

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

PROPOSED AMENDMENT

7 CSR 10-17.020 Definitions. The Missouri Highways and Transportation Commission is amending sections (2), (4), (20), (22), (24), (25), (30), (33), (34), (37), (40) through (45), (47), (49), subsections (25)(A) through (25)(E), (41)(B), (41)(D), (41)(F), (41)(H), and paragraphs (41)(E)2., (41)(E)3., and (41)(G)1. through (41)(G)3., and deleting (25)(F), and adding a new section (33) and paragraph (41)(E)4., and renumbering sections (33) through (49).

PURPOSE: This amendment is primarily editorial changes for clarification purposes, the deletion of the 24-hour pharmacy reference to comply with the new federal regulation which eliminates this category and the addition of the definition of Agritourism to expand participation in the TODS signing program.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(2) "Alternate fuel" – 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), propane, or electric vehicle (EV) charging [(EV)].

(4) "College Emblem Sign" – 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] A maximum of two (2), three (3), or six (6) college 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.

(20) "Interstate" – 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 Publishing Office, 732 North Capitol Street, NW, Washington, DC 20401-0001, effective October 1, 2016. This rule does not incorporate any later amendments or additions] **Dwight D. Eisenhower National System of Interstate and Defense Highways.**

(22) "Logo Program" or "Logos" – a specific service signing program that provides directional signing to businesses which offer motorist services (gas, food, lodging, and camping[, and twenty-four- (24-) hour pharmacy]) and tourist attractions.

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

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(25) "Motorist Services" – a business which provides one (1) or more of the following services: gas, food, lodging, **or** camping[, or twenty-four- (24-) hour pharmacy]. Signing for motorist services is limited to the Logo and TODS programs 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 to the public for emergencies, and be in continuous operation at least twelve (12) hours a day, seven (7) days per week. *[Alternate vehicle fuels]***Alternative fuel** availability at these sites can be displayed as a secondary message at the bottom of a Logo panel or within the TODS sign legend. If this information cannot be displayed as part of the Logo or TODS sign, it may be displayed as a general service sign placed below the gas Logo mainline and ramp signs or below the TODS sign for the facility offering the *[alternate]***alternative fuel**. A maximum of two (2) **general service** signs may be displayed below a TODS sign, one (1) attached to each of the TODS signposts. When general service signs are used, the **alternative fuel [station] site** shall be within three (3) miles of the interchange, located along the crossroad of the interchange, be clearly visible from the crossroad, with the availability of the *[alternate]***alternative fuel** clearly identified on the on-premise signing *[of the fuel station]* **of the site**. The distance to the *[service fuel station]***alternative fuel site** will be displayed along with the general service logo where the distance is greater than one (1) mile;

(B) Electric Vehicle Charging (**EV Charging**) 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 charging** 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 all the minimum qualifications for the category]***sites participating in the TODS or Logo program under the GAS category. EV charging stations located at businesses participating in the TODS or Logo programs under categories other than GAS may be signed using the General Service signing for EV charging in accordance with the requirements of the application of general service signing in this rule;**

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

(D) Lodging, motel, and hotel facilities shall be approved and/or licensed by the state agency or political *[entity]***subdivision** having jurisdiction, have a minimum of ten (10) rooms **with each room having its own restroom facility, including a shower and/or bath tub, [and] sufficient off-street parking for all guests, [have] telephones [available for public use]in each room**, and be open twenty-four (24) hours a day, seven (7) days a week;

(E) Camping and campground facilities shall be approved and/or licensed by the state agency or political *[entity]***subdivision** having jurisdiction, provide *[modern sanitary]***restroom** facilities, *[and] drinking water, [provide a minimum of]***at least twenty (20) camping and parking spaces, [and] be open twenty-four (24) hours [a]per day, seven (7) days [a]per 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]*

[(F) Twenty-four- (24-) hour pharmacies shall be continuously operated twenty-four (24) hours

per day, seven (7) days per week, and have a state-licensed pharmacist on duty at all times.]

(30) “Qualified Entity” – a site that meets one (1) of the following categories and meets all of the criteria *[listed in this]* **of 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.

(33) “Restroom Facility/Facilities” – a modern sanitary facility comprising of a minimum of one sink with running water and one flushing toilet.

(/33/34) “Rural Area” – an *[area]* **incorporated area, an unincorporated US Census designated place or a county** in which the population is equal to or less than five thousand (5,000) persons.

(/34/35) “Satellite College/University Site” – a branch site of a college/university *[that is physically located at a distance]* **located at a site apart or away** 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.

(/35/36) “Second Connection” – the sign location in advance of the intersection or interchange where motorists turn to access the state highway where first connection signing is provided.

(/36/37) “Specific Service Sign” – a supplemental guide sign displaying Logo panels for specific businesses that provide eligible motorist services or tourist attractions as outlined in this rule.

(/37/38) “Standard” – the department’s **current versions of the Standard Plans for Highway Construction, [and/or] Standard Specifications for Highway Construction, [and/or] and the policies found in the department’s Engineering Policy Guide.**

(/38/39) “Third Connection” – the sign location in advance of the intersection or interchange where motorists turn to access the state highway where second connection signing is provided.

(/39/40) “TODS Program” or “TODS” – 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.

(/40/41) “TODS Sign” – a sign displaying the name of qualified entities that provide eligible tourist attractions or motorist services, as *[outlined]* **written** in this rule, displayed as a stand-alone sign or as part of a TODS sign assembly.

(/41/42) “Tourist Attraction” – a tourist-oriented activity where the site’s primary function, or offering, is as a natural phenomenon, historic site, cultural site, museum, educational site, area of natural beauty, 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 **and is**

open to the public without reservations. 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. *[and]* **In addition, qualifying tourist attractions are to be open for business at least three (3) months per year, four (4) hours per day, at least five (5) days per week with at least one (1) day being a Saturday or Sunday unless otherwise indicated in this rule, have public restroom facilities, and a minimum of ten (10) parking *[accommodations]* spaces.**

(A) “Natural phenomenon” – a feature created by nature. Examples may include, but are not limited to, unusual rock formations, caves, geysers, or waterfalls.

(B) “Historic site” – a structure, site, or district that has definite historical significance and shall be listed on the **National Park Service’s National Register of Historic Places which can be found at <https://www.nps.gov/subjects/nationalregister/index.htm>.**

(C) “Cultural site” – any facility for the performing arts, exhibits, or concerts that is open to all age groups.

(D) “Museum” – 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” - sites which include:

1. “Zoological” or “botanical park” – a facility in which living animals, insects, or plants are kept and exhibited to the public;

2. “Facility tours” – 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, be educational in format, informing the public how the products from the facility are produced or grown, and be *[made known]* **communicated** 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]* **This does not include retail outlets *[who]* which do not fabricate or grow their products *[do not qualify]; [and]***

3. “Wineries”, *[or]* “breweries”, or “distilleries” – a licensed site which produces a minimum of five hundred (500) gallons of wine, *[and/or]* beer or spirits per year, *[which is]* open to the public for guided tours*[.]* or tasting*[, sells a minimum of one hundred (100) days per year.]* and meet the **additional requirements *[defined under]* of “facility tours*[.]*” as defined in this rule;**

4. “Agritourism Sites” – **An agricultural site open to the public providing the opportunity to visit a working farm, ranch, or other agricultural facility for the purposes of education, participating in the activities of the site, or purchasing products produced by the site. Qualifying sites are those locations where the products are grown/raised and harvested, where visitors can purchase pre-harvested products or have the option to select and harvest products directly from the fields. Examples of qualifying sites include, but are not limited to, Christmas tree farms, pumpkin patches, blueberry farms, and apple orchards. This does not include remote sites in which agricultural products have been transported for sale away from the farm, ranch, or other agricultural site producing the products. Examples of non-qualifying sites would include, but are not limited to, farmers markets, roadside produce stands, and Christmas tree sale lots. Qualifying agritourism sites may only participate in the TODS program and are to be open for business a minimum of four (4) weeks per year, four (4) hours per day, at least five (5) days per week with at least one day being a Saturday or Sunday.**

(F) “Area of natural beauty” – 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” - sites which include:

1. “Recreational area” – an area *[that includes]***conducive to outdoor recreation, including**, but *[is]* not limited to, bicycling, boating, fishing, swimming, hiking, rafting, picnicking, snowmobiling, cross country skiing, or snow skiing;

2. “Amusement parks” – a permanent area which *[is open to the gener-al public offering]***offers** 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” – a stadium, sports complex, auditorium, fairgrounds, civic or convention center, or racetrack which have *[at least]* seating for **at least** five thousand (5,000) people, *[holding public events open to all groups on]***open and/or holding public events** at least one hundred (100) days of the year;

4. “Golf course” – a facility *[open to the public and]* offering at least nine (9) holes of play;

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 (1) or more of, but not limited to, the following sports: soccer, baseball, softball, basketball, *[and/]*or tennis; and

6. “Excursion gambling boat” – a boat, ferry, *[or]* other **floating facility or any non-floating facility** licensed by the **Missouri** gaming commission on which gambling games are *[allowed]* **permitted by law**.

(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 **and be accessible to the public three hundred sixty-five (365) days per year**.

[42/43] “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 (1) piece of property owned and operated by the college/university, typically in a park-like setting. The buildings *[will]***could** serve as, but **are** not limited to, administration, classrooms, labs, auditoriums, *[and/]*or stadiums. *[Garages]***This does not include garages**, maintenance buildings, or other buildings not supporting education *[are not considered related buildings to qualify as a campus]*.

[43/44] “Traffic Generator” – a qualified **publicly or privately owned** entity meeting the criteria of a tourist attraction, but not including~~[,]~~ golf courses or excursion gambling boats. **Publicly owned traffic generators are typically owned and operated by the state or federal governments, city or county jurisdictions, do not charge entry fees to utilize the facilities and are typically non-profit or not-for-profit. Privately owned traffic generator sites are typically owned and operated by individuals or organizations which charge entry and user fees and are revenue-producing.**

[44/45] “Traffic Generator Program” – a supplemental guide sign program, which provides *[guidance]***directional information** to qualified entities, schools, governmental agencies, and colleges.

([45]46) “Traffic Generator Sign” – a supplemental guide displaying the name and logo, when [permissible in]permitted by this rule, of the qualified entity.

([46]47) “Trailblazer Sign” – 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 installation of a Logo or TODS sign.

([47]48) “Urban Area” – an [area]incorporated city or US Census designated place in which the population is greater than five thousand (5,000) persons.

([48]49) “Visible” – 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.

([49]50) “Welcome Center Affiliate” – a local chamber of commerce, a local convention and visitor bureau, or an institution of higher education with an established tourism curriculum [which serves]serving to increase the number of welcome centers in Missouri without expending state funds and otherwise meeting the criteria of this rule.

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.*