

CR 91-193

CERTIFICATE

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STATE OF WISCONSIN)
) ss.
DEPARTMENT OF TRANSPORTATION)

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, CHARLES H. THOMPSON, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to **Specific Information Signs and Tourist-Oriented Directional Signs**, was duly approved and adopted by this Department on June 11, 1992.

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 at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 11 day of **June**, 1992.

Charles H. Thompson
CHARLES H. THOMPSON
Secretary

8-1-92

IN THE MATTER OF an Order Adopting Rule AMENDING ss. Trans 200.01, Trans 200.015 and Trans 200.06 and CREATING s. Trans 200.08, Wisconsin Administrative Code, relating to Specific Information Signs and Tourist-Oriented Directional Signs.

ORDER ADOPTING RULE

Analysis Prepared by the Wisconsin Department of Transportation **RECEIVED**

STATUTORY AUTHORITY: ss. 85.16(1) and 86.196, Stats.

STATUTES INTERPRETED: ss. 86.195 and 86.196, Stats.

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General Summary of Rule.

SECTION 1. Adds statutory reference authorizing the "Tourist-Oriented Directional Sign" program.

SECTION 2. Clarifies the distinction between the logo or business sign and the primary sign, the specific information sign, on which the logo or business signs are mounted.

SECTION 3. Repeals definition of Department already defined in s. 340.01(12), Stats.

SECTION 4. Adds new definitions of "install" and "tourist-oriented directional assembly" and defines "state trunk highway."

SECTION 5. Deletes language covered in statutes and adds applicable statutory reference which contains that language.

SECTION 6. Deletes similar language in the rule that was deleted from the statute by 1989 Wisconsin Act 315 repeal of s. 86.195(2)(b)2, Stats.

SECTION 7. (h) modifies language to simplify meaning; (p) deletes reference to sub. (2) that is also modified and adds statutory reference which covers service requirements.

SECTION 8. Deletes language contained in s. 86.195(2)(am), Stats. Not necessary to provide redundant language in the administrative rules.

SECTION 9. Deletes language similar to that contained in s. 86.195(3), Stats., and adds statutory reference.

SECTION 10. Deletes language similar to that contained in s. 86.195(3), Stats.

SECTION 11. Deletes reference to form contained in Trans 200.06 rules. No need for form to be contained in the rules as a different form is used by the program's private contractor.

SECTION 12. Deletes language similar to that contained in s. 86.195(5)(c), Stats.

SECTION 13. Clarifies rule language.

SECTION 14. Deletes language similar to that contained in s. 86.195(5)(b), Stats.

SECTION 15. Deletes reference to Trans figure which is deleted.

SECTION 16. Revises language contained in rule to conform with statutory change made by 1989 Wisconsin Act 315 relative to the number of signs permitted in s. 86.195(5)(b), Stats.

SECTION 17. Rewording to clarify.

SECTION 18. This section as amended deletes the restriction at intersections which prohibits the installation of a business sign, if the business is readily visible 300 feet or more in advance of the intersection. There is no express statutory authority for this restriction. A previous statutory basis for this restriction was repealed by 1989 Wisconsin Act 315.

SECTION 19. Amendment deletes non-essential language.

SECTION 20. Deletes reference to the specific application form which is also removed from Trans 200.06 rules.

SECTION 21. Deletes Trans 200.06 form from rules.

SECTION 22. Deletes figures showing typical sign installations. These are not essential and are obsolete because of changes enacted in 1989 Wisconsin Act 315.

SECTION 23. Wisconsin law, ss. 86.19, 86.191, 86.195, 346.41 and 349.09, Stats., and federal law, 23 U.S.C. s. 109(d), 131(f) and 315 as modified in 23 C.F.R. 655.301 to 655.310 (1980), regulate and prohibit advertising within the limits of public highways.

Wisconsin Acts 98 and 315, Laws of 1989, create s. 86.196, Stats., authorizing the Department of Transportation and local authorities, who have adopted an enabling ordinance, to issue permits for and to erect and maintain Tourist-Oriented Directional Signs within the right-of-way of any highways under the respective jurisdictions of the Department and local authorities, except that Tourist-Oriented Directional Signs may not be erected on freeways, nor within the right-of-way of any highway designated in s. 86.195(2)(ag), Stats., for specific information signs, nor within an urban area boundary as is shown on the January 1, 1989 "Urban Federal Aid Systems" document of the Department.

The Department is authorized to adopt rules with respect to these signs. The rules and permits may contain conditions or restrictions necessary for the safety of travel and the protection of the scenic environment. This rule establishes the conditions under which the Department may issue permits for, erect, maintain and remove these signs.

Major provisions of the rule are:

- Definition of "tourist-oriented directional assembly."
- Limitations on conflict or duplication of guidance signs allowed within s. Trans 200.03 and outdoor advertising signs.
- Limitations on the location and number of signs.
- Removal of signs during off-seasons.
- Limitations on businesses, services and activities that are eligible for "Tourist-Oriented Directional Signs." The general categories are GAS, FOOD, LODGING, CAMPING and TOURIST ATTRACTIONS.
- Establishes an advisory council on tourist attraction eligibility for "Tourist-Oriented Directional Signs" on State Trunk Highways.
- Application, permit and renewal procedures.
- Fees.
- Procedures for installation and maintenance contracts.
- Signing criteria.
- Sign design and composition.
- Special considerations for T-intersections or Crossroad intersections where all or the majority of businesses, services or activities are in one direction along the Crossroad.

The application and annual renewal fee is \$20.00 per Tourist-Oriented Directional Sign panel as estimated by the Department. This fee is determined by the Department based upon total administrative and engineering costs. All fees must be paid in advance for a 5-year period (\$100.00) by the applicant before sign installation. Installation and maintenance of signs is expected to be performed by contractor(s) selected by the Department after competitive bidding administered by the Department or by other methods.

Fiscal Estimate. This rule provides for an annual permit fee of \$20.00 for administrative costs, costs of site inspections for signs to be installed and costs of on-going routine sign inspection of the signs erected.

A level of requests for individual sign panels is assumed at 5,000 total over the 5-year period following program implementation. Each 1,000 increment in sign requests will require 1/16 to 1/8 of one position in each of the eight Transportation Districts and 1/16 to 1/8 of one position in the Madison Central Traffic Office to respond to inquiries, investigate eligibility and site conditions, handle permit issuance and billing and provide on-going review of erected signs. Engineering time for contract administration for both installation and maintenance contracts will be available from the existing pool of Department employees to the 5,000 sign level. If the

program grows significantly beyond the 5,000 level, consideration will need to be given for additional positions.

In the first year, 1,000 signs will generate \$20,000.00 of revenue from applicants. Department costs to administer the program will be \$19,859 based on 1/16 position or \$39,700 based on 1/8 position in each District at \$16.364 per hour (Engineering Technician 4 level) and 1/16 to 1/8 position in Central Office Traffic at \$21.850 per hour (Civil Engineer Journey level).

$$\begin{aligned} 8 \times \frac{1}{8} \times 16.364 \times 2,080 &= \$34,037.00 \text{ or } \$17,018.50 \\ &\quad \text{L or 1/16} \\ 1 \times \frac{1}{8} \times 21.850 \times 2,080 &= \frac{5,681.00}{\$39,718.00} \text{ or } \frac{2,840.50}{\$19,859.00} \\ &\quad \text{L or 1/16} \end{aligned}$$

At year five at the 5,000 projected level, revenues from applicants will be \$100,000 and Department costs will be \$99,295.00 based on 5/16 of a position in each district or \$198,590 based on 5/8 of a position in each district using current salary information. At that point, the effort will require 5/16 to 5/8 position in each District and 5/16 to 5/8 of a position at Central Office Traffic.

$$\begin{aligned} 8 \times \frac{5}{8} \times 16.364 \times 2,080 &= \$170,185 \text{ or } \$85,092.50 \\ &\quad \text{L or 5/16} \\ 1 \times \frac{5}{8} \times 21.850 \times 2,080 &= \frac{28,405}{\$198,590} \text{ or } \frac{\$14,202.50}{\$99,295.00} \\ &\quad \text{L or 5/16} \end{aligned}$$

Annual applicant fees will be re-evaluated at the 5-year period to ensure that revenues from applicants are equivalent to Department costs to administer the program.

Final Regulatory Flexibility Analysis. The Department anticipates that the provisions of this rule amending Trans 200.06, "Specific Information and Business Signs" and creating Trans 200.08, "Tourist-Oriented Directional Signs," will have no direct adverse effects on businesses, services or activities potentially affected by these rules, and may in fact have a favorable effect by providing the opportunity to erect directional on-highway signing for eligible businesses, services or activities. In addition, businesses engaged in outdoor advertising will be eligible to compete for contracts with the Department for marketing, fabrication, installation and maintenance of tourist-oriented directional signs.

Copies of Rule and Contact Persons. Copies of this rule are available without cost upon request to the Office of the State Traffic Engineer, P. O. Box 7916, Madison, Wisconsin 53707, telephone (608) 266-2375. For questions about this rulemaking, please call Peter F. Rusch, State Traffic Engineer, at (608) 266-2375, or James S. Thiel, General Counsel, at (608) 266-8810.

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Under the authority vested in the Wisconsin department of transportation by ss. 85.16(1) and 86.196(2), Stats., the department of transportation hereby amends ss. Trans 200.01, Trans 200.015 and Trans 200.06 and creates s. Trans 200.08, Wis. Admin. Code, relating to specific information signs and tourist-oriented directional signs as follows:

SECTION 1. Section Trans 200.01 is amended to read:

TRANS 200.01 PURPOSE. The purpose of this chapter is to interpret and implement ss. 86.19, 86.191, 86.195, 86.196, 346.41, and 346.503, Stats., relating to the erection and maintenance of signs on public highways and signs related to reserved parking spaces for handicapped persons. This chapter does not apply to signs erected and maintained on property beyond the limits of a public highway, except signs related to reserved parking spaces for handicapped persons.

SECTION 2. Section Trans 200.015(2)(a) is amended to read:

Trans 200.015(2)(a) "Business sign" means a separately attached sign mounted on ~~the rectangular sign panel~~ a specific information sign to show the brand, symbol, trademark or name, or combination of these, for a motorist service available on a crossroad at or near an interchange or intersection. Each sign on an exit ramp sign under s. Trans 200.06(7)(a)4 is a separate business sign.

SECTION 3. Section Trans 200.015(2)(c) is repealed.

SECTION 4. Section Trans 200.015(2)(jm), (o) and (p) are created to read:

Trans 200.015(2)(jm) "Install" has the same meaning as "erect."

(o) "State trunk highway" means a highway designated as part of the state trunk highway system as provided in s. 84.02, Stats., including national parkways as provided in s. 84.105(5), Stats., and interstate highways as provided in s. 84.29(2), Stats.

(p) "Tourist-oriented directional assembly" means a group of one to 4 tourist-oriented directional signs attached to the same post.

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

Trans 200.06 SPECIFIC INFORMATION AND BUSINESS SIGNS. (1) SIGNS PERMITTED. The department may authorize the erection and maintenance of business signs on specific information signs ~~within a federal aid primary or secondary highway~~ in accordance with s. 86.195, Stats., subject to the following restrictions:

SECTION 6. Section Trans 200.06(1)(e) is repealed.

SECTION 7. Section Trans 200.06(1)(h) and (p) are 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~~ state trunk highway or by any expressway or freeway. The department may allow exceptions to the restrictions in this paragraph when it deems it necessary to provide motorists with service information.

(p) No business sign may be erected or maintained for a motorist service that does not fulfill the service requirements of ~~sub. (2)~~ s. 86.195 (3), Stats.

SECTION 8. Section Trans 200.06(1)(x) is repealed.

SECTION 9. Section Trans 200.06(2)(intro.) is amended to read:

Trans 200.06(2) SERVICES PERMITTED. The motorist services for which the department may authorize the erection and maintenance of business signs on specific information signs within a ~~federal-aid primary~~ highway are limited to "GAS," "FOOD," "LODGING" and "CAMPING." ~~To qualify for display on a business sign:~~ in accordance with s. 86.195 (3), Stats.

SECTION 10. Section Trans 200.06(2)(a), (b), (c) and (d) are repealed.

SECTION 11. Section Trans 200.06(3)(a) is renumbered as s. 200.06(3)(a)1 and amended to read:

Trans 200.06(3) APPLICATION AND PERMIT RENEWAL PROCEDURE. (a) 1. The department shall provide forms for business sign applications at district offices. ~~(See Form Trans 200.06.)~~ Completed applications shall be submitted to the district office for the district where the sign is to be located. Each applicant shall provide all information required on the department's application form. If the application for the sign is denied, the application fee shall be returned.

SECTION 12. Section Trans 200.06(3)(b) is repealed.

SECTION 13. Section Trans 200.06(6)(a) and (c) are repealed and recreated to read:

Trans 200.06(6)(a) Distance to motorist service. The distance from a highway to a business shall be measured from the nearest edge of the main travelled roadway of the highway at an intersection or from the gore between the main travelled roadway and the exit ramp at an interchange to the centerline extended of the closest driveway to the business on the crossroad. At a double-exit interchange, the distance shall be measured for each pair of double exits and the shorter distance shall govern.

(c) SIS grandfather provision. Specific information signs lawfully erected with the department's approval before May 8, 1990, may be maintained subject to all other conditions of this section.

SECTION 14. Section Trans 200.06(6)(d) is repealed.

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

Trans 200.06(6)(e) General sign specifications. 1. 'Specific information signs.' The sign panels for specific information signs shall have a blue background with a white legend and border. The sign panels, legend and borders shall be reflectorized but not illuminated. The size of the sign panels shall not exceed the minimum size necessary to accommodate the maximum number of business signs permitted using the required legend height and the interline and edge spacing. (See Figure Trans 200.06-4.)

2. 'Business signs.' Business signs shall have a blue background with a white legend and border. Business signs shall be reflectorized. The principal legend should 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. Business signs, including the brand, symbol or trademark or name, or combination of these, meeting the department's specifications, 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. Section Trans 200.06(7)(b) is amended to read:

Trans 200.06(7)(b) Sign composition. 1. 'Single-exit interchanges.' At single-exit interchanges, the name of the type of motorist service followed by the exit number shall be displayed in one line above the business signs. At unnumbered interchanges, the directional legend "NEXT RIGHT (LEFT)" shall be substituted for the exit number. ~~The "GAS" specific information sign shall be limited to 6 business signs; the "FOOD," "LODGING" and "CAMPING" specific information signs shall be limited to 4 business signs each.~~

2. 'Double-exit interchanges.' At double-exit interchanges, the specific information signs shall consist of 2 sections, one for each exit. The top section shall display the business signs for the first exit and the lower section shall display the business signs for the second exit. No more than one-half of the maximum number of signs permitted at an intersection shall be permitted for each exit. ~~(See Figures Trans 200.06-3 and 4.)~~ The name of the type of motorist service followed by the exit number shall be displayed in a line above the business signs in each section. At unnumbered interchanges, the legends "NEXT RIGHT (LEFT)" and "SECOND RIGHT (LEFT)" shall be substituted for the exit numbers. Where a type of motorist service is to be signed for at only one exit, one section of the specific information sign may be omitted. The number of business signs, total of both sections, shall be limited to ~~6 for "GAS" and 4 each for "FOOD," "LODGING" and "CAMPING."~~ the number specified in s. 86.195(5)(b), Stats.

3. 'Interchanges with fewer facilities.' At interchanges where not more than ~~2~~ 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 ~~2~~ 3 business signs for each type of motorist service shall be displayed in combination on a panel. The name of each type of motorist service shall be displayed above its respective business signs, and the exit number shall be displayed above the names of the types of motorist

services. At unnumbered interchanges, the legend "NEXT RIGHT (LEFT)" shall be substituted for the exit number. Business signs shall not be combined on a panel when it is anticipated that additional motorist service facilities will become available in the near future. When it becomes necessary to display a ~~third~~ 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.

SECTION 17. Section Trans 200.06(7)(c)1 is repealed and recreated to read:

Trans 200.06(7)(c)1. 'Business sign size.' Each business sign displayed on a "GAS" specific information sign shall be contained within a 48-inch-wide and 36-inch-high rectangular background area, including border. Each business sign displayed on a "FOOD," "LODGING" or "CAMPING" specific information sign shall be contained within a 60-inch-wide and 36-inch-high rectangular background area, including border.

SECTION 18. Section Trans 200.06(8)(a)2 is amended to read:

Trans 200.06(8)(a)2. 'Intersections.' The locations of specific information signs, the spacing between specific information signs, and between specific information signs and other traffic control devices shall be determined on the basis of the department's engineering study. ~~Business signs shall not be displayed for a business that is readily visible from a point on the traveled way 300 feet or more in advance of the intersection.~~

SECTION 19. Section Trans 200.06(8)(b) is repealed and recreated to read:

Trans 200.06(8)(b) Sign composition. The composition of specific information signs and exit ramp signs erected for interchanges shall be the same as for interstate highways and other freeways under sub. (7)(b).

SECTION 20. Section Trans 200.06(12) is renumbered as Trans 200.06(3)(a)2 and amended to read:

Trans 200.06(3)(a)2. In lieu of or in addition to ~~Form Trans 200.06~~ the form and procedure in subd. 1., the department may enter into a contract that specifies alternative application forms with a private contractor.

SECTION 21. Form Trans 200.06 is repealed.

SECTION 22. Figures Trans 200.06-1 to 200.06-4 are repealed.

SECTION 23. Section 200.08 is created to read:

Trans 200.08 TOURIST-ORIENTED DIRECTIONAL SIGNS. (1) SIGNS PERMITTED. The department and local authorities that have adopted an enabling ordinance may authorize the erection and maintenance of tourist-oriented directional signs within highways under their jurisdiction subject to the provisions of s. 86.196, Stats., and the following restrictions:

(a) No tourist-oriented directional sign may be erected or maintained by an applicant.

(b) No tourist-oriented directional sign may be erected or maintained for any business that has a guidance sign erected on a right-of-way under s. Trans 200.03 on the same road, in the same direction, unless the guidance sign is removed before the tourist-oriented directional sign is erected.

(c) No tourist-oriented directional sign may be installed or maintained directing to a tourist-oriented business, service or activity that is located within an urban area as defined by s. 86.196(1)(c), Stats.

(d) No tourist-oriented directional sign may be erected or maintained that fails to conform with s. 86.19, 86.191, 86.196 or 346.41, Stats., or rules implementing or interpreting these statutes, as determined by the department.

(e) No tourist-oriented directional sign may be erected or maintained if the applicant has an outdoor advertising sign for the same business, service or activity in violation of s. 84.30, Stats., or ch. Trans 201.

(f) Any person permitted to have a tourist-oriented directional sign shall provide for the installation and maintenance of any supplemental signing deemed necessary by the department to guide traffic to the tourist-oriented business, service or activity.

(g)1. No tourist-oriented directional sign may be erected on a conventional state trunk highway directing to a tourist-oriented business, service or activity that is located on a freeway, expressway or any other conventional state trunk highway. Local authorities may adopt similar restrictions with reference to highways under their jurisdiction.

2. No tourist-oriented directional sign may be erected on an expressway directing to a tourist-oriented business, service or activity that is located on a freeway or any other expressway.

(h) No intersection tourist-oriented directional assembly may be erected or maintained at a location such that there exists another intersection between the assembly and the intersection at which the assembly applies. The department may authorize advance tourist-oriented directional assemblies in accordance with subs. (6)(d), (e) and (f) at locations where 2 intersections are so closely spaced that it is not practical to install intersection tourist-oriented directional assemblies between the 2 intersections.

(i) The location of an existing official traffic control device, or the need for a new device, shall take precedence over the location of a tourist-oriented directional sign, either existing or proposed.

(j) The department reserves the right to require the relocation or removal of tourist-oriented directional signs, if necessary, for the safety of the traveling public, to install official traffic signs at or in the vicinity of existing tourist-oriented directional signs.

(k) When there are more tourist-oriented directional signs requested than the number that may be permitted, priority shall be given in the following order:

1. The businesses, services or activities with existing permitted tourist-oriented directional signs.

2. Businesses, services or activities with the earliest received application. Applications received on the same day will be considered received simultaneously.

3. The business, service or activity that is nearest the highway on which the tourist-oriented directional sign is located.

(l) Any tourist-oriented directional sign for a business, service or activity operated on a seasonal basis shall be removed during off-seasons. The permittee shall notify the department or its contractor not less than 15 calendar days before the closing and reopening date.

(m) No tourist-oriented directional sign may be erected or maintained:

1. That does not meet department specifications.

2. That has an objectionable appearance as determined by the department due to accident, vandalism, fading, deterioration or other causes.

3. That fails to conform with Wisconsin or federal statutes or rules.

4. In violation of an order of the department or any court of competent jurisdiction.

5. For any business service or activity that fails to conform with all applicable laws concerning the provision of public accommodations without regard to race, religion, color, sex, sexual orientation or national origin.

6. If the business, service or activity does not meet pertinent health and other administrative regulations including, but not limited to, licensure by an appropriate agency.

7. Until an investigation by the department determines that no conflict resulting in unsafe driving conditions will exist with other official traffic control devices.

8. Which displays the hours of operation or dates of operation, if seasonal, of the business, service or activity.

9. To direct to a business, service or activity that is located on the same highway on which tourist-oriented directional signs are requested.

(n) Tourist-oriented directional sign removal shall not be stayed by filing any appeal of the department's decision or order to remove a tourist-oriented directional sign. A reviewing court may order a stay upon such terms as it deems proper pursuant to s. 227.54, Stats.

(o) Tourist-oriented directional sign removal shall not affect a sign requestor's liability for any unpaid fees, interest and costs of collection as determined by the department.

(2) **BUSINESSES, SERVICES, ACTIVITIES PERMITTED.** In order to qualify for a tourist-oriented directional sign, the business, service or activity:

(a) Shall be conducted in an appropriate area or in a building appropriately designed for the purpose and shall be open to the public;

(b) May not be conducted in a building principally used as a residence unless there is a convenient, separate and well-marked entrance leading to the business, service or activity;

(c) Shall be maintained in a manner consistent with standards generally accepted for that type of business, service or activity;

(d) Shall be of significant interest to the traveling public to the extent that 50% or more of its annual visitors or its annual gross income is derived from customers residing outside the immediate area in which the business, service or activity is located; and

(e) Shall qualify under one of the following categories:

1. 'Gas.' Services provided shall conform with provisions of s. 86.195(3)(a), Stats.
2. 'Food.' Services provided shall conform with provisions of s. 86.195(3)(b), Stats.
3. 'Lodging.' Services provided shall conform with provisions of s. 86.195(3)(c), Stats.

4. 'Camping.' Services provided shall conform with provisions of s. 86.195(3)(d), Stats.
5. 'Tourist attraction.' A tourist attraction shall:
 - a. Be of significant interest to the traveling public;
 - b. Be open a minimum of 8 hours per day, and 5 days per week;
 - c. Be in operation the greater part of 3 consecutive months; and
 - d. Be licensed or approved if required.

(3) ADVISORY COUNCIL. The department may appoint an advisory council under ss. 15.04(1)(c) and 15.09, Stats., to review applications for tourist-oriented directional signs on the state trunk highway system in the tourist attraction category. This 7 member council shall include representatives from the tourism industry, department of development-tourism division, and other organizations as determined by the department and shall make recommendations to the department to approve or deny applications. The department shall make the final decision on applications. The department shall furnish to the advisory council minimum criteria and requirements for the uniform evaluation and assessment of applications. The department, in collaboration with the advisory council, may make revisions to the application evaluation criteria if at any time it is apparent that the criteria or implementation process are inequitable to the applicants or that the signing itself creates operational or safety concerns. The advisory council shall meet not less than once each month, unless otherwise directed by the department, to consider and make recommendations on applications received by the department. The department may act on any application not acted upon by the advisory council within 60 days of forwarding of the application to the council. Members of the advisory council shall not be compensated for their services or reimbursed for their expenses, except the department may reimburse private citizen members in hardship cases for actual and necessary expenses incurred in the performance of their duties.

(4) APPLICATION, PERMIT AND RENEWAL PROCEDURE. (a) The department shall provide forms for tourist-oriented directional sign applications at its district offices. Completed applications shall be submitted to the district office for the district where the tourist-oriented directional sign is to be located. Each applicant shall provide all information required on the department's application form. If the application for the tourist-oriented directional sign is denied, the application fee shall be returned.

(b) Each applicant shall give written assurance on its application to the department that the applicant's business, service or activity conforms with all applicable laws concerning the provision of public accommodations without regard to race, religion, color, sex, sexual orientation or national origin.

(c) Each applicant shall indicate on its application whether its business, service or activity is seasonal and the closing and opening dates of the business if seasonal. The applicant shall give assurance to the department that it will provide prior notification of at least 15 calendar days to the district office of the district in which the tourist-oriented directional sign is located of any change in seasonal dates.

(d) Each applicant shall state on its application that it shall furnish the department, upon granting of the permit, the legend and directional information meeting the department's specifications for tourist-oriented directional signs.

(e) If a tourist-oriented directional sign application is approved, the application fee of \$20.00 per year for each year of the initial 5-year period of the tourist-oriented directional sign program shall be retained by the department for administrative costs and routine inspection. Renewal of the permit shall be subject to review and approval or denial by the department and the department shall re-evaluate the fee during the 5-year period and shall establish a new fee to cover costs in order to comply with s. 86.196(2)(c), Stats.

(f) The business, service or activity for which a tourist-oriented directional sign is requested shall be the applicant's and the permit shall be issued to the applicant.

(g) In lieu of the application and permit renewal procedure under pars. (a) to (f), the department may enter into a contract or contracts with a private contractor or contractors that specify substantially similar application and permit renewal procedures.

(h) Notwithstanding any prior grant or renewal of a tourist-oriented directional sign permit, the renewal of the permit shall not be granted, or the permit previously granted shall be revoked for any one of the following reasons:

1. If the qualified business, service or activity fails to provide the services required to qualify for a tourist-oriented directional sign so as to justify a finding that the business, service or activity is not in substantial compliance with this section;

2. If the qualified business, service or activity fails during its normal business season to open for business for more than 7 consecutive days, or for more than 10 days cumulatively, during any one-month period, unless the department finds that such closure was beyond the control of the owner or responsible operator or that the closure was justified by extenuating circumstances.

- (i) If, due to fire, accident or similar cause, a qualified business, service or activity becomes inoperable for an extended period of time, exceeding 7 days, but not more than 90 days, its tourist-oriented directional sign shall be temporarily removed but shall not lose its priority. Under these circumstances, it shall be unnecessary to reapply prior to the normal time for a permit renewal. Further extensions may be granted if good cause is shown. However, failure of the owner or responsible operator to proceed with necessary repairs as rapidly as possible shall cause loss of the right to continued placement of the tourist-oriented directional sign and will require a new permit application.

(j) All tourist-oriented directional sign permits may be canceled by the department on 30 days written notice; except that when good cause is shown, a permit may be canceled with 10 days written notice.

(5) FEES. (a) The applicant requesting the erection of a tourist-oriented directional sign shall pay to the department an application fee of \$100.00, representing \$20.00 each year, to cover a 5-year period, for administrative costs and the cost of routine tourist-oriented directional sign inspection. The 5-year period begins on the date the sign is erected. A separate application and \$100.00 fee is required for each tourist-oriented directional sign and for each advance tourist-oriented directional sign requested. The department shall re-evaluate the fee during the initial 5-year period of the tourist-oriented directional sign program and shall establish a new fee to cover costs in order to comply with s. 86.196(2)(c), Stats. The applicant granted a permit shall pay the department a fee established by the department for each tourist-oriented directional sign and for each advance tourist-oriented directional sign, if any, before the anniversary date of the erection of the tourist-oriented directional sign for each 5-year period following the erection of the sign. If the department does not receive payment of the fee by the 5-year anniversary date, the department may decline to renew the permit and the tourist-oriented directional sign may be removed.

(b) Applicants shall be responsible for the full cost of fabricating and supplying tourist-oriented directional signs to the department, in accordance with specifications established by the department. If the tourist-oriented directional sign program is privately contracted, signs may be furnished by the contractor.

(c) After application approval, the department or its contractor shall install tourist-oriented directional signs supplied by the applicant or the contractor and an appropriate installation fee will be charged the applicant.

(d) Any tourist-oriented directional sign determined by the department to be ineffective due to accident, vandalism or wear shall be replaced at the expense of the applicant in accordance with pars. (b) and (c) of this section. The applicant shall contact the department's district office to obtain current tourist-oriented directional sign specifications prior to the fabrication of any replacement tourist-oriented directional sign.

(e) The department or its contractor shall be responsible for any necessary adjustments in tourist-oriented directional assemblies and tourist-oriented directional signs for special circumstances as described in sub. (8)(f).

(6) CONTRACTS. (a) The department shall prepare plans and specifications for the manufacture, installation and maintenance of tourist-oriented directional signs and tourist-oriented directional assemblies. The department's specifications shall require all tourist-oriented directional assembly supports to be of breakaway design. The department may manufacture and install tourist-oriented directional assemblies and tourist-oriented directional signs by installation contract or by maintenance contract. Contracts may be of any regional, district or local scope deemed reasonable and cost-effective by the department. All installation and maintenance work shall be done under contracts or procedures administered by the department. No installation, maintenance or other work may be done by any applicant, except for removal and replacement due to seasonal closures. The applicant shall furnish the department or its contractor the appropriate legend and directional information meeting the department's specifications for tourist-oriented directional signs. All materials furnished as a tourist-oriented directional sign by an applicant or by the department's contractor shall become and remain the property of the department once installed within any public highway, or as otherwise specified in the department's contract with its contractor. Failure by the applicant to deliver the tourist-oriented directional sign within the specified period, to provide for the installation of necessary

supplemental signs, or to conform the sign to the department's specifications may result in the forfeiture of all fees and costs, and another business, service or activity may be given the opportunity to qualify to provide the signs for the vacated space.

(b) Sign maintenance contracts shall include provisions for installation of additional tourist-oriented directional signs on existing tourist-oriented directional assemblies; replacement of damaged, defective or obsolete signs; removal of signs; and costs for these items.

(c) Maintenance contracts may contain provisions for a negotiated price for unanticipated installation of tourist-oriented directional signs, including supports.

(d) In lieu of or in addition to the contracting procedures under in pars. (a) to (c), the department may enter into a contract that specifies alternative manufacture, installation, maintenance, marketing and implementation methods with a private contractor.

(e) Applicant or contractor shall be responsible for removing and replacing signs for seasonal services. This activity shall be in accordance with department standards and applicant or contractor performing the activity shall hold harmless the department in case of any accident or injury due to this operation.

(7) SIGNING CRITERIA. (a) Distance to tourist-oriented business, service or activity. A tourist-oriented business, service or activity may not be located in excess of the distance specified in s. 86.196(5), Stats., from the highway intersection at which tourist-oriented directional signs are to be located to qualify for a tourist-oriented directional sign. Distance to a business, service or activity will be measured from the near edge of the main travelled way to the center line extended of the closest business driveway of the business, service or activity.

(b) Lateral location. The location for tourist-oriented directional signs shall be determined by the department to preserve highway safety, to take advantage of natural terrain, to have the least impact on the scenic environment, to minimize conflict with scenic easements and to avoid

visual conflict with other signs within the highway or with signs authorized or permitted under s. 84.30, Stats. The signs shall be installed in accordance with the applicable, and shall be installed in accordance with applicable provisions of the Wisconsin manual on traffic control devices adopted by the department under s. 84.02(4)(e), Stats.

(c) Location of tourist-oriented directional assemblies. Tourist-oriented directional assemblies located at intersections shall be at least 200 feet from the intersection. If 2 tourist-oriented directional assemblies are required for one direction leading to an intersection, the tourist-oriented directional assembly for right turns shall be at least 200 feet from the intersection and the tourist-oriented directional assembly for left turns shall be at least 300 feet away from the right-turn assembly, moving away from the intersection.

(d) Advance tourist-oriented directional assemblies. Advance tourist-oriented directional assemblies may be permitted only in those situations where the department determines that sight distance or other geometric conditions, intersection vehicle maneuvers or other vehicle operating characteristics require advance notification of the service to reduce vehicle conflicts or improve highway safety on the approach to and at the intersection where turning movements would occur.

(e) Order of advance tourist-oriented directional assemblies. The order of advance tourist-oriented directional assemblies shall be identical to the order of tourist-oriented directional signs found at intersections. However, advance tourist-oriented directional signs shall omit directional arrows and distances. The legend NEXT RIGHT or NEXT LEFT, whichever is appropriate, in letters of the same height as the sign legends, will be placed on the tourist-oriented directional assemblies above the tourist-oriented directional signs. The department or its contractor shall be responsible for the fabrication, installation and maintenance of NEXT RIGHT and NEXT LEFT panels.

(f) Location of advance tourist-oriented directional assemblies. When used, advance tourist-oriented directional assemblies shall be located approximately 1/2 mile from the intersection. The distance between adjacent advance tourist-oriented directional assemblies shall be at least 800 feet.

(g) Precedence of advance or intersection tourist-oriented directional assemblies. An advance tourist-oriented directional assembly replaces and is not in addition to the intersection tourist-oriented directional assembly which would otherwise be installed at the intersection.

(h) Relationship to rail crossings. All tourist-oriented directional assemblies shall be located at least 750 feet from railroad crossings on the highway on which tourist-oriented directional signs are to be located.

(i) Traffic control device precedence. The location of other traffic control devices shall take precedence over the location of tourist-oriented directional signs. Tourist-oriented directional assemblies shall be located at least 300 feet from other traffic control devices.

(j) Supplemental signing. Where the department requires, an applicant shall provide adequate supplemental signs on local roads and streets to guide motorists to the business, service or activity. Any required supplemental signs shall be in place before the tourist-oriented directional sign may be erected on a state trunk highway. Supplemental signs may be necessary where the business, service or activity is not located on a crossroad of the highway upon which the tourist-oriented directional sign is placed. Where supplemental signing is required by the department, it shall be the responsibility of the applicant to make arrangements with the appropriate local authority, and make the necessary payments to the local authority for the erection and maintenance of such signs.

(8) SIGN DESIGN AND COMPOSITION. (a) Tourist-oriented directional signs may be designed in any manner that complies with the applicable provisions of the Wisconsin manual

shall be allowed on each approach to an intersection or, when the department deems it necessary, a maximum of 2 advance tourist-oriented directional assemblies may be permitted.

(e) When there are 4 or fewer tourist-oriented directional signs to be placed on any one approach to an intersection, they shall be placed on one tourist-oriented directional assembly. When only one intersection tourist-oriented directional assembly is to be placed, those tourist-oriented directional signs for businesses, services or activities to the left shall be arranged vertically above those tourist-oriented directional signs requiring a turn to the right. Advance tourist-oriented directional signs require separate tourist-oriented directional assemblies for businesses, services or activities requiring turns to the right and to the left.

(f) When there are more than 4 tourist-oriented directional signs to be placed at an intersection, 2 tourist-oriented directional assemblies shall be used, one assembly for those businesses, services or activities requiring turns to the right, and one assembly for those requiring turns to the left. The tourist-oriented directional assembly for left turns shall be placed further from the intersection than the tourist-oriented directional assembly for right turns. In special circumstances as determined by the department, such as at a T-intersection or at a crossroad intersection when the number of potentially eligible businesses, services or activities in a particular direction is limited, the 2 tourist-oriented directional assemblies may contain up to a total of 8 tourist-oriented directional signs for businesses, services or activities located either to the right or left.

(9) SIGN REMOVAL AND REPLACEMENT. (a) The department may revoke or suspend an approved tourist-oriented directional sign permit and remove any related tourist-oriented directional signs at any time for good cause including, but not limited to, any of the following reasons:

1. Failure to comply with any of the restrictions under sub. (1);

2. Failure to comply with any of the service standards under sub. (2);
3. Failure to comply with any application or permit renewal requirement under sub. (4);
4. Failure to receive timely payment of any fee required by the department under sub. (5);
5. Failure to comply with any signing criteria under sub. (7);
6. Failure to comply with the design and composition requirements under sub. (8);
7. Failure to comply with an emergency rule promulgated by the department to comply with more restrictive federal standards under sub. (9); or
8. Failure to comply with any condition of any tourist-oriented directional sign permit.

(b) The department may also remove a tourist-oriented directional sign to facilitate construction, maintenance or utility work within the limits of the public highway, including sign erection or maintenance, when approved by the department. The department shall restore the tourist-oriented directional sign upon completion of the work, if practicable.

(c) Removal of a tourist-oriented directional sign by the department shall not be stayed by the filing of any contested case, by any appeal of the department's decision or order to remove the tourist-oriented directional sign, or while the final decision is pending in any contested case or appeal. A reviewing court may order a stay upon such terms as it deems proper pursuant to s. 227.54, Stats.

(d) Removal of a tourist-oriented directional sign by the department as a result of the department's denial of a permit renewal shall not be stayed pending the final decision in any contested case or by appeal of the department's denial of the permit renewal. A reviewing court may order a stay upon such terms as it deems proper pursuant to s. 227.54, Stats.

(e) The department may remove a tourist-oriented directional sign at any time for any reason stated in this subsection whether the reason for removal occurs before or after issuance of the permit by the department, renewal or denial of the permit or erection of the sign.

(f) The department may remove a tourist-oriented directional sign at any time for any reason stated in this subsection whether the reason for removal results from action or inaction of the department, an applicant, permittee, the department's contractor or any other person or any other event or occurrence. The department shall provide for restoration of the sign or refund if the removal results from error of the department or the department's contractor in locating the tourist-oriented directional sign.

(g) In cases where the department removes a tourist-oriented directional sign before the permit period has expired, except where good cause is shown under par. (a), the appropriate permit fee for any time remaining on the permit shall be refunded. No refund shall be provided for any temporary removal.

(h) The department shall remove any sign which imitates or purports to be a tourist-oriented directional sign and which is determined by the department to be installed without a valid tourist-oriented directional sign permit.

(10) COMPLIANCE WITH FEDERAL LAW. To the extent changes to the tourist-oriented directional sign provisions of this section are required in order to conform with more restrictive federal standards for specific information signs pursuant to s. 86.195(10), the department shall promulgate an emergency administrative rule under s. 227.24, Stats., that supersedes this chapter whenever federal standards become more restrictive than this chapter.

(END OF RULE TEXT)

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), Stats.

Signed at Madison, Wisconsin, this 11 day of June, 1992.

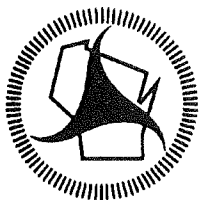


CHARLES H. THOMPSON

Secretary

Wisconsin Department of Transportation

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Wisconsin Department of Transportation

Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

OFFICE OF GENERAL COUNSEL
P. O. Box 7910
Madison, WI 53707-7910

June 11, 1992

Mr. Gary Poulson
Assistant Revisor of Statutes
119 Martin Luther King, Jr. Blvd.
2nd Floor
Madison, Wisconsin 53703

RE: CLEARINGHOUSE RULE 91-193

In the Matter of the Adoption of **TRANS 200**, Wisconsin Administrative Code, relating to **Specific Information Signs and Tourist-Oriented Directional Signs**.

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 91-193**, an administrative rule relating to the above-mentioned matter. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie A. Johnson".

Julie A. Johnson
Paralegal

Enclosures

cc: Tom Walker
Dorothy Kapke
Jim McDonnell
Fred Ross
Pete Rusch
Chuck Spang

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