

ASSEMBLY BILL NO. 514—COMMITTEE ON TRANSPORTATION

MARCH 28, 2011

Referred to Committee on Transportation

SUMMARY—Revises provisions governing advertising near certain highways and roads. (BDR 35-1092)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to public highways; revising provisions relating to the placement of advertising on certain structures that are adjacent to or over certain highways; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law prohibits the placement of various forms of advertising on, over or
2 near certain highways. Certain exemptions are provided to this prohibition
3 including, for example, advertising on a monorail station or certain benches and
4 shelters for passengers of mass transportation. (NRS 405.030, 405.110) This bill
5 authorizes the placement of advertising by an owner or a lessee on certain
6 pedestrian overpasses that have been authorized for such advertising by the
7 Department of Transportation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 405.030 is hereby amended to read as follows:
2 405.030 1. Except as otherwise provided in ~~subsection~~
3 *subsections 3 and 4* and NRS 277A.310, and except within the
4 limits of any city or town through which the highway may run, and
5 on benches and shelters for passengers of public mass transportation
6 built pursuant to a franchise granted pursuant to NRS 244.187 and
7 244.188, 268.081 and 268.083, 269.128 and 269.129, or 277A.330,
8 or on monorail stations, it is unlawful for any person, firm or
9 corporation to paste, paint, print or in any manner whatever place or
10 attach to any building, fence, gate, bridge, rock, tree, board,



1 structure or anything whatever, any written, printed, painted or other
2 outdoor advertisement, bill, notice, sign, picture, card or poster:

3 (a) Within any right-of-way of any state highway or road which
4 is owned or controlled by the Department of Transportation.

5 (b) Within 20 feet of the main-traveled way of any unimproved
6 highway.

7 (c) On the property of another within view of any such highway,
8 without the owner's written consent.

9 2. Nothing in this section prevents the posting or maintaining
10 of any notices required by law to be posted or maintained, or the
11 placing or maintaining of highway signs giving directions and
12 distances for the information of the traveling public if the signs are
13 approved by the Department of Transportation.

14 3. A tenant of a mobile home park may exhibit a political sign
15 within a right-of-way of a state highway or road which is owned or
16 controlled by the Department of Transportation if the tenant exhibits
17 the sign within the boundary of the tenant's lot and in accordance
18 with the requirements and limitations set forth in NRS 118B.145. As
19 used in this subsection, the term "political sign" has the meaning
20 ascribed to it in NRS 118B.145.

21 4. *An owner or a lessee of a pedestrian overpass authorized*
22 *pursuant to this subsection may paste, paint, print or in any*
23 *manner place on or attach to the designated pedestrian overpass*
24 *any written, printed, painted or other outdoor advertisement, bill,*
25 *notice, sign, picture, card or poster. The Department of*
26 *Transportation may authorize such postings on a pedestrian*
27 *overpass for the purposes of this subsection if the pedestrian*
28 *overpass:*

29 (a) *Is located in a county whose population is 400,000 or*
30 *more; and*

31 (b) *Provides passage to pedestrians walking over a highway or*
32 *over a road which intersects a highway.*

33 5. If a franchisee receives revenues from an advertisement, bill,
34 notice, sign, picture, card or poster authorized by subsection 1 and
35 the franchisee is obligated to repay a bond issued by the State of
36 Nevada, the franchisee shall use all revenue generated by the
37 advertisement, bill, notice, sign, picture, card or poster authorized
38 by subsection 1 to meet its obligations to the State of Nevada as set
39 forth in the financing agreement and bond indenture, including,
40 without limitation, the payment of operations and maintenance
41 obligations, the funding of reserves and the payment of debt service.
42 To the extent that any surplus revenue remains after the payment of
43 all such obligations, the surplus revenue must be used solely to
44 repay the bond until the bond is repaid.

45 ~~5-1~~ 6. As used in this section, "monorail station" means:



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(a) A structure for the loading and unloading of passengers from a monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695; and

(b) Any facilities or appurtenances within such a structure.

Sec. 2. NRS 405.110 is hereby amended to read as follows:

405.110 1. Except on benches and shelters for passengers of public mass transportation for which a franchise has been granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and 269.129, or 277A.310 and 277A.330, or on monorail stations, no advertising signs, signboards, boards or other materials containing advertising matter may:

(a) Except as otherwise provided in ~~subsection 3,~~ **subsections 3 and 5**, be placed upon or over any state highway.

(b) Except as otherwise provided in subsections 3 , ~~and~~ 4 ~~and 5~~, be placed within the highway right-of-way.

(c) Except as otherwise provided in ~~subsection 3,~~ **subsections 3 and 5**, be placed upon any bridge or other structure thereon.

(d) Be so situated with respect to any public highway as to obstruct clear vision of an intersecting highway or highways or otherwise so situated as to constitute a hazard upon or prevent the safe use of the state highway.

2. With the permission of the Department of Transportation, counties, towns or cities of this State may place at such points as are designated by the Director of the Department of Transportation suitable signboards advertising the counties, towns or municipalities.

3. A person may place an advertising sign, signboard, board or other material containing advertising matter in any airspace above a highway if:

(a) The Department of Transportation has leased the airspace to the person pursuant to subsection 2 of NRS 408.507, the airspace is over an interstate highway and:

(1) The purpose of the sign, signboard, board or other material is to identify a commercial establishment that is entirely located within the airspace, services rendered, or goods produced or sold upon the commercial establishment or that the facility or property that is located within the airspace is for sale or lease; and

(2) The size, location and design of the sign, signboard, board or other material and the quantity of signs, signboards, boards or other materials have been approved by the Department of Transportation; or

(b) The person owns real property adjacent to an interstate highway and:



(1) The person has dedicated to a public authority a fee or perpetual easement interest in at least 1 acre of the property for the construction or maintenance, or both, of the highway over which the person is placing the sign, signboard, board or other material and the person retained the air rights in the airspace above the property for which the person has dedicated the interest;

(2) The sign, signboard, board or other material is located in the airspace for which the person retained the air rights;

(3) The structure that supports the sign, signboard, board or other material is not located on the property for which the person dedicated the fee or easement interest to the public authority, and the public authority determines that the location of the structure does not create a traffic hazard; and

(4) The purpose of the sign, signboard, board or other material is to identify an establishment or activity that is located on the real property adjacent to the interstate highway, or services rendered or goods provided or sold on that property.

4. A tenant of a mobile home park may exhibit a political sign within a right-of-way of a state highway or road which is owned or controlled by the Department of Transportation if the tenant exhibits the sign within the boundary of the tenant's lot and in accordance with the requirements and limitations set forth in NRS 118B.145. As used in this subsection, the term "political sign" has the meaning ascribed to it in NRS 118B.145.

5. An owner or a lessee of a pedestrian overpass authorized pursuant to this subsection may place upon the designated pedestrian overpass advertising signs, signboards, boards or other materials containing advertising. The Department of Transportation may authorize such advertising on a pedestrian overpass for the purposes of this subsection if the pedestrian overpass:

(a) Is located in a county whose population is 400,000 or more; and

(b) Provides passage to a pedestrian walking over a highway or over a road which intersects a highway.

6. If any such sign is placed in violation of this section, it is thereby declared a public nuisance and may be removed forthwith by the Department of Transportation or the public authority.

~~16-1~~ 7. Any person placing any such sign in violation of the provisions of this section shall be punished by a fine of not more than \$250, and is also liable in damages for any injury or injuries incurred or for injury to or loss of property sustained by any person by reason of the violation.

~~17-1~~ 8. If a franchisee receives revenues from an advertising sign, signboard, board or other material containing advertising



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1 matter authorized by subsection 1 and the franchisee is obligated to
2 repay a bond issued by the State of Nevada, the franchisee shall use
3 all revenue generated by the advertising sign, signboard, board or
4 other material containing advertising matter authorized by
5 subsection 1 to meet its obligations to the State of Nevada as set
6 forth in the financing agreement and bond indenture, including,
7 without limitation, the payment of operations and maintenance
8 obligations, the funding of reserves and the payment of debt service.
9 To the extent that any surplus revenue remains after the payment of
10 all such obligations, the surplus revenue must be used solely to
11 repay the bond until the bond is repaid.

12 ~~18-1~~ 9. As used in this section, "monorail station" means:

13 (a) A structure for the loading and unloading of passengers from
14 a monorail for which a franchise has been granted pursuant to NRS
15 705.695 or an agreement has been entered into pursuant to NRS
16 705.695; and

17 (b) Any facilities or appurtenances within such a structure.

18 **Sec. 3.** This act becomes effective on July 1, 2011.

