

CR 86-21

CERTIFICATE

RECEIVED
JUN 18 1986
11:30am
Revisor of Statutes
Bureau

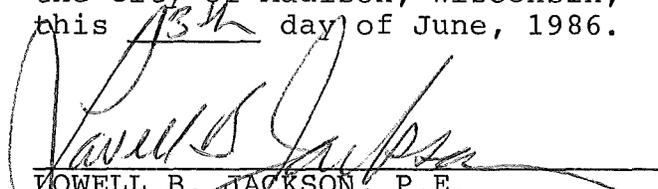
STATE OF WISCONSIN)
) s.s.
DEPARTMENT OF TRANSPORTATION)

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Lowell B. Jackson, Secretary of the Wisconsin Department of Transportation and custodian of the official records of the Department, do hereby certify that the rule relating to erection and maintenance of specific information signs within the limits of public highways, was duly approved and adopted by this Department on June 13, 1986.

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 of Transportation in the City of Madison, Wisconsin, this 13th day of June, 1986.


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

IN THE MATTER OF THE AMENDMENT	:	
OF CH. TRANS 200, WISCONSIN	:	ORDER
ADMINISTRATIVE CODE, RELATING	:	ADOPTING, AMENDING
ERECTION AND MAINTENANCE OF	:	OR REPEALING
SPECIFIC INFORMATION AND	:	RULES
BUSINESS SIGNS WITHIN THE	:	
LIMITS OF PUBLIC HIGHWAYS	:	CLEARINGHOUSE RULE 86-21

To repeal Trans 200.015(2)(o), 200.06(1)(a) and (b), and 200.06(3)(d); to amend Trans 200.06(1)(intro.), (1)(e), (h), (k) and (q), 200.06(3)(e) and (f), 200.06(5)(a) and (b), 200.06(6)(e)2., 200.07(a)4., and Form Trans 200.06; to repeal and recreate Trans 200.06(3)(g), and to create Trans 200.015(im), and 200.06(1)(x), relating to erection and maintenance of specific information and business signs within the limits of public highways.

Analysis Prepared by the Wisconsin Department of Transportation

General Summary of Rule. 1985 Wisconsin Act 29, SECTIONS 1603e to 1603m, changed sec. 86.195, Stats., effective July 20, 1985, in various ways to remove previous statutory impediments and restrictions to the erection and maintenance of specific information and business signs within the limits of certain public highways to advise motorists of the availability of gas, food, lodging and camping facilities. No signs were erected under the law before it was amended because only 2 business signs could be permitted statewide, and the cost was, therefore, prohibitive.

This proposed rule is designed solely to bring the language of the existing rule into conformity with the statute which was changed since the adoption of the rule on February 29, 1984. It is adopted under the procedure of s. 227.02(1)(b), Stats.

The statute makes the following changes:

1. Extends eligibility for the signs from solely the federal-aid primary system to include that part of the federal-aid secondary highway system under the Department of Transportation's (DOT's) jurisdiction. The miles of highway eligibility, therefore, expand from 8,892.26 miles of federal-aid primary and 577.83 miles of interstate highway to include 2,224.45 miles of federal-aid secondary highway under DOT's jurisdiction.

2. Allows the signs to be erected and maintained within any city or village, except in Milwaukee County, if the signs comply with rules of the DOT.

3. Extends eligibility for the signs to include motorist services located within the limits of zoned commercial or industrial areas. These motorist services were previously ineligible if they were located within zoned commercial or industrial areas.

4. Allows the signs to be installed on the same highway on which an outdoor advertising sign (billboard) for the same business is located, if the outdoor advertising sign is 3 miles or more from the new, on-highway sign.

5. Requires the requesting business to furnish and pay for the requested business sign that meets the DOT's specifications. It, therefore, also eliminates that portion of the annual fee to be charged by DOT previously for the manufacture of the business sign.

6. Eliminates the previous statutory requirement that installation and maintenance contracts by DOT with sign companies be for a period of no less than 5 years. Contracts may now be for any reasonable period, less or greater than 5 years.

This rule changes the existing rule, ch. Trans 200, Wis. Admin. Code, to conform with the above statutory changes.

Initial Regulatory Flexibility Analysis. The rule will not have an economic impact on a substantial number of small businesses. The on-highway advertising allowed should benefit all business advertising.

Fiscal Estimate Summary. This rule has no fiscal effect independent of the fiscal effect of the changes in s. 86.195, Stats., by 1985 Wisconsin Act 29. A fiscal estimate is attached. Annual costs are to be fully offset by annual fees. The annual workload anticipated may decrease depending on stability of the program after the initial workload of the first two to four years.

This analysis was prepared by James S. Thiel, General Counsel, Wisconsin Department of Transportation, 103B Hill Farms State Transportation Building, P.O. Box 7910, Madison, Wisconsin 53707, 608/266-8810.

TEXT OF RULE

Pursuant to authority vested in the department of transportation by ss. 86.19(2) and 86.195, Stats., the department of

of transportation hereby proposes to repeal, amend and adopt rules interpreting s. 86.195, Stats., as affected by 1985 Wisconsin Act 29, as follows:

SECTION 1. Trans 200.015(2)(im) is created to read:

Trans 200.015(2)(im) "Federal-aid secondary highway" means a highway designated by the department and approved by the secretary of the United States department of transportation under s. 84.01(15) and 23 U.S.C. s. 103(c) that is under the jurisdiction of the department.

SECTION 2. Trans 200.015(2)(o) is repealed.

SECTION 3. Trans 200.06(1) (intro.) is amended to read:

Trans 200.06(1) (intro.) The department may authorize the erection and maintenance of business signs on specific information signs within a federal-aid primary or secondary highway subject to the following restrictions:

SECTION 4. Trans 200.06(1)(a) and (b) are repealed.

SECTION 5. Trans 200.06(1)(e) is amended to read:

Trans 200.06(1)(e) No business sign may be erected or maintained for any business advertising on the same highway on a sign authorized or permitted under s. 84.30, Stats., which is 3 miles or less in either direction from the specific information sign on which the installation of the business sign is requested.

SECTION 6. Trans 200.06(1)(h) is amended to read:

Trans 200.06(1)(h) No business sign may be erected or maintained on a freeway for a business that is reached by any other freeway. No business sign may be erected or maintained on an expressway for a business that is reached by any other

expressway or by any freeway. No business sign may be erected or maintained on a conventional highway for a business that is reached by any other conventional federal-aid primary or secondary highway or by any expressway or freeway.

SECTION 7. Trans 200.06(1)(k) is amended to read:

Trans 200.06(1)(k) When there are more business signs requested than the number that may be permitted, the businesses that are nearest the through federal-aid primary or secondary highway shall have priority. At double exit interchanges, the distance shall be measured separately for each pair of double exits, and the shorter distance shall determine priority.

SECTION 8. Trans 200.06(1)(q) is amended to read:

Trans 200.06(1)(q) No business sign may be erected or maintained ~~on a federal-aid primary highway~~ by any applicant for the sign.

SECTION 9. Trans 200.06(1)(x) is created to read:

Trans 200.06(1)(x) No specific information sign may be erected within any county having a population over 500,000.

SECTION 10. Trans 200.06(3)(d) is repealed.

SECTION 11. Trans 200.06(3)(e) is amended to read:

Trans 200.06(3)(e) Each applicant shall state on its application that it shall furnish the department's contractor the brand, symbol or trademark or business sign meeting the department's specifications for the business sign. ~~As--an alternative-to-foregoing-the-applicant-may-submit-a-drawing-of-its name-with-its-application-that-the-department-may-use-to-contract for-the-manufacture-and-erection-of-the-business-sign.~~

SECTION 12. Trans 200.06(3)(f) is amended to read:

Trans 200.06(3)(f) If an application is approved and a permit issued, an annual permit renewal fee shall be required for administrative costs and routine inspection. Annual renewal of the permit shall be subject to review and approval or denial by the department. If there are more business signs requested than the number that may be permitted, the permit shall be denied or not renewed in favor of any eligible applicant providing a motorist service that is nearer the through federal-aid primary or secondary highway.

SECTION 13. Trans 200.06(3)(g) is repealed and recreated to read:

Trans 200.06(3)(g) Applications for permits may be submitted to the department within periods announced and publicized by the department. Applications received during announced periods may be considered project groups.

SECTION 14. Trans 200.06(5)(a) and (b) are amended to read:

Trans 200.06(5)(a) The department shall prepare plans and specifications for the manufacture, erection and maintenance of signs. The department's specifications shall require all sign panel supports to be of a breakaway design. The department may elect to undertake the manufacture and erection of signs by erection contract or by maintenance contract. The department may also elect to undertake the manufacture of specific information signs by separate contract from the maintenance or erection contracts, and contracts may be of any statewide, regional, district or local scope deemed reasonable and cost effective by

the department. All erection and maintenance work shall be done under contracts administered by the department. No work may be done by any applicant. The applicant ~~may~~ shall furnish the department's contractor the applicant's brand, symbol, trademark or name, or combination of these, or the business sign meeting the department's specifications as the business sign. All materials furnished as business signs by an applicant or by the department's contractor shall become and remain the property of the department once erected within any public highway.

Trans 200.06(5)(b) ~~The department shall contract for sign maintenance for periods of 5 years.~~ Sign maintenance contracts shall include provisions for installation of additional business signs on existing specific information signs; replacement of damaged, defective or obsolete signs; removal of signs; and covering and uncovering or removing and replacing signs for seasonal services.

SECTION 15. Trans 200.06(6)(e)2. is amended to read:

Trans 200.06(6)(e)2. 'Business signs.' Business signs shall have a blue background with a white legend and border. Business signs shall be reflectorized. The principal legend shall be at least equal in height to the directional legend on the specific information sign. If a business brand, symbol or trademark is used alone for a business sign, the border may be omitted. The Business signs, including the brand, symbol or trademark or name, or combination of these, meeting the department's specifications, ~~may~~ shall be provided to the department's contractor by the business. The brand, symbol or trademark or name, or combination

of these, and any required legend shall not exceed the standard business sign size and any integral legend shall be in proportionate size. Businesses that provide diesel fuel as well as "GAS" services are encouraged to provide "DIESEL" as an integral legend on their business sign. The vertical and horizontal spacing between business signs on specific information signs shall not exceed 8 inches and 12 inches, respectively. (See Figure Trans 200.06-4.)

SECTION 16. Trans 200.06(7)(a)4. is amended to read:

Trans 200.06(7)(a)4. 'Exit ramp signs.' At single-exit interchanges where motorist service facilities are not visible from a ramp terminal, ramp signs shall be installed along the ramp or at the ramp terminal. These signs shall be provided by the business and shall correspond to the specific information signs along the main roadway but shall be reduced in size. Business signs for visible facilities may be omitted. The exit ramp signs shall include the distance to motorist service installations exceeding 3 miles and directional arrows in lieu of words. The minimum letter height shall be 4 inches except that any legend on a symbol shall be proportional to the size of the symbol.

SECTION 17. Form Trans 200.06 is amended to read as shown on the following page.

APPLICATION FOR PERMIT

Sign Erection Within Public Highway

s.86.195 Wis. Stats.; Ch. Trans 200 Wis. Admin. Code
EM765 286

Make Check Payable To: Wisconsin Department of Transportation

Mail To:
(Dist. Office
Completes)

Check If Ramp Sign <input type="checkbox"/>
Application No.

INSTRUCTIONS:

1. Submit an original and two copies of application with fee of \$40.
2. Submit a separate application with separate check/money order for each sign proposed.
3. Fee will be refunded only if application is rejected by Wis. Dept. of Transportation.

Business Name for which Sign is requested	Area Code - Phone No.
---	-----------------------

Street Address	City	Zip Code
----------------	------	----------

Business Type for which Sign is requested (Check ONE)	NOTE: If business includes more than one of these motorist services, a separate application must be submitted for each motorist service for which a sign is desired.
<input type="checkbox"/> GAS <input type="checkbox"/> FOOD <input type="checkbox"/> LODGING <input type="checkbox"/> CAMPING	

Period of Business Function	Month	Day	Month	Day
<input type="checkbox"/> Open All Year <input type="checkbox"/> Seasonal Operation:	From:		To:	Each Year

PROPOSED SIGN LOCATION

General Location	Near Highways	Town	County	Traffic direction at proposed sign site
Legal Location	Quarter Section No.	Section No.	Township No.	Range No.
			North	East or West

SIGN CONFLICTS

A business is not permitted signing within the highway if it is currently using another type of signing. Conflicting signing may be removed.

YES NO Does your business currently use the following types of signing along the same highway as the proposed sign.

- 1. An outdoor advertising sign, under s.84.30 Wis. Stats. or Ch. Trans 201 Wis. Admin. Code, which is 3 miles or less in either direction from the specific information sign on which the installation of the business sign is requested?
- 2. A guidance sign under Ch. Trans 200 or Ch. Hy 10, Wis. Admin. Code?
- 3. If yes was answered to either item 1 or 2 above, do you assure that this signing will be removed by your arrangement and at your cost before the erection of any business sign permitted as a result of this application?
- 4. Do you agree that you will not allow any future signing described under (1) or (2) above to be erected or maintained within the distance stated along the same highway as the proposed business sign in the event this permit application is approved?

CERTIFICATION

I, the applicant, certify that the statements contained on this permit application are true and correct, that the business identified is conducted in conformity to all laws applicable to nondiscrimination, and that discrimination is not exercised in regard to race, religion, color, sex, sexual orientation, national origin; that I have read and understand the conditions and restrictions stated in the Wisconsin Statutes and Wisconsin Administrative Code stated above, and that I accept these conditions. I understand that this permit is revocable, and that it is also subject to annual renewal. I understand that I must apply for renewal each year in sufficient time for my renewal application to be received by the above Transportation Office before the annual anniversary date of the erection of the business sign.

_____ X _____
 (Title of Applicant or Authorized Agent) (Signature of Applicant or Authorized Agent) (Date)

Subject to present and continuing compliance by the applicant with all requirements of s.86.195, Wisconsin Statutes and Chapter Trans 200, Wisconsin Administrative Code, a permit is hereby granted for the business sign described. This permit expires on the annual anniversary date of the erection of the business sign.

Permit No.

**APPROVED FOR WISCONSIN
DEPARTMENT OF TRANSPORTATION**

X _____
 (State Maintenance Engineer For Highways) (Date)

(End of Rule Text)

The rules, amendments and repeals contained in this order shall take effect on the first day of the month following its publication in the Wisconsin Administrative Register as provided in s. 227.026(1)(intro.), Stats.

Dated at Madison, Wisconsin, this
27th day of June, 1986.



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

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
TRANS 200
Amendment No. if Applicable

Subject

Erection and Maintenance of Business Signs Within Public Highways

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- Increase Existing Appropriation Increase Existing Revenues
- Decrease Existing Appropriation Decrease Existing Revenues
- Create New Appropriation

- Increase Costs - May Be Possible to Absorb Within Agency's Budget Yes No
- Decrease Costs

Local: No local government costs

- 1. Increase Costs
 Permissive Mandatory
- 2. Decrease Costs
 Permissive Mandatory

- 3. Increase Revenues
 Permissive Mandatory
- 4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
- Towns Villages Cities
 - Counties Others _____

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

20.395

Assumptions Used in Arriving at Fiscal Estimate

This amendment to an administrative rule has the same fiscal effect as 1985 Senate Bill 21 as affected by Senate Amendments 1 and 2. This bill, as amended, was incorporated into and enacted as SECTIONS 1603e to 1603m of 1985 Wisconsin Act 29.

It removes various restrictions on eligibility for business signs and adds about 2,000 miles of the federal-aid secondary highway system to the public highways that are eligible for the signs.

It is assumed that these changes will result in requests for approval of about 1,000 to 2,000 business signs statewide. No signs were erected under the law prior to its recent amendment because the statutory restrictions precluded eligibility in almost all circumstances.

Applicants pay the costs of manufacture, installation and maintenance of the signs. DOT administers the program. DOT employees will continue to be engaged in this program after initial implementation. Costs will be charged back to the approved sign applicants.

Long-Range Fiscal Implications

Agency/Prepared by: (Name & Phone No.)

James S. Thiel
Department of Transportation 266-8810

Authorized Signature/Telephone No.

Date

1/15/86



State of Wisconsin \ DEPARTMENT OF TRANSPORTATION



PLEASE REPLY TO:

RECEIVED

JUN 18 1986

Revisor of Statutes
Bureau

OFFICE OF GENERAL COUNSEL

4802 Sheboygan Avenue

P.O. Box 7910

Madison, WI 53707-7910

Telephone: (608) 266-8810

June 13, 1986

CR 86-21

Mr. Gary Poulson
Assistant Revisor of Statutes
30 West Mifflin Street, Suite 904
Madison, Wisconsin 53703

RE: In the Matter of the Adoption of Trans 200,
Wis. Admin. Code, Relating to Specific Information
and Business Signs Within the Limits of Public Highways

Dear Mr. Poulson:

Enclosed for filing, pursuant to sec. 227.20(1), Stats., is a certified copy of Trans 200, Wis. Admin. Code, a rule relating to specific information and business signs within the limits of public highways. An additional, uncertified copy is enclosed to be used as a printer's copy. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,

Connie S. Keator

Connie S. Keator
Administrative Assistant

CK

Enclosures

cc: K. Sue Gallagher
Maynard Schneider
Ted Stephenson
Harry Price