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SENATE BILL NO. 763

Offered January 18, 2008

A BILL to amend and reenact § 33.1-369 of the Code of Virginia, relating to changeable electronic variable message signs; moratorium on installations and conversions.

Patrons—Ticer, Locke, Lucas, Puller and Whipple

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 33.1-369 of the Code of Virginia is amended and reenacted as follows:

§ 33.1-369. Certain advertisements or structures prohibited.

No advertisement or advertising structure shall be erected, maintained or operated:

(1) Within 660 feet of the nearest edge of the right-of-way of the Blue Ridge Parkway, the Colonial National Parkway, the Mount Vernon Boulevard, or any other parkway within this Commonwealth or within 660 feet of any public cemetery, public park reservation, public playground, national forest or state forest, outside the limits of any municipality; however, any advertisement or advertising structure which is lawfully in place on April 6, 1966, and which does not conform to the 660-foot distance requirement may be maintained for the life of such advertisement or advertising structure;

(2) Which involves motion or rotation of any part of the structure, moving reflective disks, running animation, or displays an intermittent light or lights visible from any highway. The prohibition of this subsection shall not apply to: (a) an advertisement or advertisement structure with messages that change no more than once every four seconds and is consistent with agreements entered into between the Commonwealth Transportation Commissioner and the United States Department of Transportation or (b) an on-premises advertisement or advertising structure with messages displayed as scrolling words and/or numbers. *On and after July 1, 2008, there shall be a moratorium on the erection or conversion of any advertisement or advertising structure to one using any kind of changeable electronic variable message signs, regardless of the interval or form of message change, including any that would have been allowed by the foregoing provisions of this subdivision. This moratorium shall remain in effect until the General Assembly has had an opportunity to review studies by the Federal Highway Administration and the National Transportation Research Board on the safety impacts of changeable electronic variable message signs and emerging digital technology on motorists;*

(3) Which uses the words "stop" or "danger" prominently displayed or presents or implies the need or requirement of stopping or the existence of danger on any highway, or which is a copy or imitation of official highway signs;

(4) [Reserved.]

(5) Which, within visible distance of any highway, advertises any county, city, town, village, historic place or shrine without the consent, in writing of such county, city, town or village or of the owner of such historic place or shrine;

(6) Which is mobile and is designed to and effectively does distract the attention of passing motorists on any highway by flashing lights, loud and blatant noises or movable objects;

(7) Which involve red, green or amber lights or reflectorized material and which resemble traffic signal lights or traffic control signs and are within visible distance of any highway;

(8) Within fifteen feet of the nearest edge of the pavement of any highway; however, the Commonwealth Transportation Commissioner may waive this restriction whenever the advertisement or advertising structure is actually anchored outside of the right-of-way, and, within his discretion, does not constitute a safety hazard or conflict with any other restriction contained in this section;

(9) At any public road intersection in such manner as would obstruct the clear vision in either direction between a point on the center line of the side road 20 feet from the nearest edge of the pavement of the main road and points on the main road 400 feet distant, measured along the nearest edge of the pavement of the main road;

(10) At any grade intersection of a public road and a railroad in such manner as would obstruct the clear vision in either direction within triangular areas formed by (a) a point at the center of the railroad-public road intersection, (b) a point on the public road 400 feet from the center of the railroad-public road intersection as measured along the center of the public road, and (c) a point on the railroad 500 feet from the center of the railroad-public road intersection as measured along the center of the railroad;

(11) At or near any curve in a road in such a manner as to obstruct the clear vision of traffic from any one point on such curve to any other point not more than 400 feet apart, as measured between each

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59 point from the nearest edge of the pavement;

60 (12) Which advertises activities which are illegal under state or federal laws or regulations in effect
61 at the location of such sign or advertisement or at the location of such activities;

62 (13) Which is obsolete or inconsistent with this article or regulations adopted by the Commonwealth
63 Transportation Board pursuant to this article; or

64 (14) After December 18, 1991, adjacent to any interstate, federal-aid primary, or national highway
65 system highway in the Commonwealth which has been designated as a Virginia byway or scenic
66 highway, except directional and official signs and notices defined in this article and regulations adopted
67 under this article, on-premises signs, and signs advertising the sale or lease of property upon which they
68 are located.