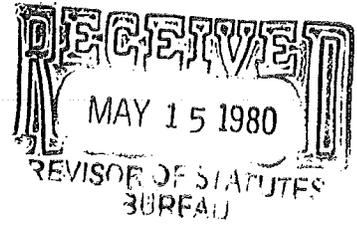


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CR 79-50



C E R T I F I C A T E

STATE OF WISCONSIN)
)
DEPARTMENT OF TRANSPORTATION) ss

TO ALL TO WHOM THESE PRESENTS COME:

I, Lowell B. Jackson, Secretary of the Department of Transportation and custodian of the official records of the Department, do hereby certify that the annexed rule relating to the erection of signs on public highways (CR 79-50) was duly approved and adopted by this Department on May 14, 1980.

I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Hill Farms State Office Building in the City of Madison, this 14th day of May, 1980.



Lowell B. Jackson

Lowell B. Jackson, P.E.
Secretary
Wisconsin Department of Transportation

Revt. effective date 8-1-80.

MAY 15 1980

STATE OF WISCONSIN

DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY

CR 79-50

A RULE to renumber Hy 10 and to amend TRANS 200.01(1), 200.02, 200.03(1), (6) and (7), 200.04 and 200.05(1) and (8), all as renumbered, relating to the erection of signs on public highways.

ORDER ADOPTING RULES

Analysis Prepared by the Department of Transportation

General summary of proposed rule. This rule renumbers the current Chapter Hy 10 to TRANS 200 and amends the current rule text. The renumbering is being done as part of a general restructuring of the Department of Transportation's administrative rules and has been coordinated with the Legislative Council staff and the Revisor of Statutes in accordance with secs. 227.024(1)(e), Stats.

The purpose of the amendments is solely to bring the language of the rule into conformity with statutes that have been changed or adopted since the adoption of the rule. Section 86.19, Stats., which provides the primary authority for this rule, was amended by Chapter 29, Laws of 1977, to refer to the Department of Transportation rather than the former State Highway Commission. Accordingly, all references to the former commission in the rule are changed to the Department. The other amendments to the rule as renumbered are as follows:

TRANS 200.04(2) - reference to sec. 85.14, Wis. Stats. (1955), is changed to reflect the renumbering of that section.

TRANS 200.04(3) - reference to "connecting streets" is changed to "connecting highways" to reflect the change in sec. 86.32, Stats.

This rule has not been preceded by notice and public hearing because the changes it makes are either procedural (the renumbering) or designed solely to conform to statutory changes (sec. 227.02(1)(a) and (b), Stats.).

Authority for rule. Section 86.19(2), Stats., requires the Department of Transportation to "prescribe regulations with respect to the erection of signs on public highways."

Fiscal estimate. The rule change will have no fiscal impact on the state or any other unit of government.

Forms. Existing sign permit forms will be revised to reflect the renumbering and reference changes, if necessary. Copies of such forms may be obtained at no charge from the Division of Highways and Transportation Facilities, Department of Transportation, P. O. Box 7916, Madison, WI 53707.

This analysis has been prepared by Howard I. Bernstein, Assistant General Counsel, Department of Transportation (266-8810).

Pursuant to authority vested in the Department of Transportation by secs. 86.19(2) and 227.014, Wis. Stats., the Department of Transportation hereby adopts rules interpreting sec. 86.19, Wis. Stats., as follows:

Chapter Hy 10 of the Wisconsin Administrative Code is renumbered Chapter TRANS 200, and as renumbered sections TRANS 200.01(1), 200.02, 200.03(1), (6) and (7), 200.04, and 200.05 (1) and (8) are amended to read:

TRANS 200.01 Authority for regulations. (1) Pursuant to authority contained in section 86.19(2), ~~Wis.~~ Stats., the ~~commission~~ department of transportation prescribes the following regulations with respect to the erection of signs on public highways.

TRANS 200.02 Authority for the erection of signs. (1) The ~~commission~~ department of transportation or its authorized representatives in the case of the marked routes of state

trunk highways, and local authorities with respect to highways under their exclusive jurisdiction, may place and maintain such traffic signs and signals as they deem necessary to warn, guide, inform, and regulate traffic, and also such signs and signals as are expressly permitted or required by the statutes or by these regulations, subject, however, to such limitations and restrictions as are contained in the statutes and these regulations.

(2) The ~~commission~~ department of transportation with respect to the state trunk highway system, and local authorities with respect to highways under their jurisdiction, may erect or permit any department of the federal, state or local government to erect such standard signs as the ~~commission~~ department of transportation or local authorities deem necessary to inform and warn the public of federal or state laws, local ordinances and lawful regulations by any such department.

TRANS 200.03 Guidance signs for resorts, hotels, county institutions, etc. (1) Any person or persons conducting a summer or winter resort, hotel, or any place of public entertainment or instruction, or any place of religious worship, or persons having charge of any county institution or of any scientific experiment for the furtherance of agriculture or other science or art may be permitted to erect guidance signs of a type approved by the ~~Commission~~ department subject to the conditions contained in this section.

TRANS 200.03(6) All guidance signs erected on any public highway shall be of a type and design approved by the commission department. No flashing, illuminated, or reflecting signs or installation shall be permitted.

TRANS 200.03(7) No guidance sign may be erected upon state trunk highway right of way at an intersection with the state trunk highway system until the location and manner of erection of the sign have the written approval of the commission department. No guidance sign may be erected on the right of way of a county and town highway until the location and manner of erection of the sign have the written approval of the local authorities having jurisdiction over the said highway.

TRANS 200.04 Prohibited signs and signals. (1) No person shall erect, cause to be erected, or permit to be erected any advertising, warning, route, guide, information, or regulatory sign or signal within the limits of any street or highway except as authorized in sections Hy 10-02 and 10-03 and 10-05 TRANS 200.02, 200.03, and 200.05.

(2) No person shall place or maintain nor shall any public authority permit upon any highway any traffic control device bearing thereon any commercial advertising (See section 85-14 ss. 346.41 and 349.09, Wis. Stats.)

(3) No local authority shall place or maintain any stop sign or traffic control signal which stops or regulates the movement of traffic on or entering the state trunk highway

system or the urban extensions of the marked routes thereof, designated by the statutes as connecting ~~streets~~ highways, without the approval of the ~~commission~~ department.

TRANS 200.05 Warning signs for underground transmission lines. (1) Subject to the conditions set forth in this chapter and in compliance with the provisions of ~~section s.~~ s. 86.16, Wis-Stat-7 Stats., the ~~state highway commission~~ department may grant permits to public utility companies and cooperatives to erect on highway right of way signs giving notice of the presence of underground conduit, cables, or pipe for the transmission of electric power, communications or liquid or gaseous fuels.

TRANS 200.05(8) Special cases where application of this general policy is deemed impractical, inadequate or unreasonable shall be subject to special study and individual decision by the ~~commission~~ department as to disposition.

(End)

The renumbering and amendments contained in this rule shall take effect upon publication as provided in sec. 227.026(1)(intro.), Wis. Stats.

Dated at Madison, Wisconsin, this
14th day of May, 1980.



LOWELL B. JACKSON, P.E.
Secretary
Wisconsin Department of Transportation