

OTHER AGENCIES

NEW JERSEY MEADOWLANDS COMMISSION

District Zoning Regulations

Site Plan Requirements

Signs

Proposed Amendment: N.J.A.C. 19:4-8.14

Authorized By: New Jersey Meadowlands Commission, Marcia A. Karrow,
Executive Director.

Authority: N.J.S.A. 13:17-1 et seq., specifically 13:17-6(i).

Calendar Reference: See Summary below for explanation of exception
to calendar requirement.

Proposal Number: PRN 2012-149.

A **public hearing** on this matter will be held on Tuesday, November 13, 2012, at 10:00

A.M. at the following location:

New Jersey Meadowlands Commission

One DeKorte Park Plaza

Lyndhurst, New Jersey 07071

Submit written comments by December 14, 2012 to:

Sara J. Sundell, P.E., P.P.

Director of Land Use Management

New Jersey Meadowlands Commission

One DeKorte Park Plaza
Lyndhurst, New Jersey 07071

It is requested (but not required) that anyone submitting written comments also include a disc containing a digital version, preferably in Microsoft Word. Interested persons may obtain a copy of this proposal from the NJMC website, www.njmeadowlands.gov. The proposal may also be inspected during normal office hours at the NJMC, One DeKorte Park Plaza, Lyndhurst, New Jersey 07071.

The agency proposal follows:

Summary

On February 1, 2012, the New Jersey Meadowlands Commission (NJMC) received a petition by Hartz Mountain Industries, Inc. to reduce the timing of message changes of electronic, LED, or digital signs, from 15 seconds to eight seconds. See 44 N.J.R. 943(a). On April 25, 2012, the New Jersey Meadowlands Commission (NJMC) Board of Commissioners authorized staff to prepare and file a notice of proposal with the Office of Administrative Law for publication in the New Jersey Register and to hold a public hearing to obtain public input on the proposed amendment.

Specifically, N.J.A.C. 19:4-8.14(g)4ii is proposed to be amended to reduce the timing of message changes from 15 seconds to eight seconds for electronic billboard signs, currently regulated pursuant to N.J.A.C. 19:4-8.14(h)7, only. Messages on any other electronic, LED, or digital sign shall continue to be subject to a maximum 15-second duration of display between message changes.

The NJMC has provided a 60-day comment period in this notice of proposal. Thus, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed amendment to reduce the timing of message changes on digital billboard signs from 15 seconds to eight seconds is not expected to have a significant social impact. The proposed amendment will promote consistency with Federal policy guidelines and current State of New Jersey regulations concerning variable message signs, which establish eight seconds as the recommended (Federal) or minimum required (State) duration of message changes.

The NJMC staff reviewed several studies regarding the safety of digital billboards in general, including the following:

“Guidance on Off-Premise Changeable Message Signs” Memorandum, from Gloria M. Shepherd, Associate Administrator for Planning, Environment and Realty, U.S. Department of Transportation, Federal Highway Administration, dated September 25, 2007.

“The Effects of Commercial Electronic Variable Message Signs (CEVMS) on Driver Attention and Distraction, An Update,” Publication No. FHWA-HRT-09-018, U.S. Department of Transportation, Federal Highway Administration, February 2009;

“Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs, Final Report Submitted Under NCHRP Project 20-7 (256),” Jerry Wachtel, CPE, Veridian Group, Inc., April 2009;

“An Examination of the Relationship between Digital Billboards and Traffic Safety in Reading, Pennsylvania Using Empirical Bayes Analyses,” Michael W. Tantala, P.E. and Albert M. Tantala, Sr., P.E., published by Institute of Transportation Engineers, 2011; and

“Driving Performance in the Presence and Absence of Billboards, Final Report, Prepared for Foundation for Outdoor Advertising Research and Education,” Suzanne E. Lee, Erik C. B. Olsen, and Maryanne C. DeHart, Virginia Tech Transportation Institute, Center for Crash Causation and Human Factors, February 29, 2003.

The studies reviewed did not provide a definitive statement of endorsement regarding the safety of variable message signs, nor did they provide a definitive link that variable message signs increased the potential for accidents to occur.

The New Jersey Department of Transportation (NJDOT) requires a permit for the placement of outdoor advertising signs throughout the State subject to its regulations. The NJDOT’s current regulation of off-premise multiple message signs at N.J.A.C. 16:41C-8.8 requires that multiple message signs “shall remain fixed for a period of at least eight seconds, and a message change shall be accomplished completely within one second or less.” Any application for a billboard sign in the Meadowlands District, whether static or digital, requires the prior approval of the NJDOT. Therefore, it is not anticipated that digital billboard signs having a message duration of eight seconds in

the Meadowlands, instead of 15 seconds, will have a significant social impact, since other digital billboards in the State are currently subject to a minimum message duration of eight seconds.

Since the regulations and policies reviewed pertained primarily to outdoor advertising signs, which are generally larger and sited proximate to higher-speed highway locations, the NJMC proposes to amend its current regulation to reduce the timing of message changes to eight seconds for digital billboard signs only, currently regulated at N.J.A.C. 19:4-8.14(h)7. The NJMC does not propose to change the maximum 15-second duration for other digital signs, which, for example, may be sited at businesses along local roadways, for which no safety study has been conducted, to the knowledge of the NJMC.

Economic Impact

The reduction in timing of message changes to eight seconds will allow more advertising revenue to be generated by the outdoor advertising companies, which may have a positive economic impact on State revenue collections.

Federal Standards Statement

N.J.S.A. 52:14B-4 requires State agencies that adopt, readopt or amend State regulations that exceed any Federal standards or requirements to include in the rulemaking document a comparison with Federal law. The District is located within the Federally designated Coastal Zone Management Area for New Jersey (designated in

accordance with 15 CFR 923.53(a)(1)). The NJMC acts as the lead coastal planning and management agency for the District under the guidance of the New Jersey Department of Environmental Protection (NJDEP).

The NJMC District Zoning Regulations serve as a regulatory tool for meeting the goals and rules established by the New Jersey Coastal Management Program. The proposed amendment does not contain any requirements or standards in excess of those imposed under Federal law.

Jobs Impact

The NJMC does not anticipate the rule proposal will have a significant impact on job creation or retention in the State of New Jersey. The proposed amendment involves a more permissive change in the timing of message displays on digital billboard signs, where permitted in the Meadowlands District. The proposed amendment will allow additional advertising to be displayed on such variable message signs, which will not hamper job creation or retention in the State.

Agriculture Industry Impact

The proposed amendment will not have an impact on agriculture in the State of New Jersey. The Hackensack Meadowlands District is an area comprised primarily of commercial, industrial, and residential areas.

Regulatory Flexibility Statement

The proposed amendment does not impose additional reporting, recordkeeping, or other compliance requirements on small businesses. The proposed amendment reduces the timing of message changes on digital billboard signs from 15 seconds to eight seconds. Under terms of the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., small businesses are those that employ less than 100 full-time employees. Small businesses in the District include such groups as property owners, tenants, applicants, and developers.

The NJMC does not administer its regulations differently based on the size of a business because the mandates of the agency outlined in its enabling statute (N.J.S.A. 13:17-1 et seq.) require that they be uniformly imposed upon all property owners in the District. Accordingly, the proposed rule amendment provides no differentiation in compliance requirements based on business size. In order to provide for uniform and consistent applicability of these rules within the District, no differential treatment is afforded to small businesses. All businesses should be able to comply with the rules utilizing procedures and services customarily typical of the construction and outdoor advertising industry.

Housing Affordability Impact Analysis

The proposed amendment is not expected to impact the average costs associated with housing in the Hackensack Meadowlands District. The proposed amendment

concerns the NJMC's regulation of the timing of message changes on commercial advertising signs, which bears no correlation to the cost of housing.

Smart Growth Development Impact Analysis

The District is not located within Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan. Accordingly, the proposed amendment will not affect, in any manner, new construction within those areas.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

19:4-8.14 Signs

(a) - (f) (No change.)

(g) Safety and maintenance requirements for signs are as follows:

1. - 3. (No change.)

4. Electronic, LED, or digital signs may be permitted, subject to the limitations in

(g)3 above and the following:

i. (No change.)

ii. **Each message on a billboard sign subject to the provisions of (h)7 below shall be displayed for a minimum of eight seconds.** Each message on [the] **any other electronic, LED, or digital** sign shall be displayed for a minimum of 15 seconds. All static message changes shall be completed within one second;

iii. - iv. (No change.)

5. - 7. (No change.)

(h) - (j) (No change.)