

Report From Agency

**PROPOSED ORDER OF THE STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION
ADOPTING RULES**

CR 12-046

The Wisconsin Department of Transportation proposes an order to amend Trans 200.06 (7) (b) 3. a., relating to the erection of signs on public highways, and affecting small business.

**REPORT OF THE DEPARTMENT OF TRANSPORTATION
ON THE FINAL RULE DRAFT**

This report is submitted to the chief clerks of the Senate and Assembly for referral to the appropriate standing committees. The report consists of the following parts:

Part 1--Analysis prepared by the Department of Transportation.

Part 2--Rule text in final draft form.

Part 3--Recommendations of the Legislative Council.

Part 4--Analysis prepared pursuant to the provisions of s. 227.19(3), Stats.

Submitted by:

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PART 1

Analysis Prepared by the Wisconsin Department of Transportation

Statutory authority: Sections 86.195 and 227.11 (2) (a), Stats.

Statutes interpreted: Sections 86.195 and 227.11 (2) (a), Stats.

Explanation of agency authority: Section 227.11 (2) (a), Stats., expressly confers rulemaking authority on the department to promulgate rules interpreting any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of the statute. The Department of Transportation may authorize the erection and maintenance of a specific information sign upon the request of any person within the right-of-way of a federal-aid primary highway or within the right-of-way of a federal-aid secondary highway under the jurisdiction of the department in accordance with s. 86.195, Stats.

Related statute or rule: There are no statutes or rules other than those referenced above or currently under promulgation related to this proposed rulemaking.

Plain language analysis: This proposed rule-making would re-word Trans 200.06 (7) (b) 3.a., relating to the number of business logo panels allowed on specific information signs at interchanges when fewer than 6 qualified facilities are available in one or more of the categories of GAS, FOOD, LODGING, CAMPING and ATTRACTIONS. Business logo panels for 2 categories of motorist services may be displayed on the same information sign with certain limitations. This proposed rule-making increases flexibility, allowing more businesses to participate while making optimal use of existing structures.

Summary of, and preliminary comparison with, existing or proposed federal regulation: This rule change is consistent with the 2009 Federal Manual on Uniform Traffic Control Devices (MUTCD) adopted by WisDOT. By allowing more flexibility, more businesses could participate in the Specific Information Sign (SIS) program.

Comparison with Rules in the Following States:

Michigan: The categories allowed in Michigan are Gas/Diesel, Food, Lodging

Camping and 24-hour Pharmacies. When displaying logo panels for multiple categories, Michigan complies with the 2009 MUTCD: When 2 types of services are displayed on one sign, the logo sign panels shall be limited to either 3 for each motorist service type (for a total of 6 sign panels), or 4 of one motorist service type and 2 of the other motorist service type (for a total of 6 sign panels).

Minnesota: Logo signs can be installed on Interstate highways and certain freeways in the Minneapolis/Saint Paul area. Other highways are ineligible. The signs are located at interchanges, not intersections.

GAS, FOOD, LODGING and CAMPING businesses may advertise on logo signs. These businesses provide essential motorist services, according to the Federal Highway Administration (FHWA). When displaying logo panels on Interstate highways and certain freeways, Minnesota's logo program complies with the 2009 MUTCD, which allows 4 of one motorist service type and 2 of the other motorist service type (for a total of 6 sign panels).

Illinois: The Illinois Department of Transportation (IDOT) administers a Business Logo Signing Program along various Interstate highways and other freeways. This program involves mounting gas, food, lodging, camping business, and 24-hour pharmacy signs, referred to as logos, on large blue-background panels in advance of interchange exits and along exit ramps to alert motorists to available motorist services.

The program includes all sections of Interstate highways and other freeways except those passing through densely populated urbanized areas where logo signing would overload motorists with information that is not essential to their safe travel. It does not apply to highways under the jurisdiction of the Illinois State Toll Highway Authority.

Logo panels may be displayed to allow 3 business categories with 2 business logo panels from each category (for a total of 6 sign panels) on a single business sign structure. When 2 business categories are displayed on a single sign structure, 3 logo panels from each of the 2 business categories may be displayed, or 4 logo panels from one business category and 2 logo panels from another business category (for a total of 6 sign panels).

TOURIST ATTRACTION signs may be combined with business logo signs (Gas, Food, Camping and 24-Hour Pharmacy) on the same structure, with no more than 6 business logo panels displayed on any one structure. Tourist Attraction panels will not be combined with existing business service signs displaying more than 3 business logo panels. When tourist attraction signs are combined with business logo signs, one space will remain available for each business logo service type displayed on the structure.

This combination is different from what is suggested in the 2009 MUTCD.

Iowa: Iowa DOT requirements for mainline specific service signs erected in advance of an interchange, in a single direction of travel, and limitations regarding the numbers and types of business signs attached to these motorist service signs are as follows: Each mainline specific service sign is limited to 6 business logo panels. This

restriction applies regardless of whether the specific service sign displays a single type of motorist service or a combination of motorist service types.

In general, only one type of motorist service should be displayed on each mainline specific service sign. However, the department may combine motorist service types on one sign for a reason such as, but not limited to, the following:

- (1) Each combination sign is limited to 6 business logo panels.
- (2) No more than 3 motorist service types shall be represented on any combination sign.
- (3) For a combination sign displaying 3 types of motorist services, the number of business logo panels for each motorist service type is limited to 2.
- (4) For a combination sign that will accommodate at least 4 business logo panels, each type of motorist service displayed on the sign must have at least 2 positions designated for that service type. This complies with the 2009 MUTCD.

Summary of factual data and analytical methodologies used and how the related findings support the regulatory approach chosen: The proposed rule change complies with the Federal Highway Administration MUTCD adopted by WisDOT. When 2 types of motorist services are displayed on one sign, the logo sign panels shall be limited to either 3 for each motorist service type (for a total of 6 sign panels), or 4 of one motorist service type and 2 for the other motorist service type (for a total of 6 sign panels).

Analysis and supporting documentation used to determine effect on small businesses: The proposed rule change does not have a significant economic impact on small business. The amendment to this rule will have a minor impact on small businesses that fall under the categories of GAS, FOOD, LODGING, CAMPING and ATTRACTIONS, and that participate in the Specific Information Signing (SIS) program. The additional business panel space that this rule will create by permitting two business panels of one category and four business panels of another category (rather than the three categories currently allowed), will give motorists more information about businesses to choose from at these exits.

The degree of economic impact experienced by participating businesses cannot be predicted using data due to the subjective nature of the proposed rule amendment. Giving motorists more choices does not guarantee a positive or negative economic impact for the affected businesses. However, small businesses will likely become more competitive by the addition of more small business advertising. There is no reporting, bookkeeping, or other procedures required for compliance with the rule, nor are any special professional skills necessary for compliance with the rule. The number of exits or interchanges affected by this rule change statewide is minimal; therefore, the overall economic impact would be insignificant.

Effect on small business: To the extent that more small businesses participate in the SIS program, and more information about businesses is available to motorists, there may be a minimal positive economic impact on private sector revenues.

Fiscal effect: The Department estimates that there will be no fiscal impact on the liabilities or revenues of the state, or any county, city, village, town, school district, vocational, technical and adult education district, sewerage district, or federally-recognized tribes or bands.

Anticipated costs incurred by private sector: The Department estimates that there will be no additional costs incurred by the private sector.

Agency contact person and copies of rule: Copies of the rule can be obtained, without cost, by writing to Matt Rauch, SIS/TODS Program Coordinator, Bureau of Traffic Operations, Traffic Engineering Section, Traffic Design Unit, Room 501, P. O. Box 7986, Madison, WI 53707-7986, or by calling (608) 266-0150. You may also contact Mr. Rauch via e-mail at: matt.rauch@dot.wi.gov.

PART 2

TEXT OF PROPOSED RULE

SECTION 1. Specific Information and Business Signs. Trans 200.06 (7) (b)

3.a. is amended to read: At interchanges where not more than 3 qualified facilities are available for each of 2 or more types of motorist services, business signs for 2 types of motorist services may be displayed on the same specific information sign.

~~Not more than 3 business signs for each type of motorist service may be displayed in combination on a specific information sign with 2 types of motorist services. When it becomes necessary to display a fourth business sign for a type of motorist service displayed in combination, the business signs involved shall then be displayed in compliance with subds. 1. and 2.~~ When 2 types of motorist services are displayed on one sign, the business sign panels shall be limited to 3 for each motorist service type, or 4 for one motorist service type and 2 for the other motorist service type. Not more than 6 business sign panels may be displayed on one specific information sign.

SECTION 11. Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats. **(END OF RULE TEXT)**

Signed at Madison, Wisconsin, this ____ day of _____, 2013.

Mark Gottlieb, P.E.
Secretary
Wisconsin Department of Transportation

PART 3

CR-12-046

RECOMMENDATIONS OF THE LEGISLATIVE COUNCIL

The following is the Legislative Council's Clearinghouse Report and Comments for Clearinghouse Rule 12-046, submitted to the department on November 1, 2012. The Legislative Council made no recommendations or comments.

PART 4

CR 12-046

ANALYSIS OF FINAL DRAFT OF TRANS 200

(a) **Basis and Purpose of Rule**. The purpose of Chapter Trans 200 is to reword s. Trans 200.06 (7) (b) 3.a. so as to become more consistent with the 2009 Federal Manual on Uniform Traffic Control Devices (MUTCD) adopted by the Wisconsin Department of Transportation (WisDOT).

(b) **Modifications as a Result of Testimony at Public Hearing**. The public hearing was held in Madison on November 28, 2012. There was no testimony at the public hearing; therefore, no modifications were made as a result of the public hearing.

(c) **List of Persons who Appeared or Registered at Public Hearing**. No persons appeared at the public hearing.

(d) **Summary of Public Comments and Agency Responses to those Comments**: N/A

(e) **Explanation of any Changes Made to the Plain Language Analysis or Fiscal Estimate**: No changes were made to the Plain Language Analysis or Fiscal Estimate.

(f) **Response to Legislative Council Recommendations**. The Legislative Council made no recommendations in its report.

(g) **Final Regulatory Flexibility Analysis**. The proposed rule change does not have a significant economic impact on small business. The amendment to this rule may have a minor impact on small businesses that fall under the categories of GAS, FOOD, LODGING, CAMPING and ATTRACTIONS, and that participate in the Specific Information Signing (SIS) program by increasing the number of small businesses that participate.