

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

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OCT 06 2017
SECRETARY OF STATE
ADMINISTRATIVE RULES

PROPOSED AMENDMENT

7 CSR 10-17.030 Administration. The Missouri Highways and Transportation Commission is amending sections (1) through (12) and subsections (7)(B) through (7)(D), (10)(A), and (10)(B).

COPY

PURPOSE: This amendment proposes the elimination of unnecessary restrictive words and editorial changes for clarity.

- (1) This rule outlines the eligibility requirements to participate in the various signing programs. *[The construction, installation, and maintenance of the signs shall be in accordance with the "Supplemental Signing Program Rules" located in the department's Engineering Policy Guide.]*
- (2) Signs covered in this rule only apply to commission roadways **and sites located within the State of Missouri** unless otherwise specified in this rule.
- (3) Requests for participation in the Logo, Tourist Oriented Directional Signing (TODS), or Traffic Generator Programs *[must]* **are to be** submitted to the program manager by the owner or authorized representative of a qualified entity.
- (4) Before any qualified entity is permitted to participate in the Logo, TODS, or Traffic Generator Pro~~[-]~~grams, any existing illegal advertising devices pertaining to that qualified entity shall be removed.
- (5) No qualified entity may discriminate or be discriminated against with regard to race, color, religion, sex, age, handicap, or nation~~[-]~~al origin. Each qualified entity identified by a Logo, TODS, or Traffic Generator sign shall have furnished written and notarized certification to the program manag~~[-]~~er of its conformity with all applicable feder~~[-]~~al, state, and local laws, ordinances, rules and regulations, and *[shall]* not be in breach of that certification.
- (6) A qualified entity *[shall]* **will** enter into a participation agreement with the program manager.
- (7) Signs may be removed after notification by certified mail a minimum of thirty (30) days in advance of permanent removal of a qualified entity's sign~~[-]~~ for any of the following **reasons** *[and no fees shall be refunded]*:
 - (A) Failure to pay fee;
 - (B) Failure to meet the minimum require~~[-]~~ments set forth by these rules for each program type;
 - (C) Delinquency as to any of the previous~~[-]~~ly mentioned violations; and
 - (D) A sign removed for any of the reasons in subsections (7)(A)–(7)(C) *[shall]* **will** be charged a department approved fee for re~~[-]~~install~~[-]~~ation.

All fees paid by the qualified entity are not subject to refund.
- (8) If a business is closed due to fire, acci~~[-]~~dent, remodeling, or other emergency for more than

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seven (7) days, but not more than ninety (90) days, the sign *[shall]* **will** be covered to prevent inconveniencing the travel[-]ing public. The sign owner *[shall]* **will** not lose *[its]* **their** pri[-]ority or *[be required]* **need** to reapply prior to the normal expiration of its contract. Extensions of time beyond ninety (90) days may be grant[-]ed; however, an owner who, due to his/her own negligence, fails to open within the nine[-]ty[-] (90[-]) day period, may lose his/her priority to occupy the space on the right-of-way. The participation agreement will not be extended due to fire, accident, remodeling, or other emergency.

(9) The fee to be paid *[shall]* **will** be equal to the fees established by the department. A participation agreement with the qualified entity *[shall]* **will** be executed for a term specified in each program. If an applicant chooses to not pay the fees agreed upon in the participation agreement, all signs will be removed from the commission right-of-way.

(10) At the end of their business season, a qualified entity not open year[-] round *[shall]* **will** have their sign taken out of service with a "Closed" panel placed on their traffic generator sign(s), place a "Closed" panel and cover with a blue panel, or the program manager *[shall]* **will** have the authority to remove their TODS or Logo sign.

(A) A qualified entity which has not received a sign(s) due to insufficient space *[shall]* **will** not utilize the space made available by a qualified entity's sign which has been removed during the off-season.

(B) A fee, approved by the commission, *[shall]* **will** be assessed to take a sign in and out of service.

(11) No reimbursement *[shall be]* **is** allowed to any participating qualified entity due to road closures or detours established for any reason.

(12) The commission reserves the right to approve all sign installation locations, modify said sign(s) when necessary to comply with changed standards that might be promulgated or adopted, and/or permanently remove the sign(s) at any time, in its sole discretion, for any reason whatsoever, including for the convenience of the commission or if the commission determines removal is *[required]* **necessary** for a highway or transportation project. In the event the commission removes the sign pursuant to the terms of this rule, the commission will not refund any portion of the original payment from the qualified entity.

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, MO65102 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.*