

NOTICE OF PROPOSED REGULATION
California Code of Regulations
Title 4, Business Regulations
Department of Transportation

TO ALL INTERESTED PERSONS:

NOTICE IS HEREBY GIVEN that the California Department of Transportation (“Department”), Office of Outdoor Advertising, pursuant to authority granted by Business and Professions Code sections 5250 and 5415, proposes to amend section 2424 of the California Code of Regulations, Title 4, Division 6, Chapter 3.5, concerning the outdoor advertising permit renewal process after considering all comments, objections and recommendations regarding the proposed action.

NO PUBLIC HEARING SCHEDULED

The Department has not scheduled a public hearing on this proposed action. The Department, however, will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period. Written, email or facsimile comments submitted during the prescribed comment period have the same significance and influence as written or oral comments presented at a public hearing.

If scheduled, the purpose of a public hearing would be to receive written and oral comments about the proposed regulations. It would not be a forum to debate the proposed regulations, and no decision regarding the permanent adoption of the proposed regulations would be rendered at a public hearing.

WRITTEN COMMENT PERIOD

A written comment period has been established commencing on Friday, March 15, 2019 and ending on Monday, April 29, 2019. Any interested person, or authorized representative, may submit written comments relevant to the proposed regulation action to the Department. The written comment period closes at **5:00 pm on Monday, April 29, 2019**. For comments to be considered by the Department, they must be submitted in writing to the Department of Transportation, Office of Outdoor Advertising, 1120 N Street, MS-36, Sacramento, California 95814; by fax at (916) 651-9359; or by e-mail with a subject line of “Permit Renewal Regulation Public Comment” at ODAreulations@dot.ca.gov before the close of the comment period. All written comments received by the Department during the public comment period are subject to disclosure under the Public Records Act.

CONTACT PERSONS

Please direct inquiries and requests for copies of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other documents or information upon which the rulemaking is based, to the contact at the address herein.

California Department of Transportation
Division of Traffic Operations - Outdoor Advertising Program
Attn: Velessata Kelley or Kia-Maria Zamora
1120 N Street, MS-36
Sacramento, CA 95814
ODAreulations@dot.ca.gov
916-654-6473

AUTHORITY AND REFERENCE

Business and Professions Code, Sections 5250 and 5415, authorize the Department to adopt the proposed regulatory actions that would set the permit renewal process authorized under Business and Professions Code, Section 5358, 5360, 5463 and 5485.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department proposes to amend Section 2424, Permit Renewal Process, in Title 4 of the California Code of Regulations. Business and Professions Code, Section 5250 authorizes the Department to promulgate regulations to enforce the Outdoor Advertising Act (Business and Professions Code 5200 et seq.) consistent with national standards. Business and Professions Code, Section 5485 requires the Director to set the annual permit fee. The Outdoor Advertising Act and national standards provide specific requirements and restrictions concerning the specifications of outdoor advertising displays and the conduct of outdoor advertising activities, including licensing and permitting requirements. Moreover, there is statutory authority that concerns violation and enforcement provisions related to displays, permits and licenses.

The proposed regulatory action will implement the Outdoor Advertising Act requirements concerning the setting of the permit renewal process by allowing Permittees the option to pay their renewal fee on an annual basis or pay one-fifth of the five-year renewal fee during the five-year renewal term. It also provides clarification with regards to when a renewal fee is due and when a penalty fee is assessed.

After conducting an evaluation of any other regulations in this area, the Department has determined that these are the only regulations concerning the outdoor advertising permit renewal process. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations. These proposed regulations will continue to provide consistency and effectively serve the Department, the industry and the public by ensuring that the permit renewal process is clear and understandable.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None

Other non-discretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impact on a representative private person(s) or businesses: The Department is not aware of any cost impacts on private person(s) or businesses that would necessarily incur in reasonable compliance with the proposed regulatory action.

Statewide adverse economic impact directly affecting businesses and individuals: Although the proposed action *will* directly affect businesses statewide, including small businesses, the Department concludes the adverse economic impact, including the ability of California businesses to compete with businesses in other states, *will not* be significant.

Significant effect on housing costs: None

Results of the Economic Impact Analysis/Assessment

The Department concludes the proposed regulations are: (1) unlikely to eliminate any jobs for outdoor advertising companies, or other businesses within the State of California; (2) unlikely to eliminate any existing businesses; (3) unlikely to affect the expansion of businesses currently doing outdoor advertising; and (4) unlikely to create any new jobs or businesses for outdoor advertising companies or within the State of California.

Benefits of the Proposed Action: The proposed regulation will ensure that the permit renewal process is clear and understandable and allows Permittees the option to pay their renewal fee on an annual basis or pay one-fifth of the five-year renewal fee during the five-year renewal term. It also provides clarification with regards as to when a renewal fee is due and when a penalty fee is assessed.

Small Business Determination: This proposed regulatory action may affect small business. The Department has determined that the proposed regulatory action will directly affect business statewide, but the Department concludes the economic impact, will not be significant.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code, Section 11346.5 subdivision (a)(13), the Department must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulatory action during the written comment period.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address during regular business hours. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations and the initial statement of reasons. Copies may be obtained by contacting the Office of Outdoor Advertising at the above address or phone number.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the Office of Outdoor Advertising at the address above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting the Office of Outdoor Advertising at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of the proposed regulation can be accessed through the Department's website at <https://dot.ca.gov/programs/traffic-operations/oda>.

***** END *****