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DIVISION 1

PROCEDURAL RULES

733-001-0000

Notice of Proposed Rules

Prior to the adoption, amendment, or repeal of any rule, the Travel Information Council shall give notice of the proposed adoption, amendment, or repeal:

- (1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 15 days prior to the effective date.
- (2) By mailing a copy of the notice to persons on the Travel Information Council's mailing list established pursuant to ORS 183.335(6).
- (3) By mailing a copy of the notice to known interested persons or organizations.
- (4) By mailing a copy of the notice to United Press International, Associated Press, and to a newspaper of general circulation throughout the state.

Stat. Auth.: ORS 183
Stats. Implemented:
Hist: TIC 10, f. & ef. 8-19-77

733-001-0005

Model Rules of Procedure

Pursuant to the provisions of ORS 183.341, the Travel Information Council hereby adopts the 1975 Attorney General's Model Rules of Procedure under the Administrative Procedures Act.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or the Travel Information Council.]

Stat. Auth.: ORS 183
Stats. Implemented:
Hist: TIC 10, f. & ef. 8-19-77

DIVISION 20

**REGULATIONS FOR EXEMPT SIGNS
UNDER ORS 377.735**

733-020-0005

Church and Civic Organization Signs

The permit requirements of ORS 377.700 to 377.840 do not apply to signs erected and maintained by a city, within incorporated cities, outside of highway right of way showing the place and time of services of meetings of churches and civil organizations in the city:

- (1) Location: The above signs may be located on private property adjacent to state highways but are prohibited in protected areas of Interstate Highways.
- (2) Size: The permissible maximum size for church and civic organization signs is as follows:
 - (a) Height eight feet, excluding support;
 - (b) Length four feet;
 - (c) Each panel, height six inches, length 4 feet.
- (3) Number: A city is limited to erecting two signs readable by the traveling public proceeding in any one direction on any one highway.
- (4) Any sign erected under this rule must comply with the provisions of ORS 377.720.
- (5) Removal: Signs erected under this rule shall be removed as provided in ORS 377.775.

Stat. Auth.: ORS 377

Stats. Implemented:

Hist: TIC 5, f. & ef. 9-24-75; TIC 6, f. & ef. 5-21-76; TIC 12, f. & ef. 11-18-77; TIC 5-1978, f. & ef. 5-19-78

733-020-0010

Residential Directional Signs

- (1) Residential directional signs must be located on private property adjacent to state highways other than fully controlled access highways or designated scenic areas.
- (2) Number: One such sign readable by the traveling public proceeding in any one direction on any one state highway is the maximum number allowed for any one residence.
- (3) Size: The maximum permissible size for residential directional signs is as follows:
 - (a) Height two feet, excluding supports;
 - (b) Length four feet.
- (4) Signs erected under this rule are subject to the provisions of ORS 377.720.
- (5) Removal: Failure to comply with applicable sections of the statutes and this rule will result in removal of signs erected under this rule as provided in ORS 377.775.

Stat. Auth.: ORS 377

Stats. Implemented:

Hist: TIC 5, f. & ef. 9-24-75; TIC 6, f. & ef. 5-21-76; TIC 12, f. & ef. 11-18-77; TIC 5-1978, f. & ef. 5-19-78

733-020-0015

Signs of a Governmental Unit

- (1) In order to qualify as a sign of a governmental unit the following criteria must be satisfied:
 - (a) The sign must be within the territorial or zoning jurisdiction of the governmental unit;
 - (b) The governmental unit must have the authority to declare, expound, administer, or apply the law within that area;
 - (c) The signs can only be erected for the purpose of carrying out an official duty or responsibility directed or authorized by law;
 - (d) The subject matter of the sign must relate to a public function or service;
 - (e) The subject matter must not relate to a private commercial product or activity.
- (2) Location: Signs permitted by this rule may be erected on private or governmental unit property adjacent to State Highways, but are prohibited on state highway rights of way and on designated scenic area highways.
- (3) Size: The maximum permissible size for signs of a governmental unit is as follows:
 - (a) Overall, 200 square feet;
 - (b) No dimension to exceed 20 feet. Existing signs not meeting the size limitation must be brought into compliance by January 1, 1985.
- (4) Number: Two signs are permitted for any one governmental unit. However, existing signs if meeting all criteria in these rules may remain. If the limitation on number of signs will cause undue hardship, a waiver for additional signing may be granted by the Travel Information Council upon application by the sign owner.

Stat. Auth.: ORS 377

Stats. Implemented:

Hist: TIC 12, f. & ef. 11-18-77; TIC 5-1978, f. & ef. 5-19-78

733-020-0020

Temporary Civic Signs

- (1) Location: Temporary civic signs may be located as follows:
 - (a) On private property within view of state highways;
 - (b) If on county, city, or state owned property subject to the approval of the controlling authority and the conditions and provisions imposed by such authority;
 - (c) Such signs are prohibited on interstate highway right of way or within view of interstate highway protected areas or designated scenic areas.
- (2) Size: The maximum permissible size for temporary civic signs is as follows:
 - (a) Height four feet, excluding supports;
 - (b) Length eight feet.
- (3) Number: One sign readable by the traveling public from each direction of travel on any one highway is the maximum number of signs allowed for any one activity.
- (4) Signs erected under this rule are subject to the provisions of ORS 377.720.
- (5) Removal: Signs erected under this rule must be removed within two weeks from date of installation but not later than 24 hours after completion of advertised event.
- (6) Failure to remove a sign in accordance with section (5) of this rule will result in removal by the Highway Engineer or his duly authorized representative.

Stat. Auth.: ORS 377

Stats. Implemented:

Hist: TIC 5, f. & ef. 9-24-75; TIC 6, f. & ef. 5-21-76; TIC 12, f. & ef. 11-18-77; TIC 5-1978, f. & ef. 5-19-78

733-020-0025

Memorial Signs or Tablets

- (1) Location: Memorial signs or tablets may be erected in the following locations:
 - (a) On private property within view of state highways except interstate highway protected areas;
 - (b) On county, city, or state-owned property with the approval of the controlling authority and subject to the conditions and provisions imposed by such authority;
 - (c) Signs erected under this rule are only permitted at site.
- (2) Size: The maximum permissible size for memorial signs or tablets is as follows:
 - (a) Height 10 feet, excluding supports;
 - (b) Length 15 feet.
- (3) Number: One sign is permitted at each site.
- (4) Removal: Failure to maintain a sign erected under this rule in a neat and attractive manner will be grounds for removal as provided in ORS 377.775.
- (5) Signs erected under this rule are subject to the provisions of ORS 377.720.

Stat. Auth.: ORS 377

Stats. Implemented:

Hist: TIC 5, f. & ef. 9-24-75; TIC 6, f. & ef. 5-21-76; TIC 12, f. & ef. 11-18-77; TIC 5-1978, f. & ef. 5-19-78

733-020-0030

Exposition, Fairs, and Rodeo Signs

- (1) Location: Exposition, fair and rodeo signs may be erected in the following locations:
 - (a) On private property within view of state highways except designated scenic areas;
 - (b) On county, city, or state-owned property, with the approval of the controlling authority and subject to the conditions and provisions imposed by such authority;
 - (c) Such signs are prohibited on interstate highway right of way or within view of interstate highways in protected areas.
- (2) Size: The maximum permissible size for an exposition, fair and rodeo sign is as follows:
 - (a) Height 10 feet, excluding supports;
 - (b) Length 15 feet.

(3) Number: Not more than two such signs may be erected and maintained that are readable by the traveling public proceeding in any one direction on any one highway for any one exposition, fair, or rodeo.

(4) Removal: Removal shall be within six weeks after date of erection and no later than 24 hours after closing of advertised event. Failure to remove will result in removal by the Highway Engineer or his duly authorized representative.

Stat. Auth.: ORS 377

Stats. Implemented:

Hist: TIC 5, f. & ef. 9-24-75; TIC 6, f. & ef. 5-21-76; TIC 12, f. & ef. 11-18-77; TIC 5-1978, f. & ef. 5-19-78

733-020-0035

Temporary Agricultural Directional Signs

(1) Location: Temporary agricultural directional signs may be located as follows:

(a) On private property on which the agricultural products are grown, within view of a state highway;

(b) Such signs are prohibited in interstate highway protected areas and designated scenic areas unless the sign qualifies as an on-premise sign.

(2) Size: The maximum permissible size for temporary agricultural directional signs is as follows:

(a) Height four feet, excluding supports;

(b) Length eight feet.

(3) Number: Two signs readable by the traveling public proceeding in any one direction on any one state highway are permitted for any one agricultural site.

(4) Signs erected under this rule are subject to the provisions of ORS 377.720.

(5) Removal: Signs must be removed upon completion of the sale of the product. Failure to remove will result in removal as provided in ORS 377.775.

Stat. Auth.: ORS 377

Stats. Implemented:

Hist: TIC 5, f. & ef. 9-24-75; TIC 6, f. & ef. 5-21-76; TIC 12, f. & ef. 11-18-77; TIC 5-1978, f. & ef. 5-19-78

733-020-0040

Property for Sale Signs

(1) Location: Property for sale signs are allowed on the property for sale, adjacent to and within view of a state highway.

(2) Size: The maximum permissible size for property for sale signs is as follows:

(a) Height 10 feet, excluding supports;

(b) Length 15 feet.

(3) Number: One sign visible to each direction of travel on any one highway that borders the property for sale is allowed for each property site.

(4) Signs erected under this rule are subject to the provisions of ORS 377.720.

(5) Removal: Signs must be removed upon completion of sale. Failure to remove such signs will result in removal by the state under the provisions of ORS 377.775.

Stat. Auth.: ORS 377

Stats. Implemented:

Hist: TIC 5, f. & ef. 9-24-75; TIC 6, f. & ef. 5-21-76; TIC 12, f. & ef. 11-18-77; TIC 5-1978, f. & ef. 5-19-78

733-020-0045

Church Directional Signs

(1) Location: Church directional signs are permitted on private property adjacent to a state highway; such signs are prohibited in designated scenic areas or park lands, in protected areas of the interstate highway system; at a location more than one mile from the church or the nearest point where the traveling public must leave the state highway for access to the church; and on state highway right of way.

(2) Size: The maximum permissible size for church directional signs is six square feet.

(3) Number: One sign visible to each direction of travel on any one highway approaching the church is allowed for each church.

(4) Signs erected under this rule are subject to the provisions of ORS 377.720.

(5) Removal: Signs erected under this rule shall be removed as provided in ORS 377.775.

Stat. Auth.: ORS 377

Stats. Implemented:

Hist: TIC 12, f. & ef. 11-18-77; TIC 5-1978, f. & ef. 5-19-78

733-020-0050

Temporary Political Signs

(1) Location: Temporary political signs may be erected on private property. Such signs are not permitted on state highway right of way, on trees, utility poles, on right of way fence posts or natural features, in protected areas of the interstate system, in designated scenic areas or park lands. Installing signs from controlled access highways right of way is not permitted.

(2) Size: The maximum permissible size for temporary political signs is 32 square feet (i.e., 4 ft. x 8 ft.).

(3) Erection and Removal: Signs erected under this rule are subject to the following conditions:

(a) Signs must be removed within 30 days after election date;

(b) Regulations prohibit other than official signs on a state highway right of way. Any temporary political sign located on state highway right of way may be removed without notice.

(4) Signs erected under this rule are subject to ORS 377.720.

(5) Temporary political signs which do not comply with this rule shall be removed in accordance with ORS 377.775.

Stat. Auth.: ORS 184 & ORS 377

Stats. Implemented:

Hist: TIC 12, f. & ef. 11-18-77; TIC 5-1978, f. & ef. 5-19-78; TIC 1-1982, f. & ef. 1-5-82; TIC 1-1983, f. & ef. 5-11-83

DIVISION 30

STANDARDS FOR LOGO SIGNS

[ED. NOTE: See OAR Chapter 734, Division 61 for history relating to previous rules relating to Tourist-Oriented Directional Signs. Statutory Authority was transferred to Travel Information Council pursuant to Chapter 111, Oregon Laws 1983.]

733-030-0006

Applicability and Purpose

(1) The purpose of these regulations is to establish standards for sign panels containing logos erected within highway rights-of-way to provide directional information to qualified motorist businesses offering gas, food, lodging and camping services to the traveling public.

(2) These regulations are applicable to the interstate, primary and secondary state highway system.

(3) The authority for the issuance of these regulations is Oregon Laws 1979, Chapter 478, Section 7 and 23 U.S.C. 109(d), 131(f), 315, and 49 CFR 1.48(b).

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the office of the Travel Information Council.]

Stat. Auth.:

Stats. Implemented:

Hist.: TIC 1-1979(Temp), f. & ef. 7-26-79; TIC 2-1979, f. & ef. 9-28-79; TIC 1-1980, f. & ef. 5-5-80

733-030-0011

Definitions

As used in these rules, the following definitions shall apply unless the context clearly indicates otherwise:

(1) "Sign Panel" includes "motorist information signs," "specific informational panel" and "logo signs". "Sign Panel" means a panel bearing separately affixed individual logos for "GAS," "FOOD," "LODGING," and "CAMPING," erected in advance of exit ramps, interchanges or intersections with a state highway system. A sign panel includes the words GAS, FOOD, LODGING, or CAMPING; directional information; and one or more logos.

(2) "Business Sign" (LOGO) means a separately attached sign mounted on the sign panel to show the brand, symbol, trade-

mark or name, or combination of these, for a motorist service available on a crossroad at or near an interchange or an intersection. The wording and design of a logo must be approved by the Council.

(3) "Interstate System" or "Interstate Highway" means every state highway that is a part of a national system of interstate and defense highways established pursuant to **23 U.S.C. Section 103(b)**. This definition also includes fully controlled access free-ways on the primary state highway system.

(4) "Primary System" means all parts of the primary state highway system exclusive of the "interstate system" as defined in section (3) of this rule.

(5) "Qualified Motorist Business" means a business furnishing gas, food, lodging, or camping, which has met the requirements of these regulations for the placement of a logo on a sign panel or supplemental sign panel.

(6) "Exit Ramp Signs" (supplemental sign panel) means a sign panel located on, opposite or at the terminus of an exit ramp from the interstate system or an exit ramp at an interchange on an expressway bearing logos for a qualified motorist business and directional information.

(7) "Main Traveled Way" means through traffic lanes of said system exclusive of frontage roads, auxiliary lanes and ramps.

(8) "Owner" means a holder of fee title, or holder of leasehold estates from the owner of real property.

(9) "Responsible Operator" means a person or entity other than an owner who operates a motorist business and who has authority to enter into an agreement relative to matters covered by these regulations.

(10) "Council" means the travel Information Council created by ORS 377.835.

(11) "Commission" means the Oregon Transportation Commission.

(12) "Highway Division" means the Highway Division of the Department Of Transportation.

(13) "Engineer" means the State Highway Engineer.

(14) "Expressway" means a highway which has full access control with access allowed only at interchanges and intersections.

(15) "Applicant" means a business applying for a permit to place logo(s) on a panel(s) or supplemental sign panel(s).

(16) "Secondary System" means all highways on the secondary state system.

(17) "Trailblazer" means a small sign panel with a type of service (GAS, FOOD, LODGING or CAMPING) and the name, direction and distance to the qualified motorist business.

(18) "Urban" means an area that can include but is not limited to, business districts, sections of highway with contiguous sidewalks and/or traffic control device congestion where spacing does not meet OAR 733-030-0095(3)(a).

(19) "Business District" means the territory contiguous to a highway when 50 percent or more of the frontage thereon for a distance of 600 feet or more on one side, or 300 feet or more on both sides, is occupied by buildings used for business.

(20) "Sidewalk" means a walkway with a hard, smooth surface, separated from the roadway with a curb, built for use by pedestrians, including persons in wheelchairs.

(21) "Traffic Control Devices" means any sign, signal, marking or device placed, operated or erected by authority under ORS 810.210, for the purpose of guiding, directing, warning or regulating traffic.

Stat. Auth.: ORS 377.700 - ORS 377.840

Stats. Implemented: ORS 183.310 - ORS 183.550

Hist.: TIC 1-1979(Temp), f. & ef. 7-26-79; TIC 2-1979, f. & ef. 9-28-79; TIC 1-1980, f. & ef. 5-5-80; TIC 3-1995, f. & cert. ef. 11-8-95

733-030-0016

Location

(1) Sign panels are intended for use primarily in rural areas. Any installation of sign panels outside rural areas shall be consistent with the state signing policy criteria contained in OAR 733-030-0055.

(2) Sign panels should 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. Unprotected sign panel supports located within the clear zone shall be of a breakaway design.

(3) In the direction of traffic, successive sign panels shall be those for "CAMPING," "LODGING," "FOOD," and "GAS" — In that order.

Stat. Auth.:

Stats. Implemented:

Hist.: TIC 1-1979(Temp), f. & ef. 7-26-79; TIC 2-1979, f. & ef. 9-28-79; TIC 1-1980, f. & ef. 5-5-80

733-030-0021

Criteria for Specific Information Permitted

(1) Each qualified motorist business identified on a sign panel shall have given written assurance to the Council of its conformity with all applicable laws concerning the provision of public accommodations without regard to race, religion, color, sex, or national origin, and shall not be in breach of that assurance.

(2)(a) If the qualified motorist business is a gas, food, or lodging facility, it must be located within one mile of the interchange or intersection measured by vehicle distance from the center point of the terminus of the exit ramp on an interchange and from the center of an intersection to the nearest point of the intersection of the driveway of the business and a public highway. However, any qualified motorist business set out in this section location within nine miles of an interchange or intersection, but more than one mile from the interchange or intersection may apply to the Council for a waiver under the provisions of rule 733-030-0060.

(b) Facilities requesting signing from an Interstate or Expressway interchange and located within a city with a population of 15,000 or more and where there are sufficient numbers of services within one mile of that interchange or intersection, are not eligible for a mileage waiver and shall be located within one mile of the interchange or intersection. If there is not a sufficient amount of services available at any given interchange or intersection in a city with a population of 15,000 or more, then any qualified motorist business set out in this section located within two miles of an interchange or intersection may apply to the Council for a waiver under the provisions of rule 733-030-0060. A maximum of two supplemental signs per facility shall be allowed within urban areas. A facility has the right to appeal the conditions set forth in this paragraph through a waiver to the Council. A seven year review will be conducted for those logos signs installed following the rule adoption.

(3) If the qualified motorist business is a camping facility, it must be located within three miles of the interchange measured by vehicle distance from the center point of the terminus of the exit ramp of an interchange or the center of an intersection at an intersection to the nearest point of the intersection of the driveway of the business and a public highway. However, any qualified motorist business set out in this paragraph located within 15 miles of an interchange or intersection, but more than three miles from an interchange or intersection, may apply to the Council for a waiver under the provisions of rule 733-030-0060.

(4) The types of service permitted shall be limited to GAS, FOOD, LODGING or CAMPING. To qualify for displaying a logo on a sign panel:

(a) "GAS" shall include:

(A) Vehicle services, which shall include fuel, oil, tire repair and water;

(B) Restroom facilities and drinking water;

(C) Continuous operation at least 16 hours per day, 7 days a week for businesses located on the interstate system and expressways and continuous operation at least 12 hours per day, 7 days a week on the primary and secondary system; and

(D) Telephone service;

(E) FOOD services located within GAS facilities, that meet all requirements under 733-030-0021(4)(b) except for (E), may display their logo on the logo plaque for the GAS facility in which

they are located. Each GAS plaque shall be limited to the addition of only one FOOD service. Brand names that are reflected as part of the GAS facility's registered business name may be included on the logo plaque.

(b) "FOOD" shall include:

- (A) Licensing for the providing of meals;
- (B) Continuous operation for 10 hours a day or breakfast/lunch/dinner, not open later than 10:00 am, seven days a week, with year-round service;
- (C) Telephone service;
- (D) The primary business operation is the providing of meals; and
- (E) Seating for at least 20 people. FOOD facilities located within GAS facilities, and do not meet FOOD seating requirements, may be displayed on the GAS logo for that facility. See 733-030-0021(4)(a)(E).

(c) "LODGING" shall include:

- (A) Licensing where required;
- (B) Adequate sleeping accommodations;
- (C) Telephone services.
- (d) "CAMPING" shall include:
 - (A) Licensing where required;
 - (B) Adequate parking accommodations;
 - (C) Modern sanitary facilities and drinking water.
- (5) The number of sign panels permitted shall be limited to one for each type of service along an approach to an interchange or intersection. The number of logos permitted on a sign panel is specified in rule 733-030-0036 for the interstate system, rule 733-030-0041 for expressways, and rule 733-030-0045 for the primary and secondary system.

(6) A qualified motorist business which fails to meet the requirements of section (4) of this rule may request a waiver from the Council under the provision of 733-030-0060.

Stat. Auth.: ORS 377.700 - ORS 377.840

Stats. Implemented: ORS 183.310 - ORS 183.550

Hist.: TIC 1-1979(Temp), f. & ef. 7-26-79; TIC 2-1979, f. & ef. 9-28-79; TIC 1-1980, f. & ef. 5-5-80; TIC 1-1984, f. & ef. 1-13-84; TIC 3-1985, f. & ef. 6-4-85; TIC 1-1994, f. & cert. ef. 6-1-94; TIC 3-1995, f. & cert. ef. 11-8-95; TIC 2-1996, f. & cert. ef. 7-12-96; TIC 1-1997, f. & cert. ef. 2-13-97

733-030-0026

Composition

(1) Sign panel shall have a blue background with a white reflectorized border. The size of the sign panel shall not exceed the minimum size necessary to accommodate the maximum number of logos permitted using the required legend, size and height and interline and edge spacing specified in the **Manual on Uniform Traffic Control Devices**.

(2) Logo sign panels shall have a blue background with a white legend and border. The principal legend should be at least equal in height to the directional legend on the sign panel. Where business identification symbols or trademark are used alone for a logo on the logo plaque, the border may be omitted. The symbol or trademark shall be reproduced in the colors and general shape consistent with on-premise signing, and any integral legend shall be in proportionate size. The registered business name, in part as a whole, is the only wording allowed on the logo plaque. Messages, symbols, and trademarks which resemble any official traffic control device are prohibited. The vertical and horizontal spacing between logo plaques on sign panels shall not exceed eight inches and 12 inches, respectively. Typical sign locations prepared from these standards are shown in **Exhibit 1**, attached hereto and by this reference made a part hereof.

(3) All directional arrows and all letters and numbers used in the name of the type of service and the directional legend shall be white and reflectorized.

(4) If the qualified motorist service business is a gas facility applying for highway signing for a standard gas service station and a card-lock service, the plaque shall reflect the standard station's registered business name and the trademark along with the card-lock service's registered business name and/or trademark on the same plaque.

[ED. NOTE: The Exhibit(s) referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: ORS 377.700 - ORS 377.840

Stats. Implemented: ORS 183.310 - ORS 183.550

Hist.: TIC 1-1979(Temp), f. & ef. 7-26-79; TIC 2-1979, f. & ef. 9-28-79; TIC 1-1980, f. & ef. 5-5-80; TIC 1-1996, f. & cert. ef. 1-8-96

733-030-0036

Special Requirements — Interstate Highways

(1) Location:

(a) Except as provided in paragraph (2)(b) and (c) of this rule a separate sign panel shall be provided for each type of service for which logos are displayed.

(b) The sign panel shall be erected between the previous interchange and 800 feet in advance of the exit direction sign at the interchange from which the services are available. There should be at least 800 feet spacing between sign panels.

(c) Sign panels shall not be erected at an interchange where the motorist cannot conveniently re-enter the highway and continue in the same direction of travel or at interchanges between an interstate highway and a fully access controlled freeway or an interchange between interstate highways.

(d) At single-exit interchanges where service facilities are not visible from a ramp terminal, supplemental sign panels shall be installed along the ramp or at the ramp terminal, and may be provided along the crossroad. These supplemental sign panels shall be duplicates of the corresponding sign panels along the main traveled way but reduced in size. GAS supplemental sign panels for facilities that also display a FOOD service on their logo plaque, shall only display their GAS logo on their supplemental sign panels. The supplemental sign panels shall include the distances to the business and directional arrows in lieu of words. The minimum letter height should be four inches except that any legend on a symbol shall be proportionate to the size of the symbol. Supplemental sign panels may be used on ramps and crossroads at double exit interchanges. There shall be no more than 18 plaques total being displayed along any one exit ramp. Of those 18, a maximum of ten can be for one type of service. A maximum of six plaques per type of facility shall be displayed per direction being signed. Maximum board size shall be eight spaces. From the beginning of the ramp, as it exits the main line, to a point that is 500 feet in advance of the ramp terminal, spacing between logo supplemental signs and other ramp signs shall be 200 feet. Spacing within the next 300 feet of the ramp shall be 150 feet. Within the remaining 200 feet of the ramp the sign spacing shall be 100 feet between signs. Exhibit 5 displays the spacing requirements. On channelized off-ramps, supplemental logo signs should be placed in advance of the channelized markings. Separate signs, for the same type of service, may be installed on opposite sides of the ramp to direct motorists into the proper lane for those facilities displayed on the board.

(2) Composition:

(a) Single exit interchanges. The name of the type of service followed by the exit number shall be displayed in one line above the business signs. This does not apply to sign panels already erected at the time these rules are adopted. At unnumbered interchanges the directional legend NEXT RIGHT (LEFT) shall be substituted for the exit number. GAS sign panels shall be limited to six logos; the FOOD, LODGING and CAMPING sign panels shall be limited to six logos each.

(b) Double exit interchanges. Sign panels shall consist of two sections, one for each exit. The top section shall display the logo for the first exit and the lower section shall display the logo for the second exit. The name of the type of service followed by the exit number shall be displayed in a line above the logos in each section. The exit number requirements of this section do not apply to sign panels erected at the time these rules are adopted. At unnumbered interchanges, the legends NEXT RIGHT (LEFT) shall be substituted for the exit numbers. Where a type of motorist service is to be signed for at only one exit, one section of the sign panel may be omitted or a single exit interchange sign panel may be

used. The number of logos on the sign panel (total of both sections) shall be limited to six for GAS, FOOD, LODGING and CAMPING.

(c) Remote rural interchanges. In remote rural areas, where not more than two qualified motorist businesses are available for each of two or more types of services, logos for two types of service shall be displayed in combination on a sign panel. The name of each type of service shall be displayed in combination on a sign panel. The name of each type of service shall be displayed above its respective logo, and the exit number shall be displayed above the name of the type of services. The exit number requirements of this paragraph do not apply to sign panels erected at the time these rules are adopted. At unnumbered interchanges, the legend NEXT RIGHT (LEFT) shall be substituted for the exit number.

(3) Size:

(a) Logos:

(A) Each logo displayed on the GAS sign panel shall be contained within a 48-inch wide and 36-inch high rectangular background area, including border.

(B) Each logo on the FOOD, LODGING, and CAMPING sign panel shall be contained within a 60-inch wide and 36-inch high rectangular background area, including border.

(b) Legends. All letters used in the name of type of service and the directional legend shall be 10-inch capital letters. Numbers shall be 10 inches in height.

[ED. NOTE: The Exhibit(s) referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 377.700 - ORS 377.840

Stats. Implemented: ORS 183.310 - ORS 183.550

Hist.: TIC 1-1979(Temp), f. & ef. 7-26-79; TIC 2-1979, f. & ef. 9-28-79; TIC 1-1980, f. & ef. 5-5-80; TIC 1-1991, f. & cert. ef. 12-23-91; TIC 1-1997, f. & cert. ef. 2-13-97

733-030-0041

Special Requirements — Expressways

(1) Location:

(a) Interchanges. The location of sign panels and supplemental sign panels erected for interchanges shall be in accordance with the provisions of OAR 733-030-0036(1)(a) through (d); and

(b) Intersections. Sign panels should be erected between the previous interchange or intersection and 300 feet in advance of the intersection from which the services are available. The spacing between sign panels, and between sign panels and other traffic control devices, should be determined on the basis of an engineering study. Logos shall not be displayed for any business if it's building or on-premise signing is visible and/or recognizable on the traveled way for a distance of 300 feet or more from the intersection. Visibility and recognition are determined by being able to recognize the facility by observing the building or existing signing adjacent to or attached to the facility, as to the type of service (Gas, Food, Lodging, Camping) for which is has applied. A facility that is visible within 300 feet or more, but is not recognizable, may qualify for signing if a favorable determination is made by the Travel Information Council. However, in rural towns with a population of 500 persons or less, where there are minimal services meeting eligibility criteria, and where the nearest available services are at least 25 miles from that town, the Council, upon consultation with the Engineer, may consider installation logo signs in cases where the business is visible on the traveled way the last 300 feet from the intersection. Supplemental sign panels similar to those as described in OAR 733-030-0036(1)(d) may be provided on the crossroad.

(c) Resort symbol signing. Signing is available to a facility in a rural area where the highway is either in a scenic area or passes through public land where facilities are permitted of a government agency. The facilities must be open full time and offer three of the following services:

(A) Restaurant or coffee shop;

(B) Lodging;

(C) Gasoline and automotive services. The resort area shall also be at least 25 miles from any other commercially owned business offering services of a like nature. The public entity requesting approved signs is fully responsible for the actual financial costs of

manufacture, installation, and potential repairs. The organization or public agency responsible for the public land shall be responsible for signing the facilities off of the State highway right of way, including follow-up signing. If the facility (such as gasoline and automotive services) is the last of its kind for a substantial area, the signing must indicate the mileage to the next available facility. Council will address each request on a case by case basis.

(2) Composition:

(a) Interchanges. The composition of sign panels and supplemental panels erected for interchanges shall be in accordance with OAR 733-030-0036(2)(a) through (c); and

(b) Intersection. A maximum of six logos for each type of service shall be displayed along each approach to the intersection. A maximum of three or two and four logos for each of two different types of services may be combined on the same sign panel. The name of each type of service shall be displayed above its logo together with an appropriate legend such as NEXT RIGHT (LEFT) or a directional arrow.

(3) Size:

(a) Interchanges: Logos shall conform with the size specifications in OAR 733-030-0036(3)(a)(A) and (B); and

(b) Intersections: See OAR 733-030-0055.

Stat. Auth.: ORS 377

Stats. Implemented:

Hist.: TIC 1-1979(Temp), f. & ef. 7-26-79; TIC 2-1979, f. & ef. 9-28-79; TIC 1-1980, f. & ef. 5-5-80; TIC 1-1990, f. & cert. ef. 3-26-90; TIC 1-1994, f. & cert. ef. 6-1-94

733-030-0045

Special Requirements — Primary and Secondary System

(1) Location. The location of the sign panels shall be as specified in rule 733-030-0041(1)(b) except that the minimum spacing between logo signing and other traffic control devices shall be determined on the basis of an engineering study according to the speed zones as follows:

(a) 35 miles per hour — 150-foot minimum between signs on a two or more lane highway;

(b) 45 miles per hour — 200-foot minimum between signs on a two or more lane highway;

(c) 55 miles per hour — 300-foot minimum between signs on a two-lane highway;

(d) 55 miles per hour — 550-foot minimum between signs for a multi-lane highway.

(2) Composition. A maximum of four logos for each type of service shall be displayed along each approach to the intersection. A maximum of two logos for each of two different types of services may be combined on the same sign panel. The name of each type of service shall be displayed above its logo together with an appropriate legend such as NEXT RIGHT (LEFT) or a directional arrow.

(3) Size:

(a) Each logo shall be contained within a 24-inch-wide and 18-inch-high rectangular background area, including border;

(b) Legends: All letters used in the name of the type of service on the sign panel shall be four-inch capital letters.

(4) Combination services signing (i.e., legend reading "FOOD/LODGING," displaying one facility's logo plaque) will be allowed in rural locations only. The customer applying for signing is the only facility available in the geographical area. Approval for Dual Services Signing will be under an agreement between TIC and the customer/facility. If another qualified facility is built in the area, the facility with the dual services signing will be required to display their plaques on two logo boards, one for each service. Facilities approved for Dual Services Signing will be required to pay 1-1/3 the annual fee for a facility in their area.

Stat. Auth.: ORS 377.700 - ORS 377.840

Stats. Implemented: ORS 183.310 - ORS 183.550

Hist.: TIC 1-1979(Temp), f. & ef. 7-26-79; TIC 2-1979, f. & ef. 9-28-79; TIC 1-1980, f. & ef. 5-5-80; TIC 2-1996, f. & cert. ef. 7-12-96; TIC 1-1997, f. & cert. ef. 2-13-97; TIC 2-1998, f. & cert. ef. 11-13-98

733-030-0050

General Provisions

Upon selection by the Council and subject to the approval of the State Traffic Engineer or the Oregon Department of Transportation of an interchange or intersection for installation of a sign panel, and upon approval of proper application for a permit from one or more qualified motorist services businesses at or conveniently accessible from the interchange or intersection, a single sign panel shall be erected in advance of the interchange or intersection in each direction of travel, for each type of business or a combination of not more than two types of qualified motorist businesses provided space is available for the erection of the sign panel or if a sign panel is already erected space is available on the existing sign panel.

Stat Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 1-1979(Temp), f. & ef. 7-26-79; TIC 2-1979, f. & ef. 9-28-79; TIC 1-1980, f. & ef. 5-5-80; TIC 2-1996, f. & cert. ef. 7-12-96

733-030-0055

State Sign Policy

(1) Logo sign panels are primarily intended for installation at rural interchanges where motorist services are available. Logo sign panels may be considered within other areas if the Council determines that the area does not appear to be urban in character.

(2) Sign panels erected at intersection on an expressway shall be of the same size as sign panels at interchanges on an expressway. The logos shall conform to the size specifications in rule 733-030-0036(3)(a)(A) and (B). The legends shall conform to the requirements of rule 733-030-0036(3)(b).

(3) Where any qualified motorist service business whose logo is placed on a sign panel is not visible from any part of the exit ramp on the interstate system or expressway, a supplemental sign panel bearing the logo of that business, together with a directional arrow, and mileage where needed, shall be placed on the exit ramp or at its terminus. Such supplemental sign panels shall be placed at such location as will best serve the motoring public and be commensurate with traffic safety as shall be determined by the engineer. If a qualified motorist services business is visible from any part of the exit ramp or the terminus of the exit ramp, it shall not be entitled to apply for a supplemental sign panel unless such supplemental sign panel is determined by the Council and the engineer to be necessary in order to direct the traveling public to such qualified motorist service business in order to avoid a traffic hazard or misdirection of the traveling public because of the complexity of the particular interchange.

(4) Supplemental sign panels shall bear the legend GAS, FOOD, LODGING or CAMPING and one or more horizontal rows of logos with a directional arrow as appropriate. Standards for supplemental sign panels shall be adopted by the engineer.

(5) A trailblazer may be installed upon the recommendations of the Council and approval of the engineer at intersections of state highways or intersections of state highways and county roads or city streets if it can be placed on state highway right of way. The lettering on a trailblazer shall conform to the requirements of the **Manual On Uniform Traffic Control Devices**. Standards for trailblazers shall be adopted by the engineer.

(6) Subject to the approval of the Council, and if spaces are available, the logo of an eligible qualified motorist service may, upon proper application, be placed on a supplemental sign panel if one is erected, although its logo cannot be placed on a sign panel in advance of the interchange because permits have already been issued for the maximum number of logos of qualified motorist service businesses, for the particular sign panel.

(7) If the gas, food or lodging facilities existing within one mile of the interchange which are eligible, up to a maximum of six for gas and four for food and lodging facilities, have not applied for a permit for placement of logos on sign panels at an interchange, then the otherwise eligible qualified motorist business is located close to but within three miles from any interchange, may apply for a permit. If the otherwise eligible business is within three miles but more than one mile from the interchange, it must obtain a waiver as provided in rule 733-030-0060. If camping

facilities existing within three miles of the interchange which are eligible, up to a maximum of four, have not applied for permit for placement of logos on the sign panel at an interchange, then the otherwise eligible camping facility located close to, but within 15 miles from the interchange, may apply for a permit. If the camping facility is within 15 miles but more than three miles from the interchange, it must obtain a waiver as provided in rule 733-030-0060.

(8)(a) If applications are received for any one interchange for more than the maximum allowable logos to be placed on any one sign panel, the order of priority shall be based on the date of the properly completed application received by the Travel Information Council.

(b) A qualified motorist business applying for logo signing on more than one state highway may apply for logos on each state highway adjacent to that business; and

(c) Any qualified motorist business shall have one logo in each direction of travel for each type of service on any state highway.

(9) The owner or responsible operator of a business must file an application for placement of its logo sign on a sign panel, on a form specified by the Council, and tender the permit fee and rental for the first year. The applicant must also agree to furnish the necessary logos to be affixed to the sign panel(s) or where applicable supplemental sign panels.

(10) Eligibility of qualified motorist service businesses for continued placement of their logo on a sign panel may be reviewed by the Travel Information Council at any time to assess whether the motorist service business and/or the logo signing location meets present state policies or administrative rules. If the review finds that the motorist service business and/or the signing location does not meet present policies or rules, the signing may be removed. If payment is not made for a renewal permit within 30 days after the due date, the logo may be removed. The logo space made available after the removal of a logo due to non-payment of fees shall be offered to the next qualified motorist service business on a waiting list for that sign panel. Should space continue to be available and the removed motorist service business desires to have its logo reinstalled, the Council may require a new review to be performed prior to approving the reinstallation. If approved for reinstallation the business must pay the fees due and reinstallation fee prior to installation of logo signing.

(11) Notwithstanding section (10) of this rule, the granting of a new or renewed permit shall entitle the applicant to continuance of its logo sign for one year from the date of placement or renewal.

(12) Notwithstanding section (10) of this rule, the logo of a motorist service business shall be removed from a sign panel and may be replaced by another qualified applicant for failure to comply with subsections (a)–(d) of this section as hereafter set out:

(a) If the qualified motorist business fails on a sufficient number of occasions or over a sufficient period of time to provide all of the services required by rule 733-030-0021(4) so as to justify a finding by the Council that the business is not in substantial compliance with these regulations;

(b) If the qualified motorist business fails to open for business for more than seven consecutive days or for more than 10 days cumulatively, during any one-year period, unless the Council finds that closure for such period was beyond the control of the owner or responsible operator, or that the closure was justified by extenuating circumstances;

(c) If it fails to comply with OAR 733-030-0021(1) except in isolated instances without the knowledge of the owner, responsible operator or manager of the business, or on any occasion unless steps are promptly taken to insure to the fullest extent reasonably possible that such instances will not recur; and

(d) The logo is not kept in a proper state of repair or is peeling, fading, chipping or otherwise unattractive.

(13) If due to fire, accident or similar causes, a qualified motorist service business becomes inoperable for extended period of time, exceeding seven days, but not more than 90 days, its logo shall be temporarily removed from all sign panels, but the busi-

ness shall not lose its priority, nor be required to reapply prior to the formal time of a renewal application. Further extension may be granted on good cause shown. However, failure of the owner or responsible operator to proceed with necessary repairs as rapidly as possible shall cause loss of the right to continued placement of the logo and require a new application.

(14) Notwithstanding the fact that a motorist service business meets all of the other eligibility requirements of these regulations, an application may be denied by the Council if it is determined by the Council after investigation by the engineer that adequate direction to the business cannot be given by a reasonable number of allowable supplemental sign panels or trailblazers.

(15) If a sign panel is removed due to reconstruction at any given interchange, and one legend may be retained, the Council shall survey the immediate area of that interchange to assess availability of specific services. The services not available within the immediate area, but located at the interchange to be removed, will have legends retained to meet motorist needs. If all legends are fairly represented in the immediate area, legends at that interchange will be retained by giving priority to the date of application of the first business of all legends installed.

(16) Any qualified motorist business that changes ownership and the registered business name on a sign panel with a waiting list, forfeits the right to the logo space and the logos are removed. The next business on the waiting list shall be notified of available space.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: ORS 377.700 - ORS 377.840

Stats. Implemented: ORS 183.310 - ORS 183.550

Hist.: TIC 1-1979(Temp), f. & ef. 7-26-79; TIC 2-1979, f. & ef. 9-28-79; TIC 1-1980, f. & ef. 5-5-80; TIC 3-1983(Temp), f. & ef. 7-21-83; TIC 5-1983, f. & ef. 8-26-83; TIC 2-1987(Temp), f. & cert. ef. 8-4-87; TIC 3-1988, f. & cert. ef. 12-23-88; TIC 1-1989, f. & cert. ef. 6-9-89; TIC 2-1989, f. & cert. ef. 10-27-89; TIC 1-1991, f. & cert. ef. 12-23-91; TIC 1-1994, f. & cert. ef. 6-1-94; TIC 1-1995, f. & cert. ef. 5-17-95; TIC 1-1996, f. & cert. ef. 1-8-96; TIC 2-1996, f. & cert. ef. 7-12-96

733-030-0060

Waiver

(1) Upon petition by an applicant the Council may authorize a waiver upon showing by the applicant that:

(a) For gas, food, lodging facilities that are located within nine miles of an interchange but more than one mile from an interchange that the business is easily located from the interchange and that no additional sign panel other than an authorized supplemental sign panel or trailblazer would be necessary to direct the traveling public to the place of business. Card-lock gas stations are not eligible for waivers.

(b) For camping facilities, that are located within 15 miles of an interchange but more than three miles from an interchange, that the facility is easily located from the interchange and that no additional supplemental sign panels other than authorized supplemental sign panel or trailblazer would be necessary to direct the traveling public to the facility.

(2) Upon petition by an applicant, the Council may authorize a waiver of the appropriate requirements of 733-030-0021(4). The applicant must show that the motoring public will be more adequately served by granting the waiver, the applicant must list the particular requirements it seeks to have waived, the applicant must show that the extent of the waiver is not a substantial change from the requirement, that no traffic hazard or reduction in traffic safety will occur, and that the motoring public can be advised of the waived condition on the sign panel if it is of a nature that the Council feels necessary to be shown on the sign panel.

(3) Procedures. Administration Procedure Act — Any order of the Council denying an application or waiver under these rules, or for removal of a logo under the Regulations, may be entered administratively without hearing, subject to requirements of ORS Chapter 183 and the administrative and judicial review as provided therein. The Council shall notify applicants promptly on any application or waiver denial or decision to remove a logo under these regulations.

(4) No waivers shall be granted to a facility applying for a sign panel that has a waiting list.

Stat. Auth.: ORS 377.700 - ORS 377.840

Stats. Implemented: ORS 183.310 - ORS 183.550

Hist.: TIC 1-1979(Temp), f. & ef. 7-26-79; TIC 2-1979, f. & ef. 9-28-79; TIC 1-1980, f. & ef. 5-5-80; TIC 6-1983, f. & ef. 8-26-83; TIC 3-1985, f. & ef. 6-4-85; TIC 1-1996, f. & cert. ef. 1-8-96

733-030-0065

Fees and Installation

(1) The Council may request the Division to furnish, erect and maintain sign panels, supplemental sign panels and trailblazers at locations specified by the Council.

(2) Promptly upon the approval of an application for a logo or logos to be affixed to a sign panel, the Council shall notify the engineer, so that necessary action may be taken. The Council shall furnish the engineer with all necessary information in order to permit the Highway Division to erect the sign panels, supplemental sign panels, trailblazers or install the logo.

(3) The Council shall notify applicant promptly when a permit application has been approved to allow the applicant sufficient time to furnish the necessary number of logos. If the Council is notified that a qualified motorist service business has failed to furnish its logos by the specified date given by the Council, or that the logo signs furnished are not in compliance with specifications provided by the Council it may cancel the permit and refund the amount paid in advance by the applicant.

(4) Fees. The annual permit fee for each logo placed on a sign panel shall be based on the traffic volume and population density of the area where the highway is located. Fees set by the Council shall be reviewed biennially and made apart of this administrative rule. The new fee schedule as of November 1, 1997 is:

(a) Schedule A I-5, Portland; I-205, Portland; Highway 217, Tigard, Beaverton; 26 Portland, Beaverton (before North Plains):

(A) Primary Sign Fee — \$400 per sign;

(B) Secondary Sign Fee — \$160 per sign.

(b) Schedule B I-5, Eugene through Salem; Highway 213, Oregon City:

(A) Primary Sign Fee — \$310 per sign;

(B) Secondary Sign Fee — \$150 per sign.

(c) Schedule C I-5 Ashland through Creswell: All of I-84:

(A) Primary Sign Fee — \$260 per sign;

(B) Secondary Sign Fee — \$125 per sign.

(d) Schedule D all primary and secondary routes west of the Cascade Mountains, I-82, Southern Oregon, Oregon Coast and Klamath Falls and Bend/Sisters area:

(A) Primary Sign Fee — \$220 per sign;

(B) Secondary Sign Fee — \$100 per sign.

(e) Schedule E Central Oregon:

(A) Primary Sign Fee — \$120 per sign;

(B) Secondary Sign Fee — \$70 per sign.

(f) Schedule F Northeastern and Southeastern Oregon:

(A) Primary sign fee — \$75 per sign;

(B) Secondary sign fee — \$50 per sign.

(5) The annual permit fee for a trailblazer shall be \$50.

(6) Notwithstanding rule 733-030-0055(10), permit fees are payable upon the contract and the permit shall be automatically renewed upon payment of the appropriate annual fee within 30 days of the permit's anniversary date.

(7) Permit fees for GAS facilities that include a FOOD facility on their logo plaque, shall be 1-1/3 the fee for a regular GAS logo charged in that area. Payment of fees is the responsibility of the GAS facility, which will be designated as the primary facility.

(8) Permit fees for Dual Services signing shall be 1-1/3 the fee for one service logo charged in that area.

(9) The Council may charge a fee when a facility desires to replace their logo plaques due to a redesign of the logo design, color or a change in the registered business name of \$75 per plaque per location.

(10) Nonpayment of annual fees will result in the removal of signs, and the sign location will be offered to the next qualified motorist service business desiring that sign location. Should the

signs be reinstalled after removal due to nonpayment of fees, the Council shall charge a maintenance fee of \$200 per sign reinstalled, along with annual fees due.

(11) In case of removal of a sign panel or supplemental sign panel, the permit fee for any months or major portion (16 days or more) of a month remaining to the anniversary of the date of placement of the logo shall be refunded. There shall be no refund of annual permit fees due to temporary or seasonal closure.

Stat. Auth.: ORS 377.700 - ORS 377.840

Stats. Implemented: ORS 183.310 - ORS 183.550

Hist.: TIC 1-1979(Temp), f. & ef. 7-26-79; TIC 2-1979, f. & ef. 9-28-79; TIC 1-1980, f. & ef. 5-5-80; TIC 3-1984 (Temp), f. & ef. 10-29-84; TIC 2-1985, f. & ef. 6-4-85; TIC 1-1986, f. & ef. 5-28-86; TIC 2-1986, f. & ef. 9-19-86; TIC 1-1996, f. & cert. ef. 1-8-96; TIC 2-1996, f. & cert. ef. 7-12-96; TIC 3-1996, f. & cert. ef. 10-16-96; TIC 1-1997, f. & cert. ef. 2-13-97; TIC 1-1998, f. 6-8-98, cert. ef. 7-1-98; TIC 2-1998, f. & cert. ef. 11-13-98

733-030-0070

Logos Placed on Nonstandard Sign Panels

Notwithstanding any other provisions of these regulations the size, dimensions and proportions of logos placed on existing non-standard sign panels shall be of the size, dimension and proportion as shown on **Exhibit 2** attached hereto and by this reference made a part hereof.

[ED. NOTE: The Exhibit(s) referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.:

Stats. Implemented:

Hist.: TIC 1-1979(Temp), f. & ef. 7-26-79; TIC 2-1979, f. & ef. 9-28-79; TIC 1-1980, f. & ef. 5-5-80

733-030-0080

Requirements for Riders

(1) Riders with the words "Diesel," "Propane," "24 Hour," or "RV Parking," or a rider containing a combination of two of those legends, may be placed on a sign panel underneath any qualified motorist service business that offers diesel or propane during its hours of operation, or offers services 24 hours a day, or has RV Parking.

(2) In order to have a Diesel, Propane, or 24 Hour, RV Parking, or a combination Rider installed, the motorist service business must submit an application for each rider on a form approved by the Council. At the time of approval, the applicant must also pay a one-time installation fee of \$75 for each Diesel, Propane, 24 Hour, or RV Parking rider.

(3) The individual riders for Diesel, Propane, 24 Hour, or RV Parking, shall be seven inches high with six-inch high letters. The combination rider shall seven inches high with five-inch letters. The color shall be blue with white letters. The rider panel shall be furnished and installed by the Council.

(4) The Council is responsible for the maintenance and replacement of the rider if it is damaged or wears out.

(5) A rider with the words "Card-Lock Only" shall be required for all gas facilities that are exclusively card-lock stations. At the time of approval, the applicant must pay a one time fee of \$75 for each Card-Lock Only rider.

Stat. Auth.: ORS 377.700 - ORS 377.840

Stats. Implemented: ORS 183.310 - ORS 183.550

Hist.: TIC 3-1982, f. & ef. 6-1-82; TIC 4-1985, f. & ef. 6-4-85; TIC 5-1985, f. & ef. 12-13-85; TIC 1-1987(Temp), f. & ef. 3-6-87; TIC 5-1988, f. & cert. ef. 12-23-88; TIC 3-1989, f. & cert. ef. 10-27-89; TIC 1-1991, f. & cert. ef. 12-23-91; TIC 1-1996, f. & cert. ef. 1-8-96; TIC 1-1997, f. & cert. ef. 2-13-97; TIC 2-1998, f. & cert. ef. 11-13-98

Tourist-Oriented Directional Signs

733-030-0085

Applicability and Purpose

(1) The purpose of these regulations is to establish standards for tourist oriented directional signs erected within highway rights-of-way to provide directional information to qualified tourist oriented businesses offering services or activities to the tourist or qualified historical features or qualified cultural features.

(2) These regulations are applicable to the primary and secondary state highway system.

(3) The authority for the issuance of these regulations is ORS 377.805

Stat. Auth.: ORS 377

Stats. Implemented:

Hist.: TIC 2-1983(Temp), f. & ef. 6-30-83; TIC 4-1983, f. & ef. 8-26-83

733-030-0090

Definitions

As used in these rules, the following definitions shall apply unless the context indicates otherwise:

(1) "Tourist Oriented Directional Signs" means a sign panel with the name of a qualified tourist oriented business, service or activity or qualified historical feature or qualified cultural feature together with directional information erected in advance of or at intersections on the state highway system.

(2) "Directional Information" means the name of the business, service or activity, qualified historical feature or qualified cultural feature and other necessary information to direct the motoring public to the business, service, activity, qualified historical feature or qualified cultural feature placed on a tourist oriented directional sign.

(3) "Interstate System" or "Interstate Highway" means every state highway that is a part of a national system of interstate and defense highways established pursuant to **23 U.S.C. § 103(b)**. It also includes fully controlled access freeways on the primary and secondary state highway system.

(4) "Primary System" means all parts of the primary state highway system exclusive of the "interstate system" as defined in section (3) of this rule.

(5) "Qualified Tourist Oriented Business" means any legal cultural, historical, recreational, educational or entertaining activity or a unique or unusual commercial or non-profit activity the major portion of whose income or visitors are derived during its normal business season from motorists not residing in the immediate area of the activity.

(6) "Qualified Cultural Feature" means a museum approved by the Engineer after consulting with the Oregon Historical Society and the Oregon Museum Association.

(7) "Qualified Historical Feature" means a district or property currently listed in the National Register of Historic Places or designated as nationally significant by the United States Department of the Interior.

(8) "Main Traveled Way" means through traffic lanes of said systems exclusive of frontage roads, auxiliary lanes and ramps.

(9) "Owner" means a holder of fee title, or lessee.

(10) "Responsible Operator" means a person or entity other than an owner who operates a qualified tourist oriented business and who has authority to enter into an agreement relative to matters covered by these regulations.

(11) "Commission" means the Oregon Transportation Commission.

(12) "Highway Division" means the Highway Division of the Department of Transportation.

(13) "Engineer" means the State Highway Engineer.

(14) "Expressway" means a highway which has full access control with access allowed only at interchanges or intersections.

(15) "Applicant" means a person applying for a permit for a tourist oriented directional sign.

(16) "Secondary System" means all highways on the secondary state highway system.

(17) "Logo sign" means a panel bearing separately affixed individual logos for GAS, FOOD, LODGING and CAMPING erected in advance of or at intersections on the state highway system in accordance with this division.

(18) "Urban" means an area that can include but is not limited to, business districts, sections of highway with contiguous sidewalks and/or traffic control device congestion where spacing does not meet OAR 733-030-0095(3)(a).

(19) "Business District" means the territory contiguous to a highway when 50 percent or more of the frontage thereon for a distance of 600 feet or more on one side, or 300 feet or more on both sides, is occupied by buildings used for business.

(20) "Sidewalk" means a walkway with a hard, smooth surface, separated from the roadway with a curb, built for use by pedestrians, including persons in wheelchairs.

(21) "Traffic Control Devices" means any sign, signal, marking or device placed, operated or erected by authority under ORS 810.210, for the purpose of guiding, directing, warning or regulating traffic.

(22) "Interchange" means the system of interconnecting ramps between two or more intersecting highways, that are grade separated.

(23) "Council" means, the Travel Information Council created by ORS 377.835.

Stat. Auth.: ORS 377.700 - ORS 377.840

Stats. Implemented: ORS 183.310 - ORS 183.550

Hist.: TIC 2-1983(Temp), f. & ef. 6-30-83; TIC 4-1983, f. & ef. 8-26-83; TIC 3-1995, f. & cert. ef. 11-8-95; TIC 1-1997, f. & cert. ef. 2-13-97

733-030-0095

Locations

(1) Tourist oriented directional signs are intended for use primarily in rural areas. Any installation of tourist oriented directional signs outside rural areas shall be consistent with the state signing policy criteria contained in rule 733-030-0120.

(2) Tourist oriented directional signs should 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 traffic control devices within the highway right-of-way.

(3) Tourist oriented directional signs shall not be installed until a thorough investigation by the engineer determines that no conflict resulting in unsafe driving conditions will exist with other official traffic control devices. The minimum spacing between tourist oriented directional signing and other traffic control devices shall be determined on the basis of an engineering study according to the speed zones as follows:

(a) 35 miles per hour — 150-foot minimum between signs on a two or more lane highway;

(b) 45 miles per hour — 200-foot minimum between signs on a two or more lane highway;

(c) 55 miles per hour — 300-foot minimum between signs on a two-lane highway;

(d) 55 miles per hour — 550-foot minimum between signs for a multi-lane highway.

(4) Tourist oriented directional signs shall not be at interchanges on expressways or freeways.

Stat Auth.: ORS 377.700 - 377.840

Stats. Implemented: ORS 183.310 - 183.550

Hist.: TIC 2-1983(Temp), f. & ef. 6-30-83; TIC 4-1983, f. & ef. 8-26-83; TIC 1-1994, f. & cert. 6-1-94; TIC 2-1995, f. & cert. ef. 5-17-95; TIC 2-1996, f. & cert. ef. 7-12-96

733-030-0100

Criteria for Information Permitted

(1) Each qualified tourist oriented business identified on a tourist oriented directional sign shall have given written assurance to the Travel Information Council of its conformity with all applicable laws concerning the provisions of public accommodations without regard to race, religion, color, sex, or national origin, and shall not be in breach of that assurance.

(2) If the business is qualified as a tourist oriented business it must be located within one mile of the intersection where the tourist oriented directional signs must be installed measured by vehicle distance from the center point of the intersection to the nearest point of the intersection of the driveway of the business and a public highway. However, any qualified tourist oriented business set out in this section located within 15 miles of an intersection, but more than one mile from an intersection may apply to the Travel Information Council for a waiver under the provisions of OAR 733-030-0120(2) and 733-030-0130.

(3) Except for undeveloped cultural and historic features a qualified tourist oriented business shall have:

(a) Rest room facilities and drinking water available;

(b) Continuous operation at least six hours per day six days a week during its normal business season; and

(c) Licensing where required;

(d) Adequate parking accommodations.

(4) Qualified undeveloped cultural and historical features shall include:

(a) Adequate parking accommodations; and

(b) An informational device to provide public knowledge of the feature.

Stat. Auth.: ORS 377

Stats. Implemented:

Hist.: TIC 2-1983(Temp), f. & ef. 6-30-83; TIC 4-1983, f. & ef. 8-26-83 TIC 1-1994, f. & cert. 6-1-94

733-030-0105

Composition

(1) Tourist oriented directional signs shall have a blue reflectorized background with a white reflectorized border and message. Typical sign designs are shown on Exhibit 4, and by this reference made part of. The content of the legend shall be limited to the registered business name. Intersection tourist oriented directional signs shall be the same as the advance tourist oriented directional sign except that in lieu of the directional word information the sign shall include a separate direction arrow and the distance to the facility to the nearest one-quarter mile, as may be required. Messages, symbols and trademarks which resemble any official traffic control devices are prohibited. Typical sign locations prepared from these standards are shown on **Exhibit 3**, and by this reference made part of. All tourist oriented directional signs shall conform to applicable portions of the **Manual On Uniform Traffic Control Devices** including but not limited to size, location and spacing.

(2) All directional arrows, letters and numbers used in the name of the type of service and the directional legend shall be white and reflectorized.

[ED. NOTE: The Exhibit(s) referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: ORS 377.700 - ORS 377.840

Stats. Implemented: ORS 183.310 - ORS 183.550

Hist.: TIC 2-1983(Temp), f. & ef. 6-30-83; TIC 4-1983, f. & ef. 8-26-83; TIC 2-1988, f. & cert. ef. 11-1-88; TIC 1-1996, f. & cert. ef. 1-8-96

733-030-0110

Special Requirements — Primary and Secondary Systems

(1) Location. Wherever possible, advance tourist oriented directional signs are to be located between the previous intersection and at least 300 feet in advance of the intersection from which the qualified tourist oriented businesses is available. Intersection signs are optional at all locations only but cannot be used unless the qualifying business also has an advance sign.

(2) Sign panels shall not be displayed for any business if it's building or on-premise signing is visible and/or recognizable on the traveled way for a distance of 300 feet or more from the intersection. Visibility and identification are determined by being able to recognize the facility, by observing the building itself or existing signing adjacent to or attached to the facility, as the type of tourist oriented business for which signing has been requested. A facility that is visible within 300 feet or more, but is not recognizable, may qualify for signing if such a favorable determination is made by the Travel Information Council. Intersection and advance tourist oriented directional signs shall be as described in rule 733-030-0105(2). The option of using intersection tourist oriented directional sign panels at all locations shall be determined on the basis of an engineering study.

(3) Composition. A maximum of four tourist oriented directional business signs may be displayed at each location. A maximum of three locations may be utilized at any intersection and a maximum of three locations may be utilized in advance of an intersection.

(4) Size:

(a) Intersections. Signs located at intersections shall conform to size specifications in rule 733-030-0105(1); and

(b) Advance locations. Signs located in advance of the intersection shall conform to size specifications in rule 733-030-0105(1).

(5) Any intersection tourist oriented directional sign erected or pending as the primary sign before September 19, 1988, may be maintained.

Stat. Auth.: ORS 377.700 - ORS 377.840

Stats. Implemented: ORS 183.310 - ORS 183.550

Hist.: TIC 2-1983(Temp), f. & ef. 6-30-83; TIC 4-1983, f. & ef. 8-26-83; TIC 2-1988, f. & cert. ef. 11-1-88; TIC 1-1994, f. & cert. ef. 6-1-94; TIC 2-1996, f. & cert. ef. 7-12-96

733-030-0115

General Provisions

(1) Upon selection and approval of an intersection for installation of a tourist oriented directional sign, and upon approval of proper application for a permit from one or more qualified tourist oriented businesses at or conveniently accessible from the intersection, a single tourist oriented directional sign for each qualified tourist oriented business shall be erected at the intersection in each direction of travel.

(2) A tourist oriented directional sign may be installed at a rural intersection which has an existing logo sign if the requirements and provisions of OAR 733-030-0095 and 733-030-0105(1) have been successfully met.

Stat. Auth.: ORS 377

Stats. Implemented:

Hist.: TIC 2-1983(Temp), f. & ef. 6-30-83; TIC 4-1983, f. & ef. 8-26-83; TIC 2-1984, f. & ef. 5-11-84

733-030-0120

State Sign Policy

(1) Tourist oriented directional signs are primarily intended for installation at rural intersections where qualified tourist oriented businesses are available. Tourist oriented directional signs may be considered within other areas if the Council determines that the roadside development does not appear to be urban in character.

(2) If a business qualifies for a logo sign then it cannot apply for a tourist oriented directional sign.

(3) If the qualified tourist oriented business facilities existing within one mile of an intersection have not applied for a permit for placement of tourist oriented directional signs at an intersection, then an otherwise eligible business which is located more than one mile but less than 15 miles from an intersection may apply for a permit. If the otherwise eligible business is within 15 miles but more than one mile from an intersection it must obtain a waiver as provided in OAR 733-030-0130.

Stat. Auth.: ORS 377.835

Stats. Implemented:

Hist.: TIC 2-1983(Temp), f. & ef. 6-30-83; TIC 4-1983, f. & ef. 8-26-83; TIC 1-1995, f. & cert. ef. 5-17-95

733-030-0125

Application and Eligibility

(1) If applications are received for any one intersection for more than the allowable number of signs, the order of priority shall be based on the date of receipt of a properly completed application.

(2) The owner or responsible operator of a business must file an application for installation of its tourist oriented directional sign on a form specified by the Travel Information Council.

(3) The Travel Information Council shall notify applicant promptly when a permit application has been approved.

(4) Any grant of a new or renewed application shall entitle the applicant to continuance of its tourist oriented directional sign for a period of one year from the date of placement or renewal.

(5) Eligibility of qualified tourist oriented businesses for continued placement of their tourist oriented directional sign may be reviewed by the Travel Information Council at any time to assess whether the motorist service business and/or the logo signing location meets present state policies or administrative rules. If the review finds that the motorist service business and/or the signing location does not meet present policies or rules, the signing may be removed. If payment is not made for a renewal permit within 30 days after the due date, the tourist oriented directional sign

may be removed. The sign space made available after the removal of a tourist oriented directional sign due to nonpayment of fees may be subject to a new study to assess whether the tourist oriented directional sign meets present guidelines. If not, the tourist oriented directional sign shall be removed.

(6) Notwithstanding section (4) of this rule, the tourist oriented directional sign shall be removed for failure to comply with subsections (a), (b), (c), or (d) of this section:

(a) If the qualified tourist oriented business fails on a sufficient number of occasions or over a sufficient period of time to provide all of the services required by rule 733-030-0100(3), so as to justify a finding by the Travel Information Council that the business is not in substantial compliance with these regulations.

(b) If the qualified tourist oriented business fails during its normal business season to open for business for more than seven consecutive days or for more than 10 days cumulatively, during any one month period, unless the Travel Information Council finds that such closure for such period was beyond the control of the owner or responsible operator, or that the closure was justified by extenuating circumstances.

(c) If it fails to comply with rule 733-030-0100(1), except in isolated instances without the knowledge of the owner, responsible operator or manager of the business, or on any occasion unless steps are promptly taken to insure to the fullest extent reasonably possible that such instances will not recur.

(d) If the annual renewal permit fee payment is not paid within 30 days after the due date.

(7) If due to fire, accident or similar causes, a qualified tourist oriented business becomes inoperable for an extended period of time, exceeding seven days, but not more than 90 days, its tourist oriented directional signs, shall be temporarily removed, but the business shall not lose its priority, nor be required to reapply prior to the normal time for a renewal application. Further extension may be granted on good cause shown. However, failure of the owner or responsible operator to proceed with necessary repairs as rapidly as possible shall cause loss of the right to continued placement of the tourist oriented directional sign and require a new application.

(8) Notwithstanding the fact that a tourist oriented business meets all of the other eligibility requirements of these regulations, an application may be denied if it is determined by the Engineer that adequate direction to the business cannot be given by a reasonable number of allowable tourist oriented directional signs.

(9) Should a business be closed for 30 days or more, their Tourist Oriented directional Signs will be covered with a blank panel. The signs will remain covered during the motorist service business' seasonal closure.

(10) Those facilities that had "closed" riders installed prior to November 15, 1996, will continue to use the "closed" riders as long as it is determined by The Travel Information Council and The Oregon Department of Transportation that they can be easily accessed and safely operated.

Stat. Auth.: ORS 377.700 - ORS 377.840

Stats. Implemented: ORS 183.310 - ORS 183.550

Hist.: TIC 2-1983(Temp), f. & ef. 6-30-83; TIC 4-1983, f. & ef. 8-26-83; TIC 1-1991, f. & cert. ef. 12-23-91; TIC 1-1994, f. & cert. ef. 6-1-94; TIC 1-1996, f. & cert. ef. 1-8-96; TIC 2-1996, f. & cert. ef. 7-12-96; TIC 3-1996, f. & cert. ef. 10-16-96; TIC 1-1997, f. & cert. ef. 2-13-97

733-030-0130

Waiver

(1) Upon request by an applicant the Travel Information Council may authorize a waiver upon a showing by applicant that, for facilities located within 15 miles of a primary or secondary system intersection but more than one mile from the intersection, the business is easily located from the intersection and no additional tourist oriented directional signs would be necessary to direct the traveling public to the place of business or that adequate signing will be provided on the county road or city street to guide the motorist to the place of business.

(2) Upon request by an applicant the Travel Information Council may authorize a waiver upon a showing by the applicant that the granting of such waiver will benefit the motoring public and not violate the overall intent of these regulations. The sections

under which waivers may be granted under this section are OAR 733-030-0100(2) and (3), 733-030-0110(1), and 733-030-0120(1). (3) Procedures. Administrative Procedure Act — Any order of the Travel Information Council denying an application or waiver under these rules, or for removal of a sign panel under the Regulations, may be entered administratively without hearing, subject to requirements of ORS Chapter 183 and the administrative and judicial review as provided therein. The Travel Information Council shall notify applicants promptly on any application or waiver denial or decision to remove a sign panel under these regulations.

Stat. Auth.: ORS 377

Stats. Implemented:

Hist.: TIC 2-1983(Temp), f. & ef. 6-30-83; TIC 4-1983, f. & ef. 8-26-83; TIC 1-1994, f. & cert. ef. 6-1-94

733-030-0135

Fees and Installations

- (1) The Highway Division may furnish, erect and maintain tourist oriented directional signs, as required.
- (2) Upon approval of an application for a tourist oriented directional sign the Highway Division shall erect the sign panels.
- (3) Fees. The annual permit fee for each advance and inter-section tourist oriented directional sign shall be based on the traffic volume and population density in the area in which the highway is located and payable with the application and any renewal application. The new fee schedule as November 1, 1997, is:
 - (a) Schedule D all primary and secondary routes west of the Cascades, I-82, southern Oregon, Oregon coast, Klamath Falls, Bend/Sisters:
 - (A) Primary sign — \$220 per sign;
 - (B) Secondary sign — \$100 per sign.
 - (b) Schedule E all primary and secondary routes in central Oregon:
 - (A) Primary sign — \$120 per sign;
 - (B) Secondary Sign Fee — \$70 per sign.
 - (c) Schedule F all primary and secondary routes in north-eastern and southern Oregon:
 - (A) Primary sign — \$75 per sign;
 - (B) Secondary sign — \$50 per sign.
- (4) Fees set by the Council shall be reviewed biennially and made a part of this administrative rule. Notwithstanding rule 733-030-0125, permit fees are payable with the initial application and the permit shall be automatically renewed upon payment of the appropriate annual fee within 30 days of the permit's anniversary date.
- (5) Nonpayment of annual fees will result in the removal of signs, and the sign location will be offered to other qualified motorist businesses desiring that sign location. Should the signs be reinstalled after removal due to nonpayment of fees, the Council shall charge a maintenance fee of \$200 per sign reinstalled, along with all annual fees due.
- (6) In case of removal of a tourist oriented directional sign, the rental fee for any months or major portion (16 days or more) or a month remaining to anniversary of the date of the placement of the sign shall be refunded. There shall be no refund of annual permit fees due to temporary or seasonal closure.
- (7) Notwithstanding section (3) of this rule, if a Qualified Cultural or Historical Feature is publicly owned and operated or not-for-profit as determined by the Federal Internal Revenue Service, the annual permit fee shall be \$100 per primary sign, and \$50 per secondary sign.
- (8) Sign revision fees of \$100 per tourist oriented directional sign will be assessed when the facility changes the registered business name resulting in the manufacture and installation of new tourist oriented directional signs.

Stat. Auth.: ORS 377.700 - ORS 377.840

Stats. Implemented: ORS 183.310 - ORS 183.550

Hist.: TIC 2-1983(Temp), f. & ef. 6-30-83; TIC 4-1983, f. & ef. 8-26-83; TIC 6-1988, f. & cert. ef. 12-23-88; TIC 4-1989, f. & cert. ef. 10-27-89; TIC 1-1996, f. & cert. ef. 1-8-96; TIC 2-1996, f. & cert. ef. 7-12-96; TIC 1-1997, f. & cert. ef. 2-13-97; TIC 1-1998, f. 6-8-98, cert. ef. 7-1-98

733-030-0140

Size, Dimension and Proportion

Notwithstanding any other provisions of these regulations the size, dimensions and proportions of tourist oriented directional signs placed at existing locations shall be of the size, dimension and proportion as shown on **Exhibit 4** and by this reference made a part hereof.

[ED. NOTE: The Exhibit(s) referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 377

Stats. Implemented:

Hist.: TIC 2-1983(Temp), f. & ef. 6-30-83; TIC 4-1983, f. & ef. 8-26-83

State Historical Marker Sign Program

733-030-0150

Applicability and Purpose

- (1) The purpose of these administrative rules is to establish standards for Oregon's historical marker signs erected within State highway right-of-way to provide the motorist with signing of historical or geological points of interest to the traveling public.
- (2) These administrative rules are applicable to the primary, and secondary state highway system. These rules are also applicable to interstate rest areas.
- (3) The authority for the issuance of these administrative rules is ORS 377.805.

Stat. Auth.: ORS 377.700 - ORS 377.840

Stats. Implemented: ORS 183.310 - ORS 183.550

Hist.: TIC 4-1995, f. & cert. ef. 11-8-95

733-030-0155

Definitions

As used in these rules, the following definitions shall apply unless the context indicates otherwise:

- (1) "Marker" means an historical sign panel and support structure.
- (2) "Directional Information" means an advance sign stating "historical marker ahead," or "geological marker ahead" or other necessary information to direct the motoring public to defined historical feature or defined geological feature placed on a marker.
- (3) "Interstate System" or "Interstate Highway" means every state highway that is a part of a national system of interstate and defense highways established pursuant to **23 U.S.C. § 103(b)**. This definition also includes full controlled access freeways on the primary state highway system.
- (4) "Primary System" means all parts of the primary state highway system exclusive of the interstate system as defined in section (3) of this rule.
- (5) "Secondary system" means all highways on the secondary state highway system.
- (6) "Defined Historical Feature" means a site designated by the State Historical Marker Committee to commemorate an event, person or place of statewide or national significance, as defined in Oregon Historical Marker guidelines.
- (7) "Defined Geological Feature" means a geological site of state or regional significance, as defined in Oregon Historical Marker guidelines.
- (8) "Sponsor" means an entity, group or individual that is responsible for a financial contribution to the cost of the new marker, and future maintenance of the new marker. The sponsor and the Council has authority to enter into an agreement relative to matters covered by these administrative rules.
- (9) "Council" means the Travel Information Council created by ORS 377.835.
- (10) "Applicant" means an entity, group or individual applying for the placement of a new or replacement historical marker.
- (11) "ODOT" means Oregon Department of Transportation.
- (12) "Committee" means the Historical Marker Committee acting as an advisory board. The Committee meets quarterly, and consists of volunteer representatives from various governmental and historical organizations statewide. The Committee is comprised of voting members, and advisors representing six geographic sections of the state.

Stat. Auth.: ORS 377.700 - ORS 377.840

Stats. Implemented: ORS 183.310 - ORS 183.550

Hist.: TIC 4-1995, f. & cert. ef. 11-8-95

733-030-0160

Location

- (1) Marker panels should 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 state highway right-of-way.
- (2) Marker panels should be located as close as possible to the historical or geological occurrence within the state highway right-of-way.
- (3) The proposed location shall be reviewed and approved by ODOT.

Stat. Auth.: ORS 377.700 - ORS 377.840
 Stats. Implemented: ORS 183.310 - ORS 183.550
 Hist.: TIC 4-1995, f. & cert. ef. 11-8-95

733-030-0170

Eligibility

- (1) New marker applications are limited to two applications per biennium per organization, entity or individual.
- (2) New marker applications are subject to a non-refundable fee \$50.00. If approved, the fee will apply toward the total cost of the marker.
- (3) Acceptance of responsibility for financial partnership for cost of new marker including design, production, installation, delivery, and maintenance will be that of the sponsoring group.

Stat. Auth.: ORS 377.700 - ORS 377.840
 Stats. Implemented: ORS 183.310 - ORS 183.550
 Hist.: TIC 4-1995, f. & cert. ef. 11-8-95

733-030-0180

Criteria

- (1) The Council shall establish a program for marking historical and geological sites in Oregon.
- (2) The Council shall approve design(s) for historical markers. No person may erect a historical marker within the State highway right-of-way in the state format without the approval of the Council and ODOT.
- (3) Markers may be erected to commemorate a person, events, places, or geological features that are judged of statewide or national significance as stated in the State historical markers program guidelines.
- (4) Sponsoring groups have six months following the application approval in which to complete the text approval process, and to submit appropriate graphics to the Council to produce the panels.
- (5) The Historical Marker Committee may issue a waiver for location of markers off state highway right-of-way, or not visible from the state highway. ODOT is not responsible for markers located off state right-of-way.
- (6) If Council funds allocated for funding the markers have been exhausted for the biennium, markers may be privately funded. A privately funded marker must follow state approved design when located on state highway right-of-way or located on private land. A privately funded marker becomes the property of the Council.

Stat. Auth.: ORS 377.700 - ORS 377.840
 Stats. Implemented: ORS 183.310 - ORS 183.550
 Hist.: TIC 4-1995, f. & cert. ef. 11-8-95

733-030-0190

Composition

- (1) New historical markers shall have a wooden support structure and a fiberglass embedded interpretive panel following approved program format(s).
- (2) The words "Oregon History" or "Oregon Geology" shall be at the top of the marker.
- (3) The Council and the Historical Marker Committee shall have authorization to augment the single design format with other design formats as requests.
- (4) The sponsoring group may place as a credit line their organizational symbol in the bottom color band, lower right. Commercial sponsors will be allowed corporate logos or trademarks in black and white only and in accordance with the marker design.

- (5) Initial text shall be submitted by the sponsoring group, and may be edited by the Council. Text may be from 150–300 words, partially dependent on the graphics submitted to accompany the text. Text should be factual, stressing statewide or national significance, and be accompanied by a source bibliography.
- (6) Graphics such as photographs, maps and illustrations that augment the proposed text are to be submitted by the sponsoring group. If not available, the sponsoring group or appropriate agency is responsible for working with a design firm or appropriate agency to procure such graphics.
- (7) Advance signs shall be installed for all markers placed on state highway right-of-way excluding interstate rest areas. See ODOT's Sign Policy Guidelines (see current drawings D-424 and D-424A) for specifications.

Stat. Auth.: ORS 377.700 - ORS 377.840
 Stats. Implemented: ORS 183.310 - ORS 183.550
 Hist.: TIC 4-1995, f. & cert. ef. 11-8-95

733-030-0200

Fees and Installation

- (1) The Council shall furnish, erect and maintain state historical markers, as required.
- (2) Upon the approval of an application for a marker the Council shall direct the installation of the marker.
- (3) Fees are determined by the total cost of the marker. Fees are payable within 30 days following the installation date.
- (4) The applicant shall be notified when the marker is erected.
- (5) Limited Council funds available for historical markers will be used in combination with local sponsorship funding.
- (6) If Council funds have been exhausted for the biennium or indefinitely, the sponsor or applicant may fund the entire cost of a marker, although following state guidelines.
- (7) Agencies, organizations or entities may elect to co-sponsor historical markers while following state guidelines.

Stat. Auth.: ORS 377.700 - ORS 377.840
 Stats. Implemented: ORS 183.310 - ORS 183.550
 Hist.: TIC 4-1995, f. & cert. ef. 11-8-95

733-030-0210

Temporary Removal and Reinstallation

- (1) Upon request the Council and Committee may authorize a relocation of an existing or new historical marker upon a showing by the applicant that the granting of such a relocation will benefit the motoring public and not violate the overall intent of these administrative rules. Relocation may only occur with the written permission of the Council and ODOT.
- (2) All costs including site preparation and advance signing, associated with moving the marker must be borne by the party desiring the relocation.

Stat. Auth.: ORS 377.700 - ORS 377.840
 Stats. Implemented: ORS 183.310 - ORS 183.550
 Hist.: TIC 4-1995, f. & cert. ef. 11-8-95

733-030-0220

Maintenance

- (1) New Historical markers and those refurbished by the Council are the property of the Council, which is responsible for their maintenance, but the Council encourages cooperative maintenance agreements with the sponsoring group.
- (2) If the sponsoring group elects not to maintain the marker and immediate grounds on which the marker is erected, an annual fee shall be paid by the sponsoring group.
- (3) Any significant physical changes by the sponsor to the marker or grounds must be approved in advance by the Council and ODOT.

Stat. Auth.: ORS 377.700 - ORS 377.840
 Stats. Implemented: ORS 183.310 - ORS 183.550
 Hist.: TIC 4-1995, f. & cert. ef. 11-8-95

Museum and Historic Site Signs

733-030-0250

Applicability and Purpose

- (1) The purpose of these regulations is to establish standards for Museum and Historic Site signs erected within highway rights-of-way to provide directional information to Museum or Historic Sites offering services or activities to the motoring public.
- (2) These regulations are applicable to the primary and secondary state highway system.
- (3) The authority for the issuance of these regulations is ORS 377.805.

Stat. Auth.: ORS 377.700 - ORS 377.840
 Stats. Implemented: ORS 183.310 - ORS 183.550
 Hist.: TIC 2-1997, f. & cert. ef. 11-3-97

733-030-0260

Definitions

As used in these rules, the following definitions shall apply unless the context indicates otherwise:

- (1) "Museum and Historic Site Signs" means a sign panel with the registered business name of a qualified Museum or Museum Site together with directional information erected in advance of or at intersections on the state highway system.
- (2) "Directional Information" means the registered business name of the qualified Museum or Historic Site and other necessary information to direct the motoring public to the qualified Museum or Historic Site placed on a Museum and Historic Site sign.
- (3) "Interstate System" or "Interstate Highway" means every state highway that is a part of a national system of interstate and defense highways established pursuant to section 103(b), title 23, United States Code. It also includes fully controlled access freeways on the primary and secondary state highway system.
- (4) "Primary System" means all parts of the primary state highway system exclusive of the "interstate system" as defined in section (3) of this rule.
- (5) "Qualified Museum" means a museum approved by the Travel Information Council after consulting with the Oregon Historical Society and the Oregon Museum Association.
- (6) "Qualified Historic Site" means a district or property approved by the Travel Information Council and currently listed in the National Register of Historic Places or designated as nationally significant by the United States Department of the Interior.
- (7) "Main Traveled Way" means through traffic lanes of said systems exclusive of frontage roads, auxiliary lanes and ramps.
- (8) "Owner" means a holder of fee title, or lessee.
- (9) "Responsible Operator" means a person or entity other than an owner who operates a qualified Museum or Historic Site and has the authority to enter into an agreement relative to matters covered by these regulations.
- (10) "Commission" means the Oregon Transportation Commission.
- (11) "Engineer" means the Travel Information Council Engineer.
- (12) "Expressway" means a highway which has full access control with access allowed only at interchanges or intersections.
- (13) "Applicant" means a person applying for a permit for a Museum or Historic Site sign.
- (14) "Secondary System" means all highways on the secondary state highway system.
- (15) "Urban" means an area that can include but is not limited to, business districts, sections of highway with contiguous sidewalks and/or traffic control device congestion where spacing does not meet OAR 733-030-0270(3)(a).
- (16) "Business District" means the territory contiguous to a highway when 50 percent or more of the frontage thereon for a distance of 600 feet or more on one side, or 300 feet or more on both sides, is occupied by buildings used for business.
- (17) "Sidewalk" means a walkway with a hard, smooth surface, separated from the roadway with a curb, built for use by pedestrians, including persons in wheelchairs.
- (18) "Traffic Control Devices" means any sign, signal, marking or device placed, operated or erected by authority under ORS

810.210, for the purpose of guiding, directing, warning or regulating traffic.

- (19) "Interchange" means the system of interconnecting ramps between two or more intersecting highways, that are grade separated.
- (20) "Council" means the Travel Information Council.
- (21) "ODOT" means the Oregon Department of Transportation.

Stat. Auth.: ORS 377.700 - ORS 377.840
 Stats. Implemented: ORS 183.310 - ORS 183.550
 Hist.: TIC 2-1997, f. & cert. ef. 11-3-97

733-030-0270

Location

- (1) Museum or Historic Site signs are intended for use primarily in rural areas. They can be installed in urban areas if a suitable location is available and approved by the Oregon Department of Transportation (ODOT). Any installation of Museum or Historic Site signs outside rural areas shall be consistent with the state signing policy criteria contained in rule 733-030-0320.
- (2) Museum or Historic Site signs should 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 traffic control devices within the highway right-of-way.
- (3) Museum or Historic Site signs shall not be installed until a thorough investigation by the engineer determines that no conflict resulting in unsafe driving conditions will exist with other official traffic control devices. The minimum spacing between Museum or Historic Site signing and other traffic control devices shall be determined on the basis of an engineering study according to the speed zones as follows:
 - (a) 35 miles per hour — 150-foot minimum between signs on a two or more lane highway;
 - (b) 45 miles per hour — 200-foot minimum between signs on a two or more lane highway;
 - (c) 55 miles per hour — 300-foot minimum between signs on a two-lane highway;
 - (d) 55 miles per hour — 550-foot minimum between signs for a multi-lane highway.
- (4) Museum or Historic Site signs shall not be used at interchanges on expressways or freeways.

Stat. Auth.: ORS 377.700 - ORS 377.840
 Stats. Implemented: ORS 183.310 - ORS 183.550
 Hist.: TIC 2-1997, f. & cert. ef. 11-3-97

733-030-0280

Criteria for Information Permitted

- (1) Each qualified Museum or Historic Site shall give written assurance to the Travel Information Council of its conformity with all applicable laws concerning the provisions of public accommodations without regard to race, religion, color, sex, or national origin, and shall not be in breach of that assurance.
- (2) If the business is qualified as a Museum or Historic Site, it must be located within one mile of the intersection where the Museum or Historic Site signs must be installed. The distance is measured by vehicle distance from the center point of the intersection to the nearest point of the intersection of the driveway of the business and a public highway. However, any Museum or Historic Site set out in this section located within 15 miles of an intersection, but more than one mile from an intersection may apply to the Travel Information Council for a waiver under the provisions of rules 733-030-0320(2) and 733-030-0340.
- (3) Except for undeveloped Museum or Historic Sites, a qualified cultural or historic feature shall have:
 - (a) Restroom facilities and drinking water available;
 - (b) Open to the public at least 1,040 hours per year which is four hours per day, five days a week; if located more than one mile from the State Highway, they will need to be open a minimum of 1,248 hours per year, which is four hours a day, six days a week;
 - (c) Licensing where required;
 - (d) Adequate parking accommodations.

(e) Museum offerings must be the primary source of business for the cultural feature

(4) Qualified undeveloped cultural or historic features shall include:

- (a) Adequate parking accommodations; and
- (b) An informational device to provide public knowledge of the feature.

Stat. Auth.: ORS 377.700 - ORS 377.840

Stats. Implemented: ORS 183.310 - ORS 183.550

Hist.: TIC 2-1997, f. & cert. ef. 11-3-97

733-030-0290

Composition

(1) Museum or Historic Site signs shall have a brown reflectorized background with a white reflectorized border and message. Typical sign designs are shown on Exhibit 5, and by this reference made part of. The content of the legend shall be limited to the registered business name. Intersection Museum or Historic Site signs shall be the same as the advance Museum or Historic Site signs except that in lieu of the directional word information the sign shall include a separate direction arrow and the distance to the facility to the nearest one-quarter mile, as may be required. Messages, symbols and trademarks which resemble any official traffic control devices are prohibited. Typical sign locations prepared from these standards are shown on Exhibit 3, and by this reference made part of. All Museum or Historic Site signs shall conform to applicable portions of the Manual On Uniform Traffic Control Devices including but not limited to size, location and spacing.

(2) All directional arrows, letters and numbers used in the name of the type of service and the directional legend shall be white and reflectorized.

Stat. Auth.: ORS 377.700 - ORS 377.840

Stats. Implemented: ORS 183.310 - ORS 183.550

Hist.: TIC 2-1997, f. & cert. ef. 11-3-97

733-030-0300

Special Requirements - Primary and Secondary System

(1)(a) Location. Wherever possible, advance Museum or Historic Site signs are to be located between the previous intersection and at least 300 feet in advance of the intersection from which the qualified Museum or Historic Site is available. Intersection signs cannot be used unless the qualifying Museum or Historic Site also has an advance sign.

(b) Sign panels shall not be displayed for any feature if its building or on-premise signing is visible and/or recognizable on the traveled way for a distance of 300 feet or more from the intersection. Visibility and identification are determined by being able to recognize the facility, by observing the building itself or existing signing adjacent to or attached to the facility. A facility that is visible within 300 feet or more, but is not recognizable, may qualify for signing if such a favorable determination is made by the engineer. Intersection and advance Museum or Historic Site signs shall be as described in rule 733-030-0290(2). The option of using intersection Museum or Historic Site sign panels at all locations shall be determined on the basis of an engineering review.

(2) Composition. A maximum of three Museum or Historic Site signs may be displayed at each location. A maximum of three locations may be utilized at any intersection and a maximum of three locations may be utilized in advance of an intersection.

(3) Size:

(a) Intersection signs located at intersections shall conform to size specifications in rule 733-030-0290(1); and

(b) Advance signs located in advance of the intersection shall conform to size specifications in rule 733-030-0290(1).

(4) Any intersection Museum or Historic Site sign erected or pending as the primary sign before September 19, 1988, may be maintained.

Stat. Auth.: ORS 377.700 - ORS 377.840

Stats. Implemented: ORS 183.310 - ORS 183.550

Hist.: TIC 2-1997, f. & cert. ef. 11-3-97

733-030-0320

State Sign Policy

(1) Museum or Historic Site signs are primarily intended for installation at rural intersections where qualified cultural or his-

toric features are available. Museum or Historic Site signs may be installed in urban areas if an appropriate location is available and approved by ODOT.

(2) If a business qualifies for a logo sign then it cannot apply for a Museum or Historic Site sign.

(3) If the qualified cultural or historic features existing within one mile of an intersection have not applied for a permit for placement of Museum or Historic Site signs at an intersection, then an otherwise eligible business which is located more than one mile but less than 15 miles from an intersection may apply for a permit. If the otherwise eligible business is within 15 miles but more than one mile from an intersection it must obtain a waiver as provided in rule 733-030-0340.

Stat. Auth.: ORS 377.700 - ORS 377.840

Stats. Implemented: ORS 183.310 - ORS 183.550

Hist.: TIC 2-1997, f. & cert. ef. 11-3-97

733-030-0330

Application and Eligibility

(1) If applications are received for any one intersection for more than the allowable number of signs, the order of priority shall be based on the date of receipt of a properly completed application.

(2) The owner or responsible operator of a qualified Museum or Historic Site must file a properly completed application for the Museum or Historic Site sign on a form specified by the Travel Information Council.

(3) Any grant of a new or renewed application shall entitle the applicant to continuance of its Museum or Historic Site sign for a period of one year from the date of placement or renewal.

(4) Eligibility of a qualified Museum or Historic Site for continued placement of their Museum or Historic Site sign may be reviewed by the Travel Information Council at any time to assess whether the Museum or Historic Site sign location or feature meets present guidelines. If the review finds that the Museum or Historic Site and/or the signing location does not meet present policies or rules, the signing may be removed. If payment is not made for a renewal permit within 30 days after the due date, the Museum or Historic Site sign may be removed. The sign space made available after the removal of a Museum or Historic Site sign due to nonpayment of fees may be subject to a new study to assess whether the Museum or Historic Site sign meets present guidelines. If not, the Museum or Historic Site sign shall be removed.

(5) Notwithstanding section (3) of this rule, the Museum or Historic Site sign shall be removed for failure to comply with subsections (a), (b), (c), or (d) of this section:

(a) If the annual renewal permit fee payment is not made within 30 days after the due date.

(b) If the qualified Museum or Historic Site fails on a sufficient number of occasions or over a sufficient period of time to provide all of the services required by rule 733-030-0280(3), so as to justify a finding by the Travel Information Council that the business is not in substantial compliance with these regulations.

(c) If the qualified cultural or historic feature fails during its normal business season to open for business for more than seven consecutive days or for more than 10 days cumulatively, during any one month period, unless the Travel Information Council finds that such closure for such period was beyond the control of the owner or responsible operator, or that the closure was justified by extenuating circumstances.

(d) If it fails to comply with rule 733-030-0280(1), except in isolated instances without the knowledge of the owner, responsible operator or manager of the business, or on any occasion unless steps are promptly taken to insure to the fullest extent reasonably possible that such instances will not recur.

(6) If due to fire, accident or similar causes, a qualified Museum or Historic Site becomes inoperable for an extended period of time, exceeding seven days, but not more than 90 days, its Museum or Historic Site signs, shall be temporarily removed, but the business shall not lose its priority. Further extension may be granted on good cause shown. However, failure of the owner or responsible operator to proceed with necessary repairs as rapidly

as possible shall cause loss of the right to continued placement of the Museum or Historic Site sign and require the Museum or Historic Site to submit a new application.

(7) Notwithstanding the fact that a Museum or Historic Site meets all of the other eligibility requirements of these regulations, an application may be denied if it is determined by the Engineer that adequate direction to the business cannot be given by a reasonable number of allowable Museum or Historic Site signs.

(8) Should a Museum or Historic Site be closed for 30 days or more, their signs will be covered with a blank panel. The signs will remain covered during the Museums seasonal closure.

(9) Those Museums that had "closed" riders installed prior to November 15, 1996, will continue to use the "closed" riders as long as it is determined by The Travel Information Council and The Oregon Department of Transportation that they can be easily accessed and safely operated.

Stat. Auth.: ORS 377.700 - ORS 377.840

Stats. Implemented: ORS 183.310 - ORS 183.550

Hist.: TIC 2-1997, f. & cert. ef. 11-3-97

733-030-0340

Waiver

(1) Upon request by an applicant the Travel Information Council may authorize a waiver for qualified Museum or Historic Site located within 15 miles of a primary or secondary intersection but more than one mile from the intersection if the cultural or historic feature is easily located from the intersection and no additional Museum or Historic Site signs would be necessary to direct the traveling public to the cultural or historic feature or if adequate

signing can be provided on the county road or city street to guide the motorist to the cultural or historic feature. The qualified Museum or Historic Site shall also be open at least four hours a day, six days a week.

(2) Upon request by an applicant, the Travel Information Council may authorize a waiver upon a showing by the applicant that the granting of such a waiver will benefit the motoring public and not violate the overall intent of these regulations. The sections under which waivers may be granted under this section are rules 733-030-0280(2) and (3).

(3) Procedures. Administrative Procedure Act - Any order of the Travel Information Council denying an application or waiver under these rules, or for removal of a sign panel under the Regulations, may be entered administratively without hearing, subject to requirements of ORS Chapter 183 and the administrative and judicial review as provided therein. The Travel Information Council shall notify applicants promptly on any application or waiver denial or decision to remove a Museum or Historic Site sign under these regulations.

Stat. Auth.: ORS 377.700 - ORS 377.840

Stats. Implemented: ORS 183.310 - ORS 183.550

Hist.: TIC 2-1997, f. & cert. ef. 11-3-97

733-030-0350

Fees and Installations

(1) Upon approval of a properly completed application for a Museum or Historic Site sign, the Travel Information Council may furnish, erect and maintain the signs, as required.