

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 17—Supplemental Guide Sign Program

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SECRETARY OF STATE
ADMINISTRATIVE RULES

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PROPOSED AMENDMENT

7 CSR 10-17.020 Definitions. The Missouri Highways and Transportation Commission is amending sections (1) through (46) and subsections (25)(A) through (25)(E), (29)(F), and (39)(A) through (39)(G); adding new sections (28), (34), and (42) and subsections (25)(B) and (39)(H); and renumbering sections (29) through (46) and subsections (25)(B) through (25)(E).

PURPOSE: This amendment proposes elimination of unnecessary restrictive words, updates to existing definitions for clarity, adds new definitions and makes editorial changes for clarity.

(1) “Advance TODS Sign” *[shall mean]* – a Tourist Oriented Directional Signing (TODS) sign placed in advance of the normal TODS sign.

(2) “Alternate fuel” *[shall mean]* – a fuel type other than gasoline or diesel that can be used to power a vehicle on the highway and includes, but is not limited to, ethanol blended gasoline (E-85), biodiesel (B-20), Compressed Natural Gas (CNG), *[or]* propane or electric vehicle charging (EV).

(3) “Cave” *[shall mean]* – a state approved cave which has complied with all necessary requirements of the Division of Labor Standards’ Mine Inspection Section and possesses a current certificate of annual inspection furnished and approved by that division.

(4) “College Emblem Sign” *[shall mean]* – a supplemental guide sign displaying emblem panels of up to six (6) colleges or universities meeting the criteria in this rule on emblem panels. **Up to two (2), three (3) or six (6) colleges emblem panels may be displayed on a sign with the sign size being based solely on the potential number of schools that may request signs at a given interchange.**

(5) “College Traffic Generator Sign” *[shall mean]* – a supplemental guide sign displaying the name and logo of up to three (3) colleges or universities meeting the criteria in this rule.

(6) “Commercial activity” *[shall mean]* – any busi[-]ness or service activity generally recognized as commercial by zoning authorities in this state.

(7) “Commission” *[shall mean]* – the Missouri Highways and Transportation Commission.

(8) “Crossroad” *[shall mean]* – the roadway that intersects the main roadway.

(9) “Department” *[shall mean]* – the Missouri Department of Transportation.

(10) “Emblem Panel” *[shall mean]* – a panel which may display the name, logo, or a combination of both for a college or university meeting the criteria in this rule which is attached

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OCT 06 2017

ADMINISTRATIVE RULES

to a mainline sign or ramp sign or on a stand[-]alone trailblazer sign.

(11) “Exit Ramp” or “ramp” *[shall mean]* – the connective roadway between the mainline and the crossroad at an interchange.

(12) “Expressway” *[shall mean]* – a divided high[-]way with limited numbers of at-grade accesses.

(13) “Fee” *[shall mean]* – the amount of money assessed a qualified entity for participation in one (1) of the signing programs, which is paid prior to signs being installed.

(14) “First connection” *[shall mean]* – the sign location in advance of the intersection where motorists turn off of the state highway system to arrive at the destination being signed for.

(15) “Freeway” *[shall mean]* – a divided highway where access is fully controlled by interchanges.

(16) “General Service *[Logo plaque]* Sign” *[shall mean]* – a sign with white legend on blue background depicting the standard symbol for an alternate fuel. *The design shall meet* that **meets** the department’s standards.

(17) “Gore” *[shall mean]* – the area immediately beyond the divergence point of the mainline highway and the exit ramp bounded by the edges of those traveled ways.

(18) “Interchange” *[shall mean]* – an intersection that connects two (2) or more interconnecting roadways through the use of one (1) or more grade separations that provides for the movement of traffic between the interconnecting roadways on different elevations allowing uninterrupted flow of the mainline highway.

(19) “Intersection” *[shall mean]* – the at-grade crossing of two (2) public roadways where the intersecting roadways are at the same elevations and are controlled by regulatory signs or traffic signals.

(20) “Interstate” *[shall mean]* – the national system of interstate and defense highways located in Missouri as officially designated by the Missouri Highways and Transportation Commission in accordance with Title 23 of the *United States Code*, Sections 101 and 103, which is incorporated by reference and made a part of this rule as published by the United States Government Printing Office, 732 North Capitol Street, NW, Washington, DC 20401-0001, effective October 1, *[2012]* **2016**. This rule does not incorporate any later amendments or additions.

(21) “Logo Panel” *[shall mean]* – a panel which may display the name, brand, symbol, trademark, or a combination of these of a qualified entity which is attached to a mainline sign or ramp sign or serves as a stand[-]alone trailblazer sign when a directional arrow is installed below it.

(22) “Logo Program” or “Logos” *[shall mean]* – a specific service signing **program** *[or a*

signing, which] that provides directional signing to businesses which offer motorist services (gas, food, lodging, camping, and twenty[-]four[-] (24[-]) hour pharmacy) and tourist attractions [in the state of Missouri meeting the criteria of this rule].

(23) “Mainline Highway” or “mainline” *[shall mean]* – the primary travel lanes of the interstate, freeway, or expressway.

(24) “Mainline Sign” *[shall mean]* – the sign installed in advance of an interchange along the mainline of an interstate, freeway, or expressway informing motorists what services or attractions are accessible from that particular interchange.

(25) “Motorist Services” *[shall mean]* – a business which provides one (1) or more of the following services: gas, food, lodging, camping, or twenty[-]four[-] (24[-]) hour pharmacy. **Signing for [M]motorist [S]services [shall only be associated with] is limited to the Logo and TODS programs[. The business must also meet] and meets** the following criteria:

(A) Gas and diesel vehicular service stations shall provide fuel, oil, water, air, restroom facilities, drinking water, a telephone available *[for] to the public [use] for emergencies*, and be in continuous operation at least twelve (12) hours a day, seven (7) days per week. Alternate vehicle fuels availability at these sites can be displayed as a secondary message at the bottom of a Logo panel or within the *[legend of the] TODS sign legend [on a TODS sign]*. If this information cannot be displayed as part of the Logo or TODS sign, it may be displayed as a general service *[logo plaque] sign* placed below the gas Logo mainline and ramp signs or below the TODS sign for the facility offering the alternate fuel. A maximum of two (2) *[plaques] signs* may be displayed below a TODS sign[.]; one (1) attached to each of the TODS sign posts. When general service *[logo plaques] signs* are used, the fuel station shall be within three (3) miles of the interchange, located along the crossroad of the interchange, be clearly visible from the crossroad, *[and] with* the availability of the alternate fuel *[shall be]* clearly identified on the on[-] premise signing of the fuel station. The distance to the service fuel station *[shall] will* be displayed along with the general service logo where the distance is greater than one (1) mile;

(B) **Electric Vehicle Charging (EV) sites shall be equipped with level two (2) or level (3) systems compatible with all electric vehicles, have the capacity to charge a minimum of two (2) vehicles at the same time and be available to any user regardless if the user is a patron of the site offering the EV charging station. EV availability may be displayed as a supplemental message at the bottom of a Logo panel or within a TODS sign legend for any of the program categories as long as the site meets the all the minimum qualifications for the category.**

([B/C]) Food and restaurant facilities shall be approved and/or licensed by the state or political entity having jurisdiction and be in continuous operation to serve a minimum of two (2) meals a day (breakfast, lunch, and/or dinner), six (6) days a week, *[and]* be open to the public a minimum of *[twelve] ten ([12]10)* hours per day[, *The facility must]* have accommodations to seat a minimum of twenty (20) guests at tables indoors or a minimum of ten (10) drive-up ordering/eating stations[, *They must also]* and provide restroom facilities and a telephone available *[for] to the public [use] for emergencies*;

([C/D]) Lodging, motel, and hotel facilities shall be approved and/or licensed by the state agency or political entity having jurisdiction, **have a minimum of ten (10) rooms and sufficient off street parking, [and provide adequate sleeping accommodations and] have** telephones

[availability] **available** for public use, [. The facility must have a minimum of ten (10) rooms and sufficient off street parking. The facility shall] **and** be open twenty-four (24) hours a day, seven (7) days a week;

([D/E]) Camping and campground facilities shall be approved and/or licensed by the state agency or political entity having jurisdiction, [and] provide modern sanitary facilities and drinking water, [. They must also] provide a minimum of twenty (20) camping and parking spaces, **and** [. The facilities shall] be open twenty[-] four (24) hours a day, seven (7) days a week for a minimum of six (6) consecutive months per year. Signing for campgrounds operated on a seasonal basis will be covered with a blue background aluminum panel of appropriate size or removed from the sign during the off season; and

([E/F]) Twenty[-] four[-] (24[-]) hour pharmacies shall be continuously oper[-]ated twenty[-] four (24) hours per day, seven (7) days per week, and [shall] have a state[-] licensed pharmacist on duty at all times.

(26) "Owner" [shall mean] – the holder of a fee title or the holder of a leasehold estate from the owner of real property representing the qualified entity.

(27) "Participation agreement" [shall mean] – a con[-]tract between the program manager and each eligible entity participating in the pro[-]grams outlined in this rule.

(28) "Primary college/university site" - the site that represents the institutional home of a college/university located in the State of Missouri, but not meeting the definition of the traditional college campus.

([28/29]) "Program manager" [shall mean] – a person representing the company awarded the administrative services contract for the purpose of operating the Logo, TODS, and Traffic Generator Programs and is authorized by the department to sign a participation agreement for marketing, management, installation, and maintenance of signs for these programs in accordance with these rules.

([29/30]) "Qualified Entity" [shall mean] – a site that meets one (1) of the following categories and meets all of the criteria listed in this rule:

(A) A tourist oriented activity;

(B) A motorist service;

(C) A state or federal agency which owns and operates a site offering recreational activities, sites of historical significance, or manages public lands open to the public;

(D) A state operated correctional facility;

(E) A Welcome Center Affiliate; and

(F) A college or university, satellite campus, or community college which offers face[-] to[-] face classroom education as the primary purpose of the site.

([30/31]) "Ramp Sign" [shall mean] – the supplemental guide for the Logo or Traffic Generator Program installed along the interchange ramp providing directional information for each service or attraction accessible from that particular interchange.

([31/32]) "Ramp Terminal" [shall mean] – the intersection of the exit ramp and the crossroad.

([32]33) “Rural Area” *[shall mean]* – an area in which the population is **equal to or less than** five thousand (5,000) persons.

(34) “Satellite college/university site” – a branch site of a college/university that is **physically located at a distance from the primary university or college. The primary campus may be located in a different city or state from the traditional college/university campus or the primary college/university site.**

([33]35) “Second connection” *[shall mean]* – the sign location in advance of the intersection or interchange where motorists turn to access the state highway where first connection signing is provided.

([34]36) “Specific Service sign” *[shall mean]* – a supplemental guide sign displaying Logo panels for specific businesses that provide eligible motorist services or tourist attractions as outlined in this rule.

([35]37) “Standard” *[shall mean]* – the department’s Standard Plans for Highway Construction and/or Standard Specifications for Highway Construction and/or policies found in the Engineering Policy Guide.

([36]38) “Third connection” *[shall mean]* – the sign location in advance of the intersection or interchange where motorists turn to access the state highway where second connection signing is provided.

([37]39) “TODS Program” or “TODS” *[shall mean]* – Tourist Oriented Directional Signing, a signing program, which provides directional signs to tourist oriented activities and motorist services in the state of Missouri meeting the criteria of this rule.

([38]40) “TODS sign” *[shall mean]* – a sign displaying the name of qualified entities that provide eligible tourist attractions or motorist services as outlined in this rule displayed as a stand-alone sign or as part of a TODS sign assembly.

([39]41) “Tourist Attraction” *[shall mean]* – a tourist oriented activity *[which means]* **where the site’s primary function, or offering, is as a natural phenomenon, historic site, cultural site, [recreational site] museum, educational site, [muse-um,] area of natural beauty, [or commercial activity]recreational site or memorial monument** as defined below, **and** a major portion of whose income or visitors are derived during the normal business season from motorists. Attendance in any consecutive twelve[-] (12[-]) month period shall meet or exceed the minimum requirements established in this rule for the Logo, TODS, or Traffic Generator programs/. *Tourist attractions shall* **and** be open for business at least four (4) hours per day, at least five (5) days per week[,] **with at least one (1) [of which must be a] day being a Saturday or Sunday** unless otherwise indicated in this rule, have public restroom facilities, and a minimum of ten (10) parking accommodations.

(A) “Natural phenomenon” *[shall mean]* – a fea[-]ture created by nature. Examples may in[-]clude, but are not limited to, unusual rock formations, caves, geysers, or waterfalls.

(B) "Historic site" *[shall mean]* – a structure, site, or district that has definite historical significance and shall be listed on the National Register of Historic Places.

(C) "Cultural site" *[shall mean]* – any facility for the performing arts, exhibits, or concerts that is open to all age groups.

(D) "Museum" *[shall mean]* – a facility open to the public at least one hundred (100) days per year, in which works of artistic, historical, or scientific value are cared for and exhibited to all age groups.

(E) "Educational site" *[shall]* - **sites which** include:

1. "Zoological" or "botanical park" *[shall mean]* – a facility in which living animals, insects, or plants are kept and exhibited to the public;

2. "Facility tours" *[shall mean an]* – regularly scheduled tours of plants, factories, working farms, or institutions where the tours are conducted on a regularly scheduled daily basis for the general public without the need for reservations conducted during normal working hours of the facility. Tours shall be a minimum of thirty (30) minutes in duration, *[. Tours shall]* be educational in format, informing the public how the products from the facility are produced or grown, **and** *[. The availability of tours shall]* be made known to the general public by posting the information on the facility website, pamphlets and brochures, or anywhere the hours of operation for the facility can be found. Retail outlets who do not fabricate or grow their products do not qualify; and

3. "Wineries" or "breweries" *[which qualify in the educational category shall mean]* – a licensed site which produces a minimum of five hundred (500) gallons of wine and/or beer per year, which is open to the public for guided tours, tasting, *[and]* sells a minimum of one hundred (100) days per year, *[. The tours shall]* **and** meet the requirements defined under "facility tours."

(F) "Area of natural beauty" *[shall mean]* – a naturally occurring area of outstanding interest to the general public. Examples may include, but are not limited to, state or national parks, wilderness areas, lakes, rivers, canyons, or similar areas.

(G) "Recreational site" *[shall]* - **sites which** include:

1. "Recreational area" *[shall mean]* – an area that includes, but is not limited to, bicycling, boating, fishing, swimming, hiking, rafting, picnicking, snowmobiling, cross country skiing, or snow skiing;

2. "Amusement parks" *[shall mean]* – a permanent area which is open to the general public offering entertainment including, but not limited to, games, rides, and/or food services for all ages and is in operation more than three (3) consecutive months per year;

3. "Arenas" *[shall mean]* – a stadium, sports complex, auditorium, fairgrounds, civic or convention center, or racetrack which have at least seating for five thousand (5,000) people holding public events open to all groups on at least one hundred (100) days of the year;

4. "Golf course" *[shall mean]* – a facility open to the public and offering at least nine (9) holes of play. *[Miniature golf courses, driving ranges, and indoor golf shall not be eligible]; [and]*

5. "Sports complex" - **an outdoor facility offering a large group of fields and/or courts where multiple games can be played at the same time. These complexes typically support one or more of, but not limited to, the following sports: soccer, baseball, softball, basketball and/or tennis.**

[5]6. "Excursion gambling boat" [shall mean] – a boat, ferry, or other *[floating]* facility licensed by the gaming commission on which gambling games are allowed.

(H) "Memorial monuments" - **a statue, obelisk, landmark or other structure which**

commemorates a person, group or event of regional, state or national significance. Memorial monument sites shall meet the minimum qualifications of the TODS, Logo or Traffic Generator program to qualify for a supplemental guide sign.

(42) “Traditional College/University Campus” - the land on which the institutional home of a college/university and its related buildings are situated. The campus will be comprised of a series of buildings on one piece of property owned and operated by the college/university, typically in a park-like setting. The buildings will serve as, but not limited to, administration, classrooms, labs, auditoriums and/or stadiums. Garages, maintenance buildings or other buildings not supporting education are not considered related buildings to qualify as a campus.

([40]43) “Traffic generator” *[shall be]* – a qualified entity meeting the criteria of a tourist attraction, but not including *[motorist services,]* golf courses*[,]* or excursion gambling boats*[,]* which meet the criteria of this rule.

([41]44) “Traffic Generator Program” *[shall mean]* – a supplemental guide sign program, which provides guidance to qualified entities, schools, governmental agencies, and colleges *[meeting the criteria in this rule]*.

([42]45) “Traffic Generator Sign” *[shall mean]* – a supplemental guide displaying the name and logo, when permissible in this rule, of the qualified entity *[meeting the criteria in this rule]*.

([43]46) “Trailblazer sign” *[shall mean]* – a sign with an arrow and site name/logo information which provides directional information for any necessary turns from the furthest extent of the signing to the qualified entity’s location. Legal, off~~[-]~~ premises, directional outdoor advertising may be substituted for trailblazer signs if erected prior to the install~~[-]~~ation of a Logo or TODS sign.

([44]47) “Urban Area” *[shall mean]* – an area in which the population is greater than five thousand (5,000) persons.

([45]48) “Visible” *[shall mean]* – *[that the message or advertising content of a sign, display, or device is capable of being seen without visu-al aid by a person of normal visual acuity. A sign shall be considered visible even though the message or advertising content may be seen but not read.]* **An unobstructed view of the on premise sign of a site by a motorist who is able to see and recognize the site as the destination they are seeking in sufficient time to safely make the necessary maneuvers to access the facility.**

([46]49) “Welcome Center Affiliate” *[shall mean]* – a local chamber of commerce, a local convention and visitor bureau, or an institution of higher education with an established tourism curriculum which serves to increase the number of welcome centers in Missouri without expending state funds meeting the criteria of this rule.

AUTHORITY: Art. IV, section 29, Mo. Const., section 226.535, RSMo 2000 and 23 United States Code Section 131(f). Material in this rule originally filed as 7 CSR 10-9, 7 CSR 10-17,*

and 7 CSR 10-22. Original rule filed Nov. 14, 2014, effective June 30, 2015. Amended: Filed October 6, 2017.

**Original authority: 226.535, RSMo 1972.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Highways and Transportation Commission, Pamela J. Harlan, Secretary to the Commission, 105 W. Capitol Avenue, PO Box 270, Jefferson City, MO 65102 or Pamela.Harlan@modot.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*