

RECEIVED

SEP 09 2022

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

SECRETARY OF STATE
ADMINISTRATIVE RULES

PROPOSED AMENDMENT

7 CSR 10-17.050 Logo Signing. The Missouri Highways and Transportation Commission is amending sections (1), (2), (5), (8), subsections (1)(A), (1)(E), (3)(B), (3)(D), (8)(A), (8)(B), paragraphs (1)(A)1., (1)(A)2., (1)(F)1., (1)(F)2., adding new sections (9) through (11), and deleting paragraph (1)(A)3.

PURPOSE: This amendment makes editorial changes for clarity, removes the references for 24-hour pharmacies, which is being eliminated from the federal rules as a qualifying category, adds EV Charging as an option for a secondary fuel message and adds clarification concerning the acceptable locations signs may be installed.

(1) To participate in the Logo signing program, a qualified entity must be a tourist attraction or provide one (1) or more of the following services: gas, food, lodging[, or camping, [twenty-four- (24) hour pharmacy,] and have a minimum annual attendance of five thousand (5,000) visitors in a consecutive twelve (12) month period.

(A) Specific service signs shall be erected only for a qualified entity located within three (3) miles of the interchange as measured along the path from the interchange to the qualified entity[. The measurement] starting from the intersecting centerlines of the freeway and crossroad at the interchange to the nearest edge of the business structure projected at a right angle to the roadway centerline. If the capacity of the existing individual service sign for a specific business is not fully utilized, a successive three (3) mile increment may be considered for that specific type business on a temporary basis until the space is requested by a qualified entity within the initial three (3) mile distance. The qualified entity occupying the space on a temporary basis will remain in place [to]until the end of its annual participation agreement. Existing signs shall not be made larger or new signs installed to make room for qualified entities beyond the initial three (3) mile distance. The maximum distance allowed for each category from the interchange is equal to:

1. Gas, food, and lodging services - six (6) miles; **and**
2. Camping services or tourist attractions - fifteen (15) miles[; and].
- [3. Twenty-four- (24-) hour pharmacies - three (3) miles.]

(B) Locations for mainline, ramp, and trailblazer signs will be approved by the department.

(C) Messages, symbols, and trademarks which resemble any official traffic control device are not to be used.

(D) If Logo spaces for any of the service categories mentioned in this rule remain available, then the department, at its discretion, may permit other qualifying entities in the same service category meeting the majority of the criteria to utilize the otherwise unused spaces. Those qualified entities that participate, but do not fully qualify for the program, will be reevaluated on an annual basis. At that time, should there be a request from a fully qualifying entity to participate, the fully qualifying entity will be given priority over a less than fully qualifying entity when considering renewal of contracts.

(E) A business may have Logo panels installed at a second interchange, provided it meets all the requirements as set forth in these regulations and its participation at the second interchange does not prevent another eligible business from participating in the Logo Program at that interchange.

RECEIVED

By JCAR at 11:09 am, Sep 09, 2022

Should *[a qualified entity]***an eligible business** choose to participate in the Logo program at the second interchange location, the *[business]***business' logo panel** occupying space at the second interchange will be removed when its participation agreement has expired.

(F) In the event that a business provides more than one (1) motorist service, it may be eligible to display a Logo panel for each service it provides on the proper specific service sign, provided the following conditions are met:

1. *[It]***The business** meets all minimum criteria for the service;

2. *[It]***Displaying multiple Logo panels for the same business** does not prevent participation by another business, which offers a sole service and would otherwise qualify for placement on the specific service sign. Should an *[qualified entity]***eligible business** choose to participate in the Logo program at one (1) of the locations the business is displaying a secondary motorist service, the secondary Logo panel will be removed when its participation agreement expires; and

3. Space is available on the specific service sign.

(2) When more than six (6) qualified entities of the same motorist service type wish to participate in the Logo program at the same interchange, up to six (6) Logo panels for this motorist service type may be installed~~[,] or roll over[,]~~ onto a second specific service sign if the second specific service sign is empty or can be subdivided as stated in the supplemental signing program rules. No more than twelve (12) Logo panels for one (1) type of motorist service will be displayed at a single interchange on a maximum of two (2) specific service signs. The qualified entities occupying space on the second specific service sign may remain in place until such time as the space is needed by other qualified entities of other motor service types, not currently displayed at the interchange, choose to participate in the Logo program at that interchange. When this occurs, the qualified entities *[which]* rolled over onto the second specific service will *[remain in place until their]***be removed when its** participation agreement expires.

(3) If the requests to place Logo panels on specific service signs exceed the available space, the following criteria will be used to determine the allocation of spaces:

- (A) Businesses nearest to the interchange will be given priority;

- (B) The first six (6) qualified applicants for gas, food, lodging, camping~~[,] and~~ tourist attractions~~[,] and pharmacies]~~ will be selected to place their Logo panels on the specific service sign. When a tourist attraction and another motor service type are combined on a single specific service sign, the first three (3) qualified tourist attractions and first three (3) of the other motor service type that share the same specific service sign will be selected;

- (C) Once all allowed similar type businesses are posted on the specific service sign at an interchange, other similar type businesses that are on the waiting list that are closer to the interchange will have priority over the business furthest from the interchange that is also on the waiting list; and

- (D) Changes in the Logo panels displayed on the specific service sign *[which result from the previous rules will take place when the participation agreement for the business in question on the specific service sign expires.]***will take place at the time of contract renewal.**

(5) Where both Tourist Oriented Directional Signing (TODS) and Logo trailblazer signing *[would be]*is needed at the same intersection, the TODS signs will incorporate the needed information from, and be used in place of, the Logo trailblazer sign.

(8) Logo panels will be constructed and installed as follows:

- (A) Only a qualified entity's name, brand name, trademark, corporate logo, or commercial

symbol shall be used. Logo and word messages shall not both be displayed on the Logo unless otherwise permitted in this rule. If a nationally, regionally, or locally recognized commercial symbol, corporate logo, or trademark is available, *[it should be used in preference]* **displaying such symbol, logo or trademark is preferred** to any other form of business identification. The department has the right to review and approve or deny *[the]* **any** requested design—

1. The logo panel for a gas station/convenience store may display names, brand names, trademarks, corporate logos, commercial symbols, or other words, signs or symbols representing the brand of motor fuel and the convenience store name so long as the same or substantially similar words, signs, or symbols are permanently displayed on the business and are the same or substantially similar to the business name, business entity, or the doing business as “dba” name as registered with the Missouri Secretary of State’s office. If the fuel brand name is different than the convenience store name, the fuel brand shall be displayed in the predominate position (top or left of the logo panel) and represent no less than fifty percent (50%) of the logo area; and

2. The federal regulation on this issue, as interpreted by Federal Highway Administration (FHWA) guidance, suggests that blended logo panels are not allowed; however, the language of the federal regulation appears to allow this compromise so long as both logos are contained in the business name, business entity, or “dba.”

(B) Logo panels cannot display a message which advertises a product rather than identifying a business. Any exception must be approved by the department. *[On gas Logo panels, diesel, ethanol/Ethanol or E-85, Biodiesel or B20, Compressed Natural Gas or CNG, Propane, EV Charging, or Food Mart text may be included on gas Logo panels as a secondary message in the lower portion of the Logo panel; and*

(C) Messages, corporate logos, symbols, or trademarks which interfere with, imitate, or resemble any official warning or regulatory sign, signal, or traffic control device or which attempt, or appear to attempt, to direct movement of traffic are prohibited.

(9) Logo signs are not permitted at an interchange which connects to another freeway. No interchange to interchange signing is permitted.

(10) Logo signs are not permitted at an interchange exit where the single exit ramp splits into two (2) or more ramps before connecting to the crossroad.

(11) Logo signs are not permitted in an area where there is less than three-quarters (3/4) of a mile between interchange gore points when measured in one (1) direction or otherwise approved by the department.

AUTHORITY: Art. IV, section 29, Mo. Const., section 226.535, RSMo 2016 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 Oct. 6, 2017, effective May 30, 2018. Amended: Filed September 9, 2022.*

**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, 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.*