

SENATE COMMITTEE ON TRANSPORTATION

MINUTES OF MEETING

WEDNESDAY, MARCH 10, 1971

HELEN HERR, CHAIRMAN

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The meeting was called to order at 12:30 P.M.
by Helen Herr, Chairman.

PRESENT: Senator Herr, Chairman
Senator Monroe
Senator Drakulich
Senator Manning
Senator Dodge
Senator Pozzi
Senator Harris

GUESTS: Mr. William M. Raymond, Deputy
Attorney General, Counsel for
Department of Highways
Mr. John E. Bawden, State Highway
Engineer
Mr. John Ciardella, Chief Dealer
Inspector, Dept of Motor Vehicles
Mr. Tom Backmain, Nevada Motel
Association, and Western Pacific
Association.
Mr. Elton Palmer, Sun Outdoor
Advertising, Las Vegas
A representative of Sierra Club, Ed Pogue
Mr. Donald J. Weigand, representing
Donrey Outdoor Advertising Company.

The Chairman announced that this committee would
consider SB 327, which regulates outdoor advertising
adjacent to interstate and primary highway systems; she
said that we would have to go along with the Federal-
Aid Highway Act of 1970.

The first witness to speak on the bill was a representative of Donrey Outdoor Advertising, Mr. Donald J. Weigand, who said that they had covered their views in a letter, which had been submitted to each member of the committee this morning, said letter and suggested changes are attached hereto, marked Exhibit 2, and made a part of these minutes. Mr. Weigand specifically referred to the last two paragraphs on page 2 of the letter. Especially the paragraph wherein "agreement" is written; he said he felt the bill would not only comply with the Federal Act, but would leave open to negotiations the criteria necessary to draw up an agreement between the State of Nevada and the DOT. That the "agreement" would spell out the criteria on size, spacing and lighting in the zoned and unzoned commercial areas, plus provisions for licensing, permits etc. That the members of the outdoor advertising industry request that at such time that this agreement was being drafted that they would be allowed to meet with your committee.

The Chairman inquired if these amendments were going along with the bill. Mr. Weigand said they would. Mr. Bawden also said they would.

Mr. Stan Warren of the Bell Telephone System spoke briefly on the bill. He said that he would like to address himself to the general public, and stated that along the roadways they are building a cable, that they would like to see an amendment incorporated, that along the roadways they would be installing telephones at rest stops; he said that they would like to submit such an amendment.

Senator Monroe asked him if he thought it was necessary?

Mr. Warren: I guess if we had an emblem up there for a telephone I feel what we have offered would allow that. The amendment was given to the Chairman. Mr. Warren was excused.

A representative of the Sierra Club said that the Executive Committee of the Club felt that a minimum for the situation should be covered; that they felt this should be done.

The Chairman remarked that the group wanted to go along with something everyone can live with.

Senator Monroe said he wanted to ask the advertising people a question. He said it has been indicated as a trend in other states, that after you clean up the small things, and limit it to 660 feet from the highway, isn't it a trend on the part of the same companies to build an abortion of a sign that can be seen for fifty miles. 3.

The representative for Donrey said that the amendments might take care of that; he said that the type of signs Senator Monroe spoke of are a thing of the past, that they were gone.

Mr. Bawden said that where this has been imposed beyond the 660 feet, that the offense may be worse; with regard to eliminating any 660 foot limit, and the indications from the Federal Highway Act, he would like to see the states go on this basis. The Federal law as it exists today has eliminated the 660 foot limit.

Senator Monroe inquired if there was any way we could limit this to certain areas? Like signs out on the desert, where you can drive for miles and see nothing, a billboard might be a welcome sign to a traveller.

Mr. Bawden said that a lot of land in Nevada is under the Bureau of Land Management, and we would look to them for control of billboards on government land, and then we have to consider private land.

The Chairman inquired if Mr. Bawden was in accord with the National standards.

Mr. Bawden replied that they have talked about cables for informational purposes. I don't believe there are too many telephone booths along the highway. In my opinion, I would not object to them."

Mr. Bawden said further, that it was a service to the public.

Senator Monroe said: "I don't see anything in here about money."

Mr. Bawden said that it was going to cost \$50,000,000 to institute this program; that the Federal Act would provide certain funds, but he did not think the state should get involved in this.

Senator Monroe inquired about the loss of property rights, to which Mr. Bawden said that it was indicated that "just compensation" shall be paid for loss of property rights. That he thought a low estimate would be controlled by a Federal Agency.

Senator Dodge said: "What did they do in the State of Washington about this?"

Mr. Bawden said he did not know.

Senator Monroe said that the State of Washington paid no compensation; that the State of Washington was tearing the signs down.

Mr. Bawden the Federal Government says: "There shall be compensation."

Senator Monroe said that the State of Washington was operating on State funds, and no Federal funds.

Mr. Bawden said that in the State of Nevada they anticipate the use of Federal funds for this purpose.

Senator Monroe said there was a lawsuit on in the State of Washington over this, and that he did not want this state to become involved in any litigation.

A witness remarked that the State of Washington had only a few signs that the state said had to be removed; that was one of the basis for the suit, compensation, but from here on out there would have to be compensation.

Senator Monroe inquired from the witness if the State of Washington would stop the signs from being installed, and the witness said: "Only under certain conditions in certain sections of the State."

The Chairman inquired if the three million which had been mentioned would approximate the whole figure and the reply was: "Yes."

The Chairman remarked that the big question then was the loss of property rights.

The Chairman said the time for the meeting was growing short; that the committee would now consider SB 328, which regulates location of junkyards along certain highways and provides for beautification of adjacent areas.

Mr. Elton Palmer, representing Sun Outdoor Advertising of Las Vegas, requested that he be heard. He said that, unfortunately, they were not aware of this bill until one week ago; that they had not sufficient time to study the bill. We will lose ten percent if we do not comply; that if the committee is satisfied with the bill as it is, we would not like to see the bill passed. He said that it appeared there was a great deal of reasonableness present in this room; that he had worked in California, Sacramento, and he had seen a lot better bills. Regarding the property interest, he said that they had not had a chance to study this bill. Talking in terms of money they do not know what we are going to have to put out. As a private citizen I deeply resent this, the Federal Act is like a blackjack over us; that the tax in Washington that is collected will come back on us. He said that he respectfully asked this committee to give them more time.

The Chairman stated that this meeting was set two weeks ago for the hearing of this bill; that a study was also made two years ago of this problem; that they appointed a study committee that worked for the past two years, also with the highway department and they came up with this bill. That the bill

was introduced in February of this year; also the Chairman said that this should be settled, and in the interest of time.

Nr, Bawden said that the Federal-Aid Highway Act of 1970 was signed by the President on December 31, and as you can see from the letter received from the Secretary of the Interior, John A. Volpe, "that the 1965 Act requires, as a condition precedent to participation in the program, an agreement between the State and the Federal Government which will establish the terms of controlling the size, spacing, and lighting of roadside billboards. Lacking such an agreement, the statute requires me to reduce the regular Federal Aid highway apportionment to your State by 10 percent. The Act authorizes the required funding in limited amounts and therefore, in accordance with the Act, I am lifting the moratorium which has been in effect about 3 years." Mr. Bawden agreed that the time was short; that we tried to notify the billboard companies we had received this letter. The question as to whether the loss of 10 percent in highway funding is worth the control of billboards, there would be the sum of \$2,000.000 to consider.

Senator Monroe said that this sign matter is very odious; that this Federal law was passed by a majority of the people of the United States; that the time has come to do something about it.

The time for stalling has gone past, we are going to lose this ten percent if we don't do something quickly.

Mr. Jerry Smith, representing Southwest Outdoor Advertising of Las Vegas, gave the committee some statistics on the Federal Aid Highway Act, he said that 21 states had passed this, and 29 states had not; that the 29 states are debating whether or not it is worth debating.

The Chairman stated that it was her understanding that the State would receive 10 percent every year. That what the sign people should do is to get together and talk this over.

The Chairman was asked how much time the sign people could have, and she replied: "One week."

Mr. Tom Backmain, representing the Nevada Motel Association, and Western Pacific Association wanted to go on record as favoring the bill; that he felt something could be worked out.

Mr. John Ciardella, Chief Dealer Inspector for the Department of Motor Vehicles was recognized by the Chairman. He said that the department of motor vehicles was not taking a stand, one way or another; that it must be noted that if the bill passes the Department of Motor Vehicles will be involved with Sections 11 and 14 which effects the location of junkyards on highway rights-of-ways.

The Chairman stated that she thought their arguments were very good; that the Department of Motor Vehicles and the State Highway should work together.

Mr. Ciardella said that they were with the Highway department onehundred percent. He then submitted an amendment to the bill, a copy of which is attached hereto, marked Exhibit 3, and made a part of these minutes.

Senator Monroe inquired what would happen to the junk yard people, where the highway department finds a violation. The reply was that they would have to deny these people the right to do business.

Senator Drakulich asked how they proposed taking care of the junkyards.

The Department would say you are no longer complying with the standards, and if they say they can no longer operate, we would have to revoke their license.

Senator Drakulich remarked that if a junkyard had its license revoked they would have a hard time getting rid of it.

Mr. Ciardello said the department would allow a final period for disposal; that the State Highway Department would give them the time.

Mr. Bawden: "I was not aware of these facts. "

If there was a revocation, the inability to operate or relocate would have to be supported on the national level. It does not appear that we are going to have much money for junkyards, we can pay some, but not enough. The fact that a man cannot operate at a certain location, if he cannot comply he would have to be suspended, if he found someplace else he could continue.

Senator Dodge: If you cannot screen him and you have to satisfy the national standards you are going to pay for relocation?

Mr. Bawden said: "Yes," If there are no funds we could not do it.

Senator Dodge: Then they will not pull his permit until he can locate somewhere else.

It was stated that it would cost \$20,000 to relocate such a junkyard.

Senator Dodge inquired if this bill needed to go along with the other.

The Chairman said that she thought the amendment should be drawn by the Department of Motor Vehicles and the State Highway Department.

Senator Dodge said he did not think that mattered, that the license isn't going to be revoked until he has a relocation.

Highway designation numbers were discussed, and it was suggested that Nevada should try and conform with the other states; that the state highways in Nevada have a number on them, and it was thought these should match up with other highway route numbers. The question was asked: "Why can't we coordinate these highway numbers. SB. 339 was held.

The next business before the committee was AB 291, after a short discussion Senator Dodge moved the bill "Do Pass", the motion was seconded by Senator Monroe, and the vote of approval was unanimous.

The Chairman announced that they had amendments on SB 62; that it had been discussed at some length, and Senator Monroe moved that SB 62 "Do Pass", the motion was seconded by Senator Drakulich, and the vote of approval was unanimous.

SB 87 was discussed, and the Chairman said that Senator Monroe has had the amendments printed; these amendments related to tightening up the mufflers on motorcycles; that the license of the offender should be revoked if he does not comply.

Senator Dodge inquired: "What about the speed?"

The Chairman, referring to SB 87, asked what it would do to the 14 and 15 year olds; that it was recommended that it be taken out. The Chairman said that she

had many calls; she thought that in the county the use of these cycles was all right, but not in the urban areas.

The recommendation was that SB 87 be amended and re-referred to this committee.

The Chairman discussed briefly, AB 81, which would take care of the motor registration bill; she stated that she had asked for figures regarding this bill, but they had not come up with them.

SB 328 was considered next, and after a discussion Senator Dodge moved that the bill "Do Pass", the motion was seconded by Senator Monroe, and the vote of approval was unanimous.

There being no further business to come before the committee, it was adjourned at 2 P.M. until Monday, 1 P.M. March 15, 1971.

Respectfully submitted,

E. Story, Secretary

APPROVED:

HELEN HERR, CHAIRMAN



THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

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February 4, 1971

Identical letter addressed to
each Governor

Dear :

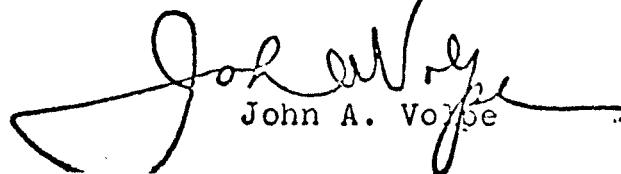
As you may already know, the Federal-Aid Highway Act of 1970, signed by the President on December 31, resumes authorizations for Fiscal Years 1971, 1972, and 1973 to implement the Highway Beautification Act of 1965, particularly in the areas of billboard control and junkyard control. The 1965 Act requires, as a condition precedent to participation in the program, an agreement between the State and the Federal government which will establish the terms of controlling the size, spacing, and lighting of roadside billboards. Lacking such an agreement, the statute requires me to reduce the regular Federal-aid highway apportionment to your State by 10 percent. The imposition of such a penalty has been temporarily deferred by me and my predecessor (acting in accord with provisions of the statute) pending the necessary Congressional authorization of monies by which the Federal government could carry out its part of the agreement. The 1970 Act authorizes the required funding in limited amounts and therefore -- in accordance with the Act -- I am lifting the moratorium which has been in effect for about 3 years.

In a number of States, legislative action is necessary for the State to qualify itself to execute the agreement referred to above. I call this to your attention now in order that you may arrange for passage during the current legislative session if such is needed in your case.

I intend to take a strong and personal interest in the Highway Beautification Program, particularly as it relates to billboards. I urge you to move forward with me in making this program not only a success of itself, but also a model of Federal-State cooperation.

I have asked Federal Highway Administrator Francis C. Turner to issue additional instructional information which your State will receive shortly.

Sincerely,


John A. Volpe

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

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SUBJECT Highway Beautification Program	FHWA NOTICE
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February 17, 1971

EV-30

As you know, the Federal-Aid Highway Act of 1970, which was approved by the President on December 31, 1970, contains authorizations for appropriations for the Highway Beautification Program for fiscal years 1971 through 1973. Also, although a number of amendments to the Highway Beautification Act of 1965 were proposed prior to or during Congressional consideration of the 1970 Act, the 1965 Act was left intact.

The Secretary has expressed considerable personal interest in highway beautification. The Secretary's feeling and intentions were recently made known to the governors of the various States in personal letters to them, a copy of which is attached herewith. It should be obvious to all that the Secretary and the Department intend to insist upon a vigorous, effective Highway Beautification Program. In the light of this, the following actions are being taken or will be instituted in the immediate future:

State Legislation

A number of States have not yet enacted the necessary compliance laws relating to Titles I and II of the Highway Beautification Act of 1965. In other States, laws passed in response to the Act have been found to be deficient in one or more respects. We are ready to provide technical assistance in both situations concerning the drafting of appropriate State legislation, either original or amendatory.

Funds

As has been noted, the 1970 Act authorizes substantial appropriations for highway beautification. At the present time, however, we are operating under a limitation on obligations of \$8.5 million. A Notice concerning distribution of this limit was issued on February 2, 1971.

- more -

DISTRIBUTION: Headquarters
Regions
Divisions

Outdoor Advertising Control Agreements

During the restudy of the Highway Beautification Program and consideration of the 1970 Act by the Congress, we put off negotiations leading to additional outdoor advertising control agreements. We are now prepared to resume such negotiations. When negotiations were suspended, 21 States had executed agreements. Copies of each agreement have been distributed. Also, Federal Highway Administration representatives have met with State officials in each State on one or more occasions during which acceptable outdoor advertising control criteria were discussed. Our position on the agreements should be quite clear from these past negotiations and the executed agreements and, for that reason, we feel that completion of this phase of the outdoor advertising control program should proceed without any undue delay.

The 1970 Act provides for a Highway Beautification Commission which will study the Highway Beautification Program with regard to:

1. existing statutes and regulations,
2. policies and practices of State and Federal agencies,
3. existing and future controls necessary,
4. problems relating to on-premise signs and signs essential to the motoring public,
5. financing and funding, and
6. recommending modification or additions to laws, implementation policies and practices or demonstration programs.

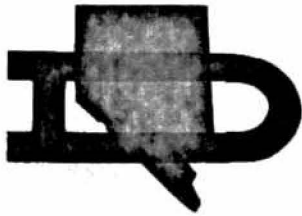
The establishment of the Commission should not be considered an indication that any extensive change in the basic Program will be made in the near future. Senator Randolph, in reporting the results of the House-Senate conference on the 1970 Act, said this about the Commission:

✓ "The conferees stress that creation of the Commission should in no way delay the implementation of the existing beautification program. This desire is underlined by the three year authorization in the bill."



F. C. Turner
Federal Highway Administrator

Attachment

**DONREY OUTDOOR ADVERTISING COMPANY**

120 hubbard way • reno, nevada - 89502 • phone (702) 322-3431

March 10, 1971

The Honorable Helen Herr
Senate Transportation Committee
Legislative Building
Carson City, Nevada

Dear Senator Herr:

First of all, let me thank you for taking the time out of your busy schedule to visit with us regarding S. B. 327. We certainly appreciate your interest and concern in submitting a bill to the legislature that is fair and equitable to all concerned.

As you requested, we visited with the counsel for the Department of Highways as well as the members of Federal Highway Administration.

The changes as suggested by Mr. William M. Raymond in his letter to you of March 8th have been reviewed and discussed and we certainly concur with these recommendations.

We would suggest and request that one additional change be made in the wording of the bill. That change to be made in Section 2.1(a) as follows:

Delete the words: "Form of commercial use of the public Highways".

Add the words: "Legitimate commercial use of private property adjacent to roads and highways".

Sec. 2.1.(a) will then read as follows:

The legislature hereby finds and declares that:

(a) The erection and maintenance of outdoor advertising signs, displays and devices, in areas adjacent to the rights-of-way of the interstate highway system and the primary highway system with this state, is a legitimate commercial use of private property adjacent to roads and highways but that regulation and control or removal of such outdoor advertising is necessary to the system of state highways declared essential by NRS 408.100.

EXHIBIT 2.

The Honorable Helen Herr

Page #2

March 10, 1971


Note: A legal opinion of the General Counsel of the DOT advises that under the Federal Aid Highway Act, a single off-premise advertising sign is "a business" within the definition of the Act and the owner thereof is "a displaced person" so as to establish eligibility for Federal participation for relocation costs in connection with highway acquisitions.

With this change, and those submitted by Mr. Raymond, we feel the bill will not only comply with the Federal Act, but will leave open to negotiations the criteria necessary to draw up an agreement between the State of Nevada and the DOT.

The "agreement" mentioned in the preceeding paragraph will spell out the criteria on size, spacing and lighting in the zoned and unzoned commercial areas, plus provisions for licensing, permits etc. We, as members of the outdoor advertising industry, respectfully request that at such time that this agreement is being drafted we will be allowed to meet with your committee.

Thank you again for your aid and assistance in this matter.

Respectfully submitted,


Donald J. Weigand
Donrey Media Group
Outdoor Co-ordinator

cc: William M. Raymond, Deputy
Attorney General, Assistant
Counsel, Department of Highways

John E. Bawden
State Highway Engineer

Calvin Berge
Federal Highway Administration

Ruby Subia
Federal Highway Administration

A. J. Clayton
Utilities, State Highway Department

DJW/mh

SB-328

The Department of Motor Vehicles does not take a stand on this bill; however, it must be noted that if the bill passes the Department of Motor Vehicles will be involved with Sections 11 and 14 which effects the location of junkyards on highway right of ways.

If the conditions as set forth in this bill are not met and the authority to operate at this location is terminated by the Department of Highways, the Department of Motor Vehicles would have to deny or suspend the wrecker's license under NRS 487.160, Section 4, paragraphs a and f, as follows:

- (a) Does not have or maintain an established place of business in this state.
- (f) Fails to maintain any license or bond required by a political subdivision of this state.

EXHIBIT 3

Submitted by Mr. Ciardello, Chief Dealer Inspector DMV

SB-328

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EXHIBIT 3.

Submitted by John Ciardella, Chief Dealer Inspector, DMV

SENATE

AGENDA FOR COMMITTEE ON TRANSPORTATION

Date Wed. Mar. 10, 71 Time 12:30 PM Room 335
1:15 PM

<u>Bills or Resolutions to be considered</u>	<u>Subject</u>	<u>Counsel requested*</u>
SB 327	Regulates outdoor advertising adjacent to interstate and primary highway systems.	
SB 328	Regulates location of junkyards along certain highways and provides for beautification of adjacent areas.	<i>Do Pass Rodgers Mon 2nd 1003,</i>

*Please do not ask for counsel unless necessary.

HEARINGS PENDING

Date _____ Time _____ Room _____
Subject _____

Date _____ Time _____ Room _____
Subject _____