

CHAPTER 362 , Laws of 1981

AN ACT to amend 20.395 (3) (hv); and to create 86.195 of the statutes, relating to specific information signs on highways and granting rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.395 (3) (hv) of the statutes, as created by chapter 20, laws of 1981, is amended to read:

20.395 (3) (hv) *Highway traffic operations, local funds.* All moneys received from any local unit of government or other sources for highway operations such as pavement marking, highway signing, traffic signalization and highway lighting under ss. 84.04, 84.07 and, 84.10 and 86.195, for such purposes.

SECTION 1m. 86.195 of the statutes is created to read:

86.195 Specific information signs. (1) **DEFINITIONS.** Unless defined differently in this section, the terms used in this section are defined in accordance with the manual of uniform traffic control devices adopted by the department under s. 84.02 (4) (e). In this section:

(a) "Business sign" means a separately attached sign mounted on the rectangular sign panel 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 an intersection.

(b) "Department" means the department of transportation.

(c) "Motorist service" means a business which qualifies under sub. (3).

(d) "Specific information sign" means a rectangular sign panel which displays:

1. One or more of the words "GAS", "FOOD", "LODGING" and "CAMPING";
2. Directional information; and
3. One or more business signs.

(e) "Zoned commercial or industrial area" means an area which is zoned for business, industry, commerce or trade under a state or local zoning ordinance or regulation.

(2) **SIGNS AND FEES.** (a) Upon the request of any person, the department may authorize the erection and maintenance of a specific information sign within the right-of-way of a federal-aid primary highway subject to the following restriction:

1. No specific information sign may be erected within any city or village.
2. No specific information sign may be erected to identify any motorist service located within the limits of any zoned commercial or industrial area.

(b) 1. Subject to the restriction in subd. 2, upon the request of any person, the department may authorize the installation and maintenance of a business sign on an existing specific information sign.

2. No business sign may be installed for any business advertising on a sign authorized or permitted under s. 84.30.

(c) A person who requests the erection or installation of a sign under par. (a) or (b) shall pay to the department an annual permit fee of \$40 to cover administrative costs and the cost of inspection of the signs erected or installed under this section. In addition, the person requesting a sign under par. (a) or (b) shall pay a fee for the manufacture, installation and maintenance of the business sign and the specific information sign.

(d) The department shall contract for the erection, installation and maintenance of signs under this section. The department shall contract under this section for a period of not less than 5 years on the basis of qualified bids. The department may require the contractor to provide liability insurance for purposes of this section.

(3) **MOTORIST SERVICES.** Specific information signs may only include business signs for the following categories of motorist services: "GAS", "FOOD", "LODGING" and "CAMPING". To qualify for display on a specific information sign a business must meet the following standards for the respective category of motorist service:

(a) "GAS" shall have:

1. Vehicle services including fuel, oil, tire repair and water;
2. Restroom facilities and drinking water;
3. Continuous operation of at least 16 hours a day, 7 days a week for freeways and expressways, and continuous operation of at least 12 hours a day, 7 days a week for other highways, provided automotive fuel is available under the energy fuel allocation program established under P.L. 93-159; and
4. Public telephone.

(b) "FOOD" shall have:

1. Licensing or approval, where required;
2. Regular operation at least 5 days a week for a total of at least 40 hours a week;
3. Fifty percent of the gross receipts of the business are from meal, food, food product and beverage sales taxable under s. 77.54 (20) (c); and
4. Public telephone.

(c) "LODGING" shall have:

1. Licensing or approval, where required;
2. Adequate sleeping accommodations; and
3. Public telephone.

(d) "CAMPING" shall have:

1. Licensing or approval, where required;
2. Adequate parking accommodations; and
3. Modern sanitary facilities and drinking water.

(4) **LOCATION.** (a) Specific information signs shall be located so as to take advantage of natural terrain, to have the least impact on the scenic environment and to avoid visual conflict with other signs within the highway right-of-way.

(b) The relative location of successive specific information signs near a particular intersection shall be in the following order, as seen by the traveling public: "CAMPING", "LODGING", "FOOD" and "GAS".

(5) **CRITERIA.** (a) *Distance to services.* 1. Except as provided in subd. 2, a motorist service may not be located more than 3 miles from the federal-aid primary highway on which the specific information sign for the motorist service is erected.

2. If no business in the category of motorist service is available within the 3-mile limit, the limit in subd. 1 may be extended in 3-mile increments to a maximum distance of 15 miles from the federal-aid primary highway until a business in the category of motorist service is reached.

(b) *Number of signs permitted.* No more than one specific information sign for each category of motorist service may be erected along an approach to an interchange or intersection. The specific information sign for "GAS" may contain no more than 6 business signs. The specific information sign for "FOOD", "LODGING" or "CAMPING" may contain no more than 4 business signs.

(c) *Conformity with discrimination laws.* Each business identified as a motorist service on a specific information sign shall, as a condition of eligibility for erection, installation and maintenance of a sign under this section, give written assurance to the department that the business conforms with all applicable laws concerning the provisions of public accommodations without regard to race, religion, color, sex or national origin.

(6) **COMPOSITION.** (a) Specific information signs and business signs shall have a blue reflectorized background with a white reflectorized border and white reflectorized legend. Sign panels may be illuminated.

(b) The design, lettering, spacing and size of specific information signs and business signs shall conform with the federal standards on specific information signs adopted under 23 USC 131 (f) on the effective date of this section (1981) and with the manual of uniform traffic control devices adopted by the department under s. 84.02 (4) (e).

(7) **EXIT RAMP SIGNS.** If motorist services are not visible from the ramp terminal at single exit interchanges on freeways and expressways, specific information signs shall be installed along the ramp or at the ramp terminal and may be provided along the crossroad.

(8) **SEASONAL SERVICES.** Any sign for a "LODGING" or "CAMPING" motorist service which is operated on a seasonal basis shall be removed or covered during off seasons. The cost of removal and replacement or covering and uncovering shall be included in the fee paid.

(9) **SIGN REMOVAL.** (a) A sign may be removed upon the following grounds:

1. Failure to comply with the applicable motor service standards under sub. (3).
2. Failure to comply with the assurance of nondiscrimination required by sub. (5) (c).
3. Failure to pay the permit fee or the fee for the erection, installation or maintenance of a sign.

(b) Contested cases concerning removals under this subsection shall be heard and decided by the transportation commission.

(c) Sign removal shall not affect a sign requestor's liability for unpaid fees.

(10) **COMPLIANCE WITH FEDERAL LAW.** (a) Subsections (2) to (8) are adapted from and in substantial conformity with the federal standards promulgated by the U.S. secretary of transportation under 23 USC 109 (d), 131 (f) and 315 as codified in 23 CFR 655.301 to 655.310 (1980).

(b) If, after the effective date of this section (1981), the federal standards become more restrictive, the department shall submit proposed legislation to the appropriate standing committees of the legislature, as designated by the presiding officer of each house to bring this section into compliance with the federal standards. The department may promulgate an emergency administrative rule under s. 227.027 which supersedes this section until such time as the legislature acts on the legislation submitted under this paragraph or until the expiration of the effective period of the rule under s. 227.027 (1), whichever comes first.

SECTION 2. Nonstatutory provisions. Not later than 9 months after the effective date of this act, the department of transportation shall submit a report to the presiding officer of each house of the legislature on the department's administration of section 86.195 of the statutes, as created by this act. The report shall include the number of persons requesting signs and the administrative costs associated with the program.

SECTION 5. Effective dates. The treatment of sections 20.395 (3) (hv) and 86.195 of the statutes by this act takes effect on the first day of the 6th month commencing after publication.