

Department of Planning and Budget 2018 Fiscal Impact Statement

1. Bill Number: HB1438

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|-----------------|-------------------------------------|--------------|--------------------------|------------|--------------------------|-----------|
| House of Origin | <input checked="" type="checkbox"/> | Introduced | <input type="checkbox"/> | Substitute | <input type="checkbox"/> | Engrossed |
| Second House | <input type="checkbox"/> | In Committee | <input type="checkbox"/> | Substitute | <input type="checkbox"/> | Enrolled |

2. Patron: McGuire

3. Committee: House Transportation

4. Title: Highway signs; drive-in movie theaters.

5. Summary: Adds drive-in movie theaters to the attractions that may be identified on directional and official signs displayed near any Interstate System, National Highway System, or federal-aid primary highway.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Preliminary. See Item 8.

8. Fiscal Implications: According to the Virginia Department of Transportation (VDOT), drive-ins are not an acceptable federal category to place on directional and official signs on federally supported roads and highways. Under 23 USC Section 131 (b), the addition of drive-ins to these signs could jeopardize 10 percent of VDOT's federal highway funds, which would vary between \$90 to \$100 million dollars.

9. Specific Agency or Political Subdivisions Affected: Virginia Department of Transportation

10. Technical Amendment Necessary: No

11. Other Comments: The Virginia Tourism Corporation's "Virginia is for Lovers" website (www.virginia.org/DriveIns) lists seven drive-in theaters in Virginia. According to VDOT, if the objective of the bill is to provide additional advertising locations for drive-in theaters, there may be an alternative that would not require amending the Code of Virginia. VDOT's Integrated Directional Signing Program (IDSP) oversees Specific Service Signs (Logo signs), Tourist-Oriented Directional Signs (TODS), Supplemental Guide Signs, and General Motorist Service Signs. These signs are placed on highway right-of-way rather than private property like Class 1 signs, so there would be no potential loss of funding under the federal statute.

This program provides broad exposure for program participants. As of November 2017, there are approximately 1,700 logo signs supporting 5,600 logo panels on Virginia Interstates and Limited Access Highways, plus additional ramp signs and trailblazer signs where necessary to direct drivers after they get off the Interstate/Limited Access Highway.

The most recent IDSP Participation Criteria were approved by the Commonwealth Transportation Board (CTB) in 2005, based in part on the requirements of § 33.2-1217 of the Code of Virginia and the requirements of the Federal Highway Administration's (FHWA's) Manual on Uniform Traffic Control Devices (MUTCD). That Participation Criteria allows Logo Signs and TODS under the Gas, Food, Lodging, Attractions, and Camping services.

For attractions, the Participation Criteria lists several categories of attractions that are included or excluded from participation. An issue to current program participation by drive-in theater owners is eligibility criteria. Drive-In Theaters are presently not explicitly listed as being included or excluded; however, "movie theaters" are on the list of excluded sites for both the Logo and TODS Programs.

VDOT has the authority to make administrative revisions to the Participation Criteria, such as adding drive-in theatres to the list of allowable Logo Sign Attractions and to the list of allowable category/TODS Signs, without the need for action by the General Assembly or the Commonwealth Transportation Board.

VDOT coordinates any proposed administrative revisions to the Participation Criteria with the Statewide Directional Sign Advisory Committee (SDSAC), which is the appropriate forum to discuss the proposed changes regarding drive-in theaters. SDSAC includes members representing the Virginia Tourism Corporation; Virginia Agribusiness Council; Virginia Restaurant, Lodging, and Travel Association; Virginia Petroleum, Convenience, and Grocers Association; Virginia Association of Counties; American Automobile Association; Virginia Trucking Association; Scenic Virginia; FHWA; and VDOT.

VDOT can add drive-in theaters to the agenda of the next SDSAC meeting, currently scheduled for May 2018. The IDSP is financed through the fees imposed on participating businesses.