the following distance table:

<u>Sign Face Size</u>	<u>Distance of Measurement</u>
681-1200 square feet	350 feet
385-680 square feet	250 feet
300-385 square feet	200 feet
200-300 square feet	150 feet

Each digital billboard shall be equipped with a light sensing device that will adjust the brightness as ambient light conditions change. The measurement shall be conducted at least thirty-minutes (30-minutes) after sunset or at least thirty-minutes (30-minutes) before sunrise.

(f) If the foot-candle reading exceeds three tenths (0.3) foot-candles maximum, then the nighttime luminance shall not exceed two-hundred-fifty (250) nits (candelas per square meter (cd/m<sup>2</sup>)) which may be measured with a nit gun or luminance meter that can read to the accuracy of five (5) nits. To insure the proper measurement of a digital billboard using nits, the user should measure from a location that is as close to perpendicular both horizontally and vertically as possible due to the LED light output pattern decreasing dramatically from the perpendicular position to off angles.

(g) A digital billboard when operated in accordance with the operating standards in this Section 3 shall not constitute glare or the use of flashing, intermittent or moving light or lights.

(h) If a CEVMS display is installed that does not comply with the provisions of this section, the owner of the CEVMS display shall correct the violation or remove the CEVMS display at the owner's expense within sixty (60) days. If sixty (60) days after the receipt of written notice from the Department the owner has not corrected the violation or removed the CEVMS display, the Department may remove the CEVMS display at the owner's expense. Notwithstanding the foregoing, the owner may continue to operate the outdoor advertising structure with conventional non-CEVMS static display faces.

(i) The permit may be amended when seeking to modify or upgrade existing signs to include a CEVMS. For any approved amendments for upgrade or modification, a permit fee of eight-hundred dollars (\$800.00) shall be charged to cover the Department's cost of administration and regulation of the signage. An existing static outdoor advertising sign may be upgraded to a CEVMS, or a CEVMS may be converted to a static display sign, provided that:

1. the sign has been approved by the local government, if applicable, or is a legal non-conforming sign, (under local law only); and
2. is a conforming sign or meets the requirements of NAC 410.703; and
3. all applicable and outstanding fees paid.

[Dep't of Highways, Outdoor Advertising Control Manual p. 11, eff. 1-28-77]—(NAC A by Dep't of Transportation by R058-97, 12-11-98)

**Definitions:**

A Tri-vision sign means;

A type of CEVMS, is defined as an off-premise sign utilizing changeable message technology, capable of changing the static message or copy on the sign electronically or mechanically, or by remote control, by movement or rotation of panels or slats.

A Digital Billboard sign means;

A type of CEVMS, is defined as an off-premise sign utilizing digital message technology, capable of changing the static message or copy on the sign electronically. A Digital Billboard may be internally or externally illuminated. Digital Billboards shall contain static messages only, and shall not have animation, movement, or the appearance or optical illusion of movement, of any part of the sign structure. Each static message shall not include flashing or the varying of light intensity.

Glare means;

A visual condition in which there is excessive contrast or an inappropriate distribution of light sources that limits the ability to distinguish details and objects. A Digital Billboard operating at or below the maximum brightness allowed in this section, shall not be considered to be a source of glare.

Luminance means;

lu·mi·nance /'lumənəns/ [loo-muh-nuhns]—noun

1. the state or quality of being luminous.
2. Also called luminosity. the quality or condition of radiating or reflecting light: the blinding luminance of the sun.
3. Optics. the quantitative measure of brightness of a light source or an illuminated surface, equal to luminous flux per unit solid angle emitted per unit projected area of the source or surface.

Illuminance means;

l·lu·mi·nance /l' lumənəns/ [i-loo-muh-nuhns]

Illumination, Also called illuminance, intensity of illumination. Optics. the intensity of light falling at a given place on a lighted surface; the luminous flux incident per unit area, expressed in lumens per unit of area.

Foot-candle means;

A traditional unit of illuminance or illumination, defined as the illuminance received by a surface at a distance of one foot from a source of intensity.

Also:

A unit of illuminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot

Nit means;

A unit of illuminative brightness equal to one candle per square meter, measured perpendicular to the rays of the source.

A copy of this notice and the proposed regulations to be adopted will be on file at the State Library, 100 S. Stewart St., Carson City, NV, for inspection by members of the public during business hours. A reasonable fee for copying may be charged.

A copy of the notice and proposed regulations has also been placed on the Nevada Department of Transportation's website at [www.nevadadot.com/pub\\_involvement/meetings/](http://www.nevadadot.com/pub_involvement/meetings/). A copy of all materials relating to the proposal may be obtained at the workshop or by contacting Stewart Pratt, Right of Way, 1263 S. Stewart St., Carson City, NV 89712 (775) 888-7319, email [cpratt@dot.state.nv.us](mailto:cpratt@dot.state.nv.us). 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

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

Tonopah Maintenance Station  
805 Erie Main  
Tonopah, NV 89049

Ely Maintenance Station  
1401 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, Nevada 89101

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

Reasonable efforts will be made to assist and accommodate physically handicapped persons desiring to attend the meeting. Requests for auxiliary aids or services to assist individuals with disabilities or limited English proficiency should be made with as much advance notice as possible to Julie Maxey, Nevada Department of Transportation, Public Hearings Officer, at (775) 888-7171 or Email [jmaxey@dot.state.nv.us](mailto:jmaxey@dot.state.nv.us)

## **AGENDA**

1. Call to Order and Roll Call. (Action)
2. Regulations proposed to be adopted under authority of NAC 410.350 Sign construction: Illumination; commercial electronic variable message signs. (NRS 410.400) The purpose of the proposed regulation is to: Amend the requirements for Commercial Electronic Variable Message Signs (CEVMS) including trivision signs and digital billboard signs; proposed revisions include 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. Public comments and discussion. Public comments may be limited to five (5) minutes per person at the discretion of the Department's spokesperson. No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken. (Discussion)
4. Adjournment. (Action)

This notice and agenda has been posted on or before 9 a.m. on the third working day before the meeting at the locations listed above.