

FISCAL NOTE
Requested by Legislative Council
01/16/2017

Bill/Resolution No.: HB 1370

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$50,000		\$100,000
Expenditures				\$2,000		
Appropriations				\$2,000		

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

HB 1370 would require the NDDOT to establish a logo sign program internally or through a contract with a qualified business entity.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The majority of states contract their logo signing operation to a business entity. This method generates some revenue and keeps costs to the state at a minimal level. For example, Minnesota receives approximately \$150,000 per year and Montana receives \$50,000 per year from a similar arrangement. We used Montana’s experience as the basis for this fiscal note.

A few states own their own signs (South Dakota for example) and charge for individual signs. We have no projection of income for that example.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Based on the experience of Montana, we estimated we would receive approximately \$50,000 of income from the signing contractor per year. It is assumed that it would take a year to get into place should this bill be enacted, thus only one year of the next biennium would see additional revenue.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

It is anticipated that a contractor would need to be selected through a 'Request for Proposal' process, this would result in some printing and advertising costs. One or more public meetings may also be needed. It is anticipated that the contractor would handle the majority of the logo implementation process as well as the ongoing costs of maintaining the program.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

NDDOT's appropriation request for the 2017-2019 biennium did not include any additional amount for this bill. Therefore, an additional appropriation of \$2,000 would be needed.

Name: Shannon L. Sauer

Agency: ND Dept of Transportation

Telephone: 328-4375

Date Prepared: 01/19/2017

2017 HOUSE TRANSPORTATION

HB 1370

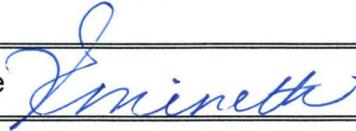
2017 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

HB 1370
1/27/2017
27549

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A bill relating to a highway logo sign program.

Minutes:

Attachments # 1 -2 -3

Chairman Ruby: opened the hearing on HB 1370.

Representative Rich Becker: District 43 Grand Forks, spoke to introduce and support HB 1370. (attachment #1). 7:00 I have some points to make: signs are in 47 of the 50 states people are getting the response that they are looking for and others that are in charge of implementing and maintaining them are in it for a profit and are doing well. I am requesting that the North Dakota Department of Transportation establishment a logo program for the purpose of providing on the right away of the state highway system a logo program for the purpose of providing on right away specific information on gas, food, camping, and lodging for the benefit for the motoring public. North Dakota is one of the few states that do not have this program in place. Two of the states were Alaska and Hawaii.

Rep. Rich Becker: Provided a handout that is a section of code that is about signs on highways and included a fiscal note. (attachment #2) pages 1-10. 15:15-16:50 I don't view this as a monopolistic

Rep. Rich Becker: Provided a handout about the way that Montana does this. (attachment #3) pages 1-10. 21:00

Rep. Rich Becker: In summary I think this is a good program it is cost effective for the Individual states. In North Dakota I got total support from the DOT people.

Rep. Nelson: The council is not allowed to share information with people because they are your council, however if you direct them that if there is somebody else working on what you are working you can tell them about me so they can contact me then you can avoid this situation.

Rep. Nelson: What would happen if there is a new business that wants to be on the sign? How long would it take to get their business on the sign?

Rep. Rich Becker: All the states work with 4 or 5 companies that do this type of work and whether, locations and time lines can change.

Rep. Schobinger: Do you think that because of technology these signs will be obsolete?

Rep. Rich Becker: 29:30 I look upon the program as a program that has had the bugs worked out. The younger generation would probably agree with you. My response would be this is a public service.

Senator Curt Kreun: 32:14 I represent district 42 Grand Forks. I am testifying in support of this bill because when I was on the city council in Grand Forks and spent for 2 years developing a program for bill boards so that they could be utilized within the city and make the spacing right. I thought this would be a complimentary process between the highway signs and the billboard signs.

Terri Thiel: From the Grand Forks Convention Center. I am speaking in speaking in support of this bill.

Lisa Sanborn: Towne Place Suites by Marriot in Dickson. I also speak in support of HB 1370 and am a motorcyclist of this state and many other states. When we are on motorcycles we rely on the signs to guide us to gas stations, lodging, restaurants, because we do not have the ability to be on our phones and ask sari for directions to the nearest hotel. Besides we already battle other challenges with other drivers so the signs do help us.

Chairman Ruby: There was no further support for HB 1370? In opposition?

Kari Ness: Newman Signs: oppose to HB 1370 and provided testimony for this and HB 1370.

Rep. Grueneich: Would the advertising business be closer to the road?

Kari Ness: We cannot get that close, we are not allowed to advertise in the right away.

Bruce Strinden: Newman Signs, 40:00 spoke in opposition to HB 1370. Knowing the federal standards and the regulations that are required anytime a sign or anything is put on federal right away it requires the attention of state engineers that go out and do the surveys and the spacing work and it also requires DOT personal out there when they actual footings and the works is being done on the signs because they have to have be dealt on the federal right away.

Leo Ness, Newman Signs, spoke to oppose HB 1370. The state doesn't get to negotiate those a sign company. They are set in stone. We do work on the highway projects with the urban division. When our crews are out there there is a DOT guy out there watching to be

sure we are doing it right.

Chairman Ruby: There was no further opposition to HB 1370. Anyone in the neutral capacity?

If the department decides to bit it out rather than run it themselves, do you think they will break it up in segments and biting it out separately or doing it state wide?

Brad: My vision it would be a state wide bit.

Chairman Ruby: closed the hearing on HB 1370.

2017 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

HB 1370
1/27/2017
No recording

- Subcommittee
 Conference Committee

Committee Clerk Signature *Janette Cook*

Explanation or reason for introduction of bill/resolution:

A bill relating to highway logo sign program.

Minutes:

Chairman Ruby brought HB 1370 back before the committee and reviewed the bill.

Vice Chairman Rick C. Becker moved a DO NOT PASS on HB 1370.
Representative Grueneich seconded the motion.

A roll call vote was taken on HB 1370: Aye 13 Nay 1 Absent 0
The motion carried.

Vice Chairman Rick C. Becker will carry HB 1370.

Date: 1-27-17
 Roll Call Vote #: 1

**2017 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1370**

House Transportation Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Becker Seconded By Gruneich

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby	✓		Rep. Gretchen Dobervich	✓	
Vice Chair. Rick C. Becker	✓		Rep. Marvin Nelson	✓	
Rep. Bert Anderson	✓				
Rep. Jim Grueneich	✓				
Rep. Terry Jones	✓				
Rep. Emily O'Brien	✓				
Rep. Mark Owens		✓			
Rep. Gary Paur	✓				
Rep. Randy Schobinger	✓				
Rep. Gary Sukut	✓				
Rep. Robin Weisz	✓				
Rep. Greg Westlind	✓				

Total (Yes) 13 No 1

Absent 0

Floor Assignment Becker

If the vote is on an amendment, briefly indicate intent:

52

REPORT OF STANDING COMMITTEE

HB 1370: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO NOT PASS** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1370 was placed on the Eleventh order on the calendar.

2017 TESTIMONY

HB 1370

HB 1370
1-27-17
#1

Testimony of Representative Rich Becker, District 43 Grand Forks to the
House Transportation Committee on House Bill No. 1370, January 27, 2017

Mr. Chairman and members of the committee, for the record I am Rich Becker representing District 43 in Grand Forks. District 43 is in the Southwest quadrant of the city. I am very pleased to have this opportunity to introduce you to my bill 1370 requesting that the North Dakota Department of Transportation [NDDOT] establish a logo sign program for the purpose of providing on the right of way of the state highway system specific information on gas, food, camping, and lodging for the benefit of the motoring public.

This bill came about from a door to door campaign reach out that I'm sure you all have experienced yourself. At one particular home a man invited me in and we had a good long visit on his views of our state. As I was trying to be polite, yet telling him I best be on my way, he told me if I wanted his vote I needed to get him an answer as to why North Dakota has no highway signage advising the traveling public of places to stay, eat and get gas. I told him I would do my best, while he continued to tell me that he was an overland truck driver and North Dakota was the only state he knew of that did not have such signs.

Over the last three months, I have talked with legislative management and NDDOT to ask questions that resulted in this bill 1370. I have found good information and no resistance from NDDOT. This is a fairly simple and straight forward bill. This bill will serve the citizens of North Dakota as well as the travelling public to our great state. It will be a revenue source for the state of at least \$100,000 per year early on and cost the NDDOT only a small administration fee for overall supervision of the program.

I would like to walk you through the bill now and to ask you for your support of House Bill 1370!

Thank You



Representative Rich Becker

1

23 USC 131: Control of outdoor advertising

Text contains those laws in effect on December 4, 2016

From Title 23-HIGHWAYS**CHAPTER 1-FEDERAL-AID HIGHWAYS****Jump To:**[Source Credit](#)[References In Text](#)[Amendments](#)[Effective Date](#)[Miscellaneous](#)[Regulations](#)**§131. Control of outdoor advertising**

(a) The Congress hereby finds and declares that the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System and the primary system should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty.

(b) Federal-aid highway funds apportioned on or after January 1, 1968, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of outdoor advertising signs, displays, and devices which are within six hundred and sixty feet of the nearest edge of the right-of-way and visible from the main traveled way of the system, and Federal-aid highway funds apportioned on or after January 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of those additional outdoor advertising signs, displays, and devices which are more than six hundred and sixty feet off the nearest edge of the right-of-way, located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way, shall be reduced by amounts equal to 10 per centum of the amounts which would otherwise be apportioned to such State under section 104 of this title, until such time as such State shall provide for such effective control. Any amount which is withheld from apportionment to any State hereunder shall be reapportioned to the other States. Whenever he determines it to be in the public interest, the Secretary may suspend, for such periods as he deems necessary, the application of this subsection to a State.

(c) Effective control means that such signs, displays, or devices after January 1, 1968, if located within six hundred and sixty feet of the right-of-way and, on or after July 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, if located beyond six hundred and sixty feet of the right-of-way located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way, shall, pursuant to this section, be limited to (1) directional and official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning lighting, size, number, and spacing of signs, and such other requirements as may be appropriate to implement this section, (2) signs, displays, and devices advertising the sale or lease of property upon which they are located, (3) signs, displays, and devices, including those which may be changed at reasonable intervals by electronic process or by remote control, advertising activities conducted on the property on which they are located, (4) signs lawfully in existence on October 22, 1965, determined by the State, subject to the approval of the Secretary, to be landmark signs, including signs on farm structures or natural surfaces, or historic or artistic significance the preservation of which would be consistent with the purposes of this section, and (5) signs, displays, and devices advertising the distribution by nonprofit organizations of free coffee to individuals traveling on the Interstate System or the primary system. For the purposes of this subsection, the term "free coffee" shall include coffee for which a donation may be made, but is not required.

(d) In order to promote the reasonable, orderly and effective display of outdoor advertising while remaining consistent with the purposes of this section, signs, displays, and devices whose size, lighting and spacing, consistent with customary use is to be determined by agreement between the several States and the Secretary, may be erected and maintained within six hundred and sixty feet of the nearest edge of the right-of-way within areas adjacent to the Interstate and primary systems which are zoned industrial or commercial under authority of State law, or in unzoned commercial or industrial areas as may be determined by agreement between the several States and the Secretary. The States shall have full authority under their own zoning laws to zone areas for commercial or industrial purposes, and the actions of the States in this regard will be accepted for the purposes of this Act. Whenever a bona fide State, county, or local zoning authority has made a determination of customary use, such determination will be accepted in lieu of controls by agreement in the zoned commercial and industrial areas within the geographical

jurisdiction of such authority. Nothing in this subsection shall apply to signs, displays, and devices referred to in clauses (2) and (3) of subsection (c) of this section.

(e) Any sign, display, or device lawfully in existence along the Interstate System or the Federal-aid primary system on September 1, 1965, which does not conform to this section shall not be required to be removed until July 1, 1970. Any other sign, display, or device lawfully erected which does not conform to this section shall not be required to be removed until the end of the fifth year after it becomes nonconforming.

(f) The Secretary shall, in consultation with the States, provide within the rights-of-way for areas at appropriate distances from interchanges on the Interstate System, on which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained. The Secretary may also, in consultation with the States, provide within the rights-of-way of the primary system for areas in which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained. Such signs shall conform to national standards to be promulgated by the Secretary.

(g) Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under State law and not permitted under subsection (c) of this section, whether or not removed pursuant to or because of this section. The Federal share of such compensation shall be 75 per centum. Such compensation shall be paid for the following:

(A) The taking from the owner of such sign, display, or device of all right, title, leasehold, and interest in such sign, display, or device; and

(B) The taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain such signs, displays, and devices thereon.

(h) All public lands or reservations of the United States which are adjacent to any portion of the Interstate System and the primary system shall be controlled in accordance with the provisions of this section and the national standards promulgated by the Secretary.

(i) In order to provide information in the specific interest of the traveling public, the State transportation departments are authorized to maintain maps and to permit information directories and advertising pamphlets to be made available at safety rest areas. Subject to the approval of the Secretary, a State may also establish information centers at safety rest areas and other travel information systems within the rights-of-way for the purpose of informing the public of places of interest within the State and providing such other information as a State may consider desirable. The Federal share of the cost of establishing such an information center or travel information system shall be that which is provided in section 120 for a highway project on that Federal-aid system to be served by such center or system. A State may permit the installation of signs that acknowledge the sponsorship of rest areas within such rest areas or along the main traveled way of the system, provided that such signs shall not affect the safe and efficient utilization of the Interstate System and the primary system. The Secretary shall establish criteria for the installation of such signs on the main traveled way, including criteria pertaining to the placement of rest area sponsorship acknowledgment signs in relation to the placement of advance guide signs for rest areas.

(j) Any State transportation department which has, under this section as in effect on June 30, 1965, entered into an agreement with the Secretary to control the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System shall be entitled to receive the bonus payments as set forth in the agreement, but no such State transportation department shall be entitled to such payments unless the State maintains the control required under such agreement: *Provided*, That permission by a State to erect and maintain information displays which may be changed at reasonable intervals by electronic process or remote control and which provide public service information or advertise activities conducted on the property on which they are located shall not be considered a breach of such agreement or the control required thereunder. Such payments shall be paid only from appropriations made to carry out this section. The provisions of this subsection shall not be construed to exempt any State from controlling outdoor advertising as otherwise provided in this section.

(k) Subject to compliance with subsection (g) of this section for the payment of just compensation, nothing in this section shall prohibit a State from establishing standards imposing stricter limitations with respect to signs, displays, and devices on the Federal-aid highway systems than those established under this section.

(l) Not less than sixty days before making a final determination to withhold funds from a State under subsection (b) of this section, or to do so under subsection (b) of section 136, or with respect to failing to agree as to the size, lighting, and spacing of signs, displays, and devices or as to unzoned commercial or industrial areas in which signs, displays, and devices may be erected and maintained under subsection (d) of this section, or with respect to failure to approve under subsection (g) of section 136, the Secretary shall give written notice to the State of his proposed determination and a statement of the reasons therefor, and during such period shall give the State an opportunity for a hearing on such determination. Following such hearing the Secretary shall issue a written order setting forth his final determination and shall furnish a copy of such order to the State. Within forty-five days of receipt of such order, the State may appeal such order to any United States district court for such State, and upon the filing of such appeal such order shall be stayed until final judgment has been entered on such appeal. Summons may be served at any place in the United States. The court shall have jurisdiction to affirm the determination of the Secretary or to set aside, in whole or in part. The judgment of the court shall be subject to review by the United States court of appeals for the circuit in which the State is located and to the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254. If any part of an apportionment to a State is withheld by the Secretary under subsection (b) of this section or subsection (b) of section 136, the amount so withheld shall not be reapportioned to the other States as long as a suit brought by such State under this subsection

is pending. Such amount shall remain available for apportionment in accordance with the final judgment and this subsection. Funds withheld from apportionment and subsequently apportioned or reapportioned under this section shall be available for expenditure for three full fiscal years after the date of such apportionment or reapportionment as the case may be.

(m) There is authorized to be appropriated to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed \$20,000,000 for the fiscal year ending June 30, 1966, not to exceed \$20,000,000 for the fiscal year ending June 30, 1967, not to exceed \$2,000,000 for the fiscal year ending June 30, 1970, not to exceed \$27,000,000 for the fiscal year ending June 30, 1971, not to exceed \$20,500,000 for the fiscal year ending June 30, 1972, and not to exceed \$50,000,000 for the fiscal year ending June 30, 1973. The provisions of this chapter relating to the obligation, period of availability and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967. A State may use any funds apportioned to it under section 104 of this title for removal of any sign, display, or device lawfully erected which does not conform to this section.

(n) No sign, display, or device shall be required to be removed under this section if the Federal share of the just compensation to be paid upon removal of such sign, display, or device is not available to make such payment. Funds apportioned to a State under section 104 of this title shall not be treated for purposes of the preceding sentence as being available to the State for making such a payment except to the extent that the State, in its discretion, expends such funds for such a payment.

(o) The Secretary may approve the request of a State to permit retention in specific areas defined by such State of directional signs, displays, and devices lawfully erected under State law in force at the time of their erection which do not conform to the requirements of subsection (c), where such signs, displays, and devices are in existence on the date of enactment of this subsection and where the State demonstrates that such signs, displays, and devices (1) provide directional information about goods and services in the interest of the traveling public, and (2) are such that removal would work a substantial economic hardship in such defined area.

(p) In the case of any sign, display, or device required to be removed under this section prior to the date of enactment of the Federal-Aid Highway Act of 1974, which sign, display, or device was after its removal lawfully relocated and which as a result of the amendments made to this section by such Act is required to be removed, the United States shall pay 100 per centum of the just compensation for such removal (including all relocation costs).

(q)(1) During the implementation of State laws enacted to comply with this section, the Secretary shall encourage and assist the States to develop sign controls and programs which will assure that necessary directional information about facilities providing goods and services in the interest of the traveling public will continue to be available to motorists. To this end the Secretary shall restudy and revise as appropriate existing standards for directional signs authorized under subsections 131(c)(1) and 131(f) to develop signs which are functional and esthetically compatible with their surroundings. He shall employ the resources of other Federal departments and agencies, including the National Endowment for the Arts, and employ maximum participation of private industry in the development of standards and systems of signs developed for those purposes.

(2) Among other things the Secretary shall encourage States to adopt programs to assure that removal of signs providing necessary directional information, which also were providing directional information on June 1, 1972, about facilities in the interest of the traveling public, be deferred until all other nonconforming signs are removed.

(r) REMOVAL OF ILLEGAL SIGNS.-

(1) BY OWNERS.-Any sign, display, or device along the Interstate System or the Federal-aid primary system which was not lawfully erected, shall be removed by the owner of such sign, display, or device not later than the 90th day following the effective date of this subsection.

(2) BY STATES.-If any owner does not remove a sign, display, or device in accordance with paragraph (1), the State within the borders of which the sign, display, or device is located shall remove the sign, display, or device. The owner of the removed sign, display, or device shall be liable to the State for the costs of such removal. Effective control under this section includes compliance with the first sentence of this paragraph.

(s) SCENIC BYWAY PROHIBITION.-If a State has a scenic byway program, the State may not allow the erection along any highway on the Interstate System or Federal-aid primary system which before, on, or after the effective date of this subsection, is designated as a scenic byway under such program of any sign, display, or device which is not in conformance with subsection (c) of this section. Control of any sign, display, or device on such a highway shall be in accordance with this section. In designating a scenic byway for purposes of this section and section 1047 of the Intermodal Surface Transportation Efficiency Act of 1991, a State may exclude from such designation any segment of a highway that is inconsistent with the State's criteria for designating State scenic byways. Nothing in the preceding sentence shall preclude a State from signing any such excluded segment, including such segment on a map, or carrying out similar activities, solely for purposes of system continuity.

(t) PRIMARY SYSTEM DEFINED.-For purposes of this section, the terms "primary system" and "Federal-aid primary system" mean the Federal-aid primary system in existence on June 1, 1991, and any highway which is not on such system but which is on the National Highway System.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 904 ; Pub. L. 86-342, title I, §106, Sept. 21, 1959, 73 Stat. 612 ; Pub. L. 87-61, title I, §106, June 29, 1961, 75 Stat. 123 ; Pub. L. 88-157, §5, Oct. 24, 1963, 77 Stat. 277 ; Pub. L. 89-285, title I, §101, Oct. 22, 1965, 79 Stat. 1028 ; Pub. L. 89-574, §8(a), Sept. 13, 1966, 80 Stat. 768 ; Pub. L. 90-495, §6(a)-(d), Aug. 23, 1968, 82 Stat. 817 ; Pub. L. 91-605, title I, §122(a), Dec. 31, 1970, 84 Stat. 1726 ; Pub. L. 93-

643, §109, Jan. 4, 1975, 88 Stat. 2284 ; Pub. L. 94–280, title I, §122, May 5, 1976, 90 Stat. 438 ; Pub. L. 95–599, title I, §§121, 122, Nov. 6, 1978, 92 Stat. 2700 , 2701; Pub. L. 96–106, §6, Nov. 9, 1979, 93 Stat. 797 ; Pub. L. 102–240, title I, §1046(a)–(c), Dec. 18, 1991, 105 Stat. 1995 , 1996; Pub. L. 102–302, §104, June 22, 1992, 106 Stat. 253 ; Pub. L. 104–59, title III, §314, Nov. 28, 1995, 109 Stat. 586 ; Pub. L. 105–178, title I, §1212(a)(2)(A), June 9, 1998, 112 Stat. 193 ; Pub. L. 112–141, div. A, title I, §§1519(c)(6), formerly 1519(c)(7), 1539(b), July 6, 2012, 126 Stat. 576 , 587, renumbered §1519(c)(6), Pub. L. 114–94, div. A, title I, §1446(d)(5)(B), Dec. 4, 2015, 129 Stat. 1438 .)

REFERENCES IN TEXT

This Act, referred to in subsec. (d), probably means Pub. L. 89–285, Oct. 22, 1965, 79 Stat. 1028 , as amended, known as the Highway Beautification Act of 1965, which enacted section 136 of this title and provisions set out as notes under sections 131 and 135 of this title and amended sections 131 and 319 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 136 of this title and Tables.

The date of enactment of this subsection, referred to in subsec. (o), means May 5, 1976, the date of approval of Pub. L. 94–280.

The date of enactment of the Federal-Aid Highway Act of 1974, referred to in subsec. (p), means Jan. 3, 1975, the date of approval of Pub. L. 93–643.

For the effective date of this subsection, referred to in subsections. (r)(1) and (s), see the Effective Date of 1991 Amendment note set out below.

Section 1047 of the Intermodal Surface Transportation Efficiency Act of 1991, referred to in subsec. (s), is section 1047 of Pub. L. 102–240, which is set out as a note under section 101 of this title.

AMENDMENTS

2015-Subsec. (m). Pub. L. 114–94 amended Pub. L. 112–141, §1519(c). See 2012 Amendment note below.

2012-Subsec. (i). Pub. L. 112–141, §1539(b), inserted at end "A State may permit the installation of signs that acknowledge the sponsorship of rest areas within such rest areas or along the main traveled way of the system, provided that such signs shall not affect the safe and efficient utilization of the Interstate System and the primary system. The Secretary shall establish criteria for the installation of such signs on the main traveled way, including criteria pertaining to the placement of rest area sponsorship acknowledgment signs in relation to the placement of advance guide signs for rest areas."

Subsec. (m). Pub. L. 112–141, §1519(c)(6), formerly §1519(c)(7), as renumbered by Pub. L. 114–94, §1446(d)(5)(B), substituted "A State" for "Subject to approval by the Secretary in accordance with the program of projects approval process of section 105, a State".

1998-Subsec. (i). Pub. L. 105–178, §1212(a)(2)(A)(ii), substituted "State transportation departments" for "State highway departments".

Subsec. (j). Pub. L. 105–178, §1212(a)(2)(A)(i), substituted "State transportation department" for "State highway department" in two places.

1995-Subsec. (s). Pub. L. 104–59 inserted at end "In designating a scenic byway for purposes of this section and section 1047 of the Intermodal Surface Transportation Efficiency Act of 1991, a State may exclude from such designation any segment of a highway that is inconsistent with the State's criteria for designating State scenic byways. Nothing in the preceding sentence shall preclude a State from signing any such excluded segment, including such segment on a map, or carrying out similar activities, solely for purposes of system continuity."

1992-Subsec. (n). Pub. L. 102–302 inserted at end "Funds apportioned to a State under section 104 of this title shall not be treated for purposes of the preceding sentence as being available to the State for making such a payment except to the extent that the State, in its discretion, expends such funds for such a payment."

1991-Subsec. (m). Pub. L. 102–240, §1046(a), inserted at end "Subject to approval by the Secretary in accordance with the program of projects approval process of section 105, a State may use any funds apportioned to it under section 104 of this title for removal of any sign, display, or device lawfully erected which does not conform to this section."

Subsecs. (r) to (t). Pub. L. 102–240, §1046(b), (c), added subsections. (r) to (t).

1979-Subsec. (c)(5). Pub. L. 96–106 substituted "distribution by nonprofit" for "distribution of nonprofit".

1978-Subsec. (c). Pub. L. 95–599 §§121, 122(c), inserted "including those which may be changed at reasonable intervals by electronic process or by remote control," after "devices" in cl. (3) and added cl. (5).

Subsec. (g). Pub. L. 95–599, §122(a), inserted provision relating to just compensation for the removal of signs lawfully erected under State law but not permitted under subsec. (c).

Subsec. (j). Pub. L. 95–599, §122(d), inserted provision relating to permission by the State to erect and maintain information displays.

Subsec. (k). Pub. L. 95–599, §122(b), substituted "Subject to compliance with subsection (g) of this section for the payment of just compensation, nothing" for "Nothing".

1976-Subsec. (f). Pub. L. 94-280, §122(a), authorized the Secretary, in consultation with the States, to provide within the rights-of-way of the primary system for areas in which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained.

Subsec. (i). Pub. L. 94-280, §122(c), authorized a State to establish travel information systems within the rights-of-way and prescribed as the Federal share of the cost of establishing an information center or travel information system the Federal share which is provided in section 120 of this title for a highway project on that Federal-aid system to be served by such center or system.

Subsecs. (o) to (q). Pub. L. 94-280, §122(b), added subsecs. (o) to (q).

1975-Subsec. (b). Pub. L. 93-643, §109(a), required reduction of Federal-aid highway funds apportioned on or after Jan. 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of those additional outdoor advertising signs, displays, and devices which are more than 660 feet off the nearest edge of the right-of-way, located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way.

Subsec. (c). Pub. L. 93-643, §109(b), substituted "Effective control means that such signs, displays, or devices after January 1, 1968, if located within six hundred and sixty feet of the right-of-way and, on or after July 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, if located beyond six hundred and sixty feet of the right-of-way, located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way," for "Effective control means that after January 1, 1968, such signs, displays, and devices", deleted in cl. (1) "other" before "official signs", and added cl. (4).

Subsec. (g). Pub. L. 93-643, §109(c), substituted first sentence reading "Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under State law." for prior first sentence which provided for payment of just compensation for removal of outdoor advertising signs, displays, and devices (1) lawfully in existence on Oct. 22, 1965, (2) lawfully on any highway made a part of the interstate or primary system on or after Oct. 22, 1965, and before Jan. 1, 1968, and (3) lawfully erected on or after Jan. 1, 1968.

1970-Subsec. (m). Pub. L. 91-605 authorized to be appropriated not to exceed \$27,000,000, \$20,500,000 and \$50,000,000, for the fiscal years ending June 30, 1971, 1972, and 1973, respectively.

1968-Subsec. (d). Pub. L. 90-495, §6(a), provided that whenever a bona fide State, county, or local zoning authority has made a determination of customary use, such determination will be accepted in lieu of controls by agreement in the zoned commercial and industrial areas within the geographical jurisdiction of such authority.

Subsec. (j). Pub. L. 90-495, §6(b), struck out provision for the imposition of controls on outdoor advertising by the Federal government that are stricter than those imposed by the State highway department.

Subsec. (m). Pub. L. 90-495, §6(c), inserted provision authorizing an appropriation of not to exceed \$2,000,000 for the fiscal year ending June 30, 1970.

Subsec. (n). Pub. L. 90-495, §6(d), added subsec. (n).

1966-Subsec. (m). Pub. L. 89-574 substituted provisions making applicable to the funds authorized to be appropriated to carry out this section after June 30, 1967 the provisions of chapter 1 of this title relating to the obligation, period of availability and expenditure of Federal-aid primary highway funds for provisions prohibiting the use of any part of the Highway Trust Fund in carrying out this section.

1965-Subsec. (a). Pub. L. 89-285 struck out specific reference to the area which lies within six-hundred and sixty feet of the edge of the right-of-way and which is visible from the right-of-way and instead made only general reference to the areas adjacent to the Interstate System and struck out reference to types of permissible signs.

Subsec. (b). Pub. L. 89-285 substituted provisions reducing by 10 per centum the apportioned share, on or after January 1, 1968, of any State not making provision for effective control of erection and maintenance of outdoor advertising signs, displays and devices within six-hundred and sixty feet of the nearest edge of the right of way and visible from the traveled portion, reapportioning withheld funds to other States, and allowing for suspension of such provisions in the discretion of the Secretary, for provisions which authorized the Secretary to enter into agreements with the States to carry out national policy on control of areas adjacent to the Interstate System.

Subsec. (c). Pub. L. 89-285 substituted provisions setting out permissible types of signs as directional and other official signs and notices, signs advertising sale or lease of property on which the sign is located, and signs, displays, and devices advertising activities conducted on the property on which the sign is located, for provisions allowing for an increase in the Federal share payable under the Federal-Aid Highway Act of 1956, as amended, in the case of States entering into an agreement with the Secretary prior to July 1, 1965.

Subsec. (d). Pub. L. 89–285 substituted provisions allowing for agreements between the Secretary and the several States covering commercial or industrial property, for provisions covering control of the adjacent area when the Interstate System is located on or near public lands or reservations of the United States.

Subsec. (e). Pub. L. 89–285 substituted provisions setting out the timetable for removal of signs, displays, and devices lawfully along Interstate System or Federal-aid primary system highways, for provisions allowing the inclusion of the cost of purchase or condemnation of the right to advertise or control advert in the area adjacent to Interstate System right-of-way as part of the cost of construction.

Subsecs. (f) to (m). Pub. L. 89–285 added subsecs. (f) to (m).

1963-Subsec. (c). Pub. L. 88–157 substituted "July 1, 1965" for "July 1, 1963".

1961-Subsec. (c). Pub. L. 87–61 substituted "July 1, 1963" for "July 1, 1961".

1959-Subsec. (b). Pub. L. 86–342 substituted "Agreements entered into between the Secretary of Commerce and State highway departments under this section shall not apply to those segments of the Interstate System which traverse commercial or industrial zones within the presently existing boundaries of incorporated municipalities wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, or which traverse other areas where the land use, as of the date of approval of this Act, is clearly established by State law as industrial or commercial" for "Upon application of the State, any such agreement may, within the discretion of the Secretary of Commerce consistent with the national policy, provide for excluding from application of the national standards segments of the Interstate System which traverse incorporated municipalities wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, or which traverse other areas where the land use is clearly established by State law as industrial or commercial."

EFFECTIVE DATE OF 2015 AMENDMENT

Pub. L. 114–94, div. A, title I, §1446(d), Dec. 4, 2015, 129 Stat. 1438 , provided that the amendment made by section 1446(d)(5)(B) is effective as of July 6, 2012, and as if included in Pub. L. 112–141 as enacted.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102–240 effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and, with certain exceptions, not applicable to funds appropriated or made available on or before Sept. 30, 1991, see section 1100 of Pub. L. 102–240, set out as a note under section 104 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90–495 effective Aug. 23, 1968, see section 37 of Pub. L. 90–495, set out as a note under section 101 of this title.

SERVICE CLUB, CHARITABLE ASSOCIATION, OR RELIGIOUS SERVICE SIGNS

Pub. L. 114–94, div. A, title I, §1425, Dec. 4, 2015, 129 Stat. 1425 , provided that: "Notwithstanding section 131 of title 23, United States Code, and part 750 of title 23, Code of Federal Regulations (or successor regulations), if a State notifies the Federal Highway Administration, the State may allow the maintenance of a sign of a service club, charitable association, or religious service organization-

"(1) that exists on the date of enactment of this Act [Dec. 4, 2015] (or was removed in the 3-year period ending on such date of enactment); and

"(2) the area of which is less than or equal to 32 square feet."

STUDY OF STATE PRACTICES ON SPECIFIC SERVICE SIGNING

Pub. L. 105–178, title I, §1213(g), June 9, 1998, 112 Stat. 202 , provided that:

"(1) STUDY.-The Secretary shall conduct a study to determine the practices in the States for specific service food signs described in sections 2G–5.7 and 2G–5.8 of the Manual on Uniform Traffic Control Devices for Streets and Highways. The study shall examine, at a minimum-

"(A) the practices of all States for determining businesses eligible for inclusion on such signs;

"(B) whether States allow businesses to be removed from such signs and the circumstances for such removal;

"(C) the practices of all States for erecting and maintaining such signs, including the time required for erecting such signs; and

"(D) whether States contract out the erection and maintenance of such signs.

"(2) REPORT.-Not later than 1 year after the date of enactment of this Act [June 9, 1998], the Secretary shall transmit to Congress a report on the results of the study, including any recommendations and, if appropriate, modifications to the Manual."

EFFECT OF 1991 AMENDMENT ON STATE COMPLIANCE LAWS OR REGULATIONS

Pub. L. 102-240, title I, §1046(d), Dec. 18, 1991, 105 Stat. 1996 , provided that: "The amendments made by this section [amending this section] shall not affect the status or validity of any existing compliance law or regulation adopted by a State pursuant to section 131 of title 23, United States Code."

USE OF TOURIST ORIENTED DIRECTIONAL SIGNS

Pub. L. 102-240, title I, §1059, Dec. 18, 1991, 105 Stat. 2003 , provided that:

"(a) IN GENERAL.-The Secretary shall encourage the States to provide for equitable participation in the use of tourist oriented directional signs or 'logo' signs along the Interstate System and the Federal-aid primary system (as defined under section 131(t) of title 23, United States Code).

"(b) STUDY.-Not later than 1 year after the effective date of this title [Dec. 18, 1991], the Secretary shall conduct a study and report to Congress on the participation in the use of signs referred to in subsection (a) and the practices of the States with respect to the use of such signs."

HIGHWAY BEAUTIFICATION COMMISSION

Pub. L. 91-605, title I, §123, Dec. 31, 1970, 84 Stat. 1727 , as amended by Pub. L. 93-6, Feb. 16, 1973, 87 Stat. 6 , established the Commission on Highway Beautification to (1) study existing statutes and regulations governing control of outdoor advertising and junkyards in areas adjacent to Federal-aid highway system, (2) review policies and practices of Federal and State agencies charged with administrative jurisdiction over such highways insofar as such policies and practices relate to governing control of outdoor advertising and junkyards, (3) compile data necessary to understand and determine the requirements for such control which may now exist or are likely to exist within foreseeable future, (4) study problems relating to control of on-premise outdoor advertising signs, promotional signs, directional signs, and signs providing information that is essential to motoring public, (5) study methods of financing and possible sources of Federal funds, including use of the Highway Trust Fund, to carry out highway beautification program, and (6) recommend such modifications or additions to existing laws, regulations, policies, practices, and demonstration programs as will, in judgment of the Commission, achieve a workable and effective highway beautification program and best serve the public interest and to submit, not later than Dec. 31, 1973, its final report. The Commission terminated six months after submission of said report.

COMPREHENSIVE STUDY ON HIGHWAY BEAUTIFICATION PROGRAMS

Pub. L. 89-285, title III, §302, Oct. 22, 1965, 79 Stat. 1032 , provided that in order to provide the basis for evaluating the continuing programs authorized by Pub. L. 89-285, and to furnish the Congress with the information necessary for authorization of appropriations for fiscal years beginning after June 30, 1967, the Secretary, in cooperation with the State highway departments, shall make a detailed estimate of the cost of carrying out the provisions of Pub. L. 89-285, and a comprehensive study of the economic impact of such programs on affected individuals and commercial and industrial enterprises, the effectiveness of such programs and the public and private benefits realized thereby, and alternate or improved methods of accomplishing the objectives of Pub. L. 89-285. The Secretary was required to submit such detailed estimate and a report concerning such comprehensive study to the Congress not later than Jan. 10, 1967.

STANDARDS, CRITERIA, RULES AND REGULATIONS

Pub. L. 89-285, title III, §303, Oct. 22, 1965, 79 Stat. 1033 , mandated the holding of public hearings by the Secretary of Commerce prior to the promulgation of standards, criteria and rules and regulations necessary to carry out this section and section 136 of this title, such standards, criteria, etc., to be reported to Congress not later than Jan. 10, 1967.

ACQUISITION OF DWELLINGS

Pub. L. 89-285, title III, §305, Oct. 22, 1965, 79 Stat. 1033 , provided that: "Nothing in this Act or the amendments made by this Act [amending this section and section 319 of this title and enacting section 136 of this title and provisions set out as notes under this section and sections 135 and 136 of this title] shall be construed to authorize the use of eminent domain to acquire any dwelling (including related buildings)."

TAKING OF PRIVATE PROPERTY WITHOUT JUST COMPENSATION

Pub. L. 89-285, title IV, §401, Oct. 22, 1965, 79 Stat. 1033 , provided that: "Nothing in this Act or the amendments made by this Act [amending this section and section 319 of this title and enacting section 136 of

this title and provisions set out as notes under sections 131, 135, and 136 of this title] shall be construed to authorize private property to be taken or the reasonable and existing use restricted by such taking without just compensation as provided in this Act."

AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR ADMINISTRATIVE EXPENSES

Pub. L. 89-285, title IV, §402, Oct. 22, 1965, 79 Stat. 1033 , as amended by Pub. L. 97-449, §2(a), Jan. 1983, 96 Stat. 2439 , provided that: "In addition to any other amounts authorized by this Act and the amendments made by this Act [amending this section and section 319 of this title and enacting section 136 of this title and provisions set out as notes under this section and sections 135 and 136 of this title], there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary not to exceed \$5,000,000 for administrative expenses in carrying out this Act (including amendments made by this Act)."

FISCAL NOTE

Requested by Legislative Council
01/15/2007

Bill/Resolution No.: HB 1388

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$50,000		\$100,000
Expenditures				\$2,000		\$2,000
Appropriations				\$2,000		\$2,000

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

HB 1388 requires the NDDOT to establish a logo program by contract with a qualified business.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

NDDOT studied a similar bill during the 2003 legislative session. During this study, it was found that the majority of states contract their logo signing operation to a consulting/contracting company. As a result, costs to the state are minimal. We determined that Montana and Minnesota receive approximately \$50,000 per year from a similar arrangement in the infancy of their programs. Those revenue estimates were used as a basis for this fiscal note.

A few states own their own signs (South Dakota for example) and charge for individual signs. We have no projection of income from that example.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Based on the experience of Montana and Minnesota, we estimate we would receive approximately \$50,000 of income from signing contractors per year. It's assumed that it would take a year to get the program into place should this bill be enacted, thus only one year of the next biennium would see additional revenue.

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

It is assumed that a contractor would need to be selected through a "Request for Proposal" process, which would result in a printing and advertising costs. One or more public meetings may also be needed. It is assumed that the contractor would handle the majority of the logo implementation process as well as the ongoing costs of maintaining the program.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a*

continuing appropriation.

The DOT would need an additional \$2,000 to implement the provisions of this bill.

Name:	Brad Darr	Agency:	NDDOT
Phone Number:	328-4443	Date Prepared:	01/24/2007



HB 1370
1-27-17
#3

- [Home](#)
 - [Logo Signs](#)
 - [TODS](#)
- [Overview](#)
 - [Eligibility Criteria](#)
 - [Participation Fees](#)
 - [Application](#)
 - [Testimonials](#)
 - [Related Links](#)
- [Find IT!](#)
- [MDT](#)
- [Contact](#)

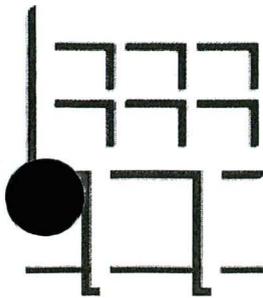
Navigate to... ▼

Montana Logos Participation Fees

- Annual Fees
- **\$1200** / Mainline
- **\$0** / Ramp
- **\$0** / Trailblazer
- **Per Direction**

[Application](#)

PARTICIPATION



MINNESOTA LOGOS, INC.

- [Home](#)
 - [Logo Signs](#)
- [Overview](#)
 - [Eligibility Criteria](#)
 - [Participation Fees](#)
 - [Application](#)
 - [Testimonials](#)
 - [Related Links](#)
- [Find IT!](#)
- [MnDOT](#)
- [Contact](#)

Navigate to... ▾

Minnesota Logos Participation Fees

- Annual Fees
 - \$600 / Mainline
 - \$120 / Ramp
 - \$720 / Total
- **Price Per Direction**

Trailblazers are also \$60 per year

[Application](#)

**PARTICIPATION
PAYS FOR ITSELF**

70:04:02:19. Annual rental fees. The annual rental fee is \$155 for each business sign on a panel at an interchange, at an intersection, on a supplemental panel, and for any trailblazing sign located on a state highway.

All rental fees shall be paid within 60 days after the date of notification that the business sign can be installed or the permit will be revoked.

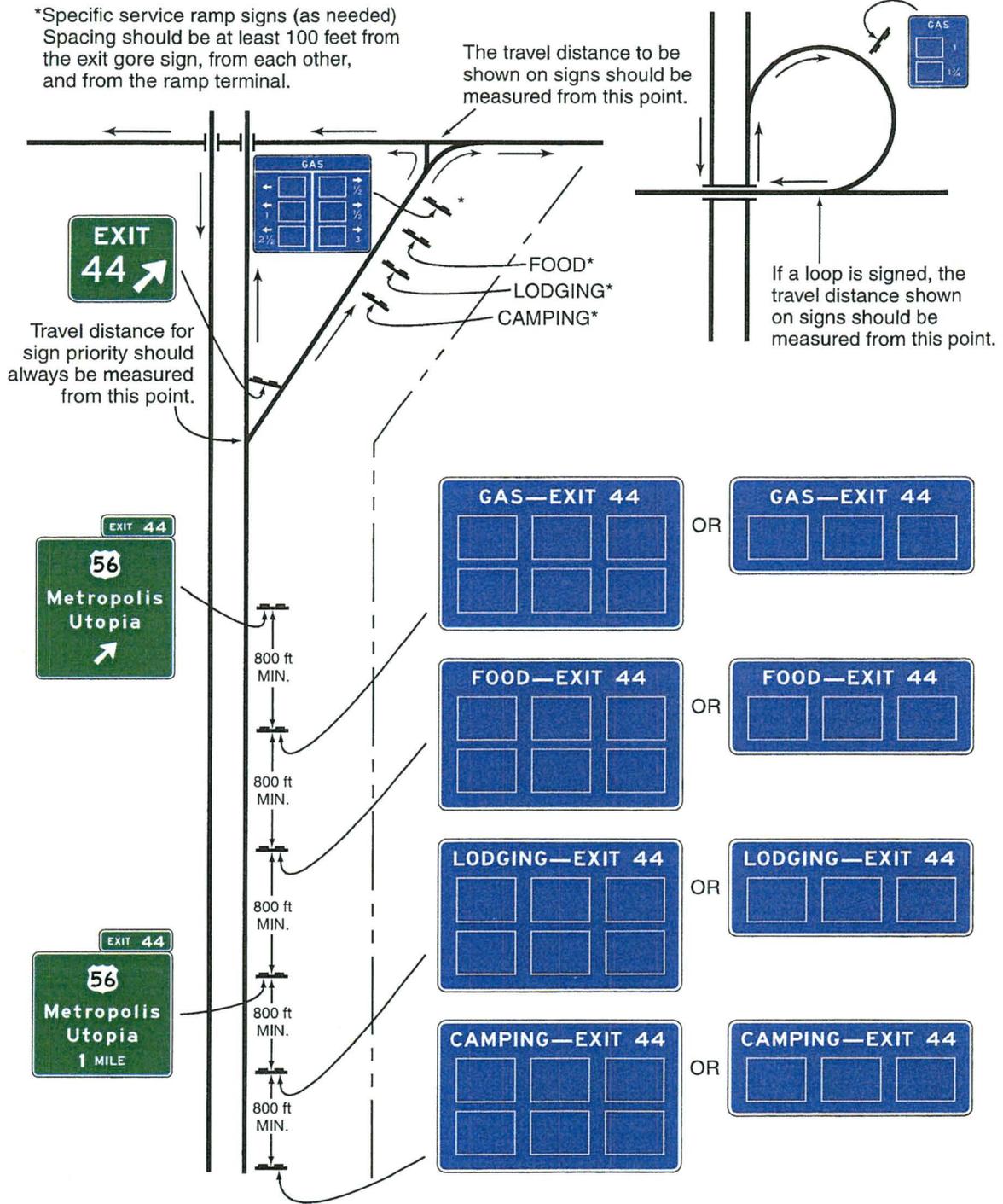
A permit shall be renewed each year on the anniversary date of notification that the business sign can be installed unless the permit is canceled in writing by the department or the permittee 30 days before the renewal date. Any cancellation by the department shall be based on subdivision 70:04:02:18(5). If the rental fee is not received 30 days before the date of renewal of a permit, the department shall revoke the permit and remove the sign.

Rental fees are not refundable.

Source: 6 SDR 99, effective April 13, 1980; 7 SDR 25, effective September 22, 1980; transferred from § 70:01:06.02:19, effective November 1, 1986; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 18 SDR 148, effective March 26, 1992; 22 SDR 183, adopted June 30, 1996, effective January 1, 1997; 40 SDR 102, effective December 3, 2013.

General Authority: SDCL [31-29-80.1](#), [31-29-80.2](#).

Figure 2J-2. Examples of Specific Service Sign Locations



Guidance:

02 A word message logo, not using a symbol or trademark, should have a blue background with white legend and border.

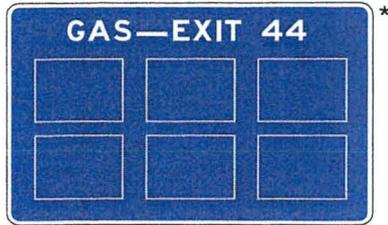
Support:

03 Section 2J.05 contains information regarding the minimum letter heights for logo sign panels.

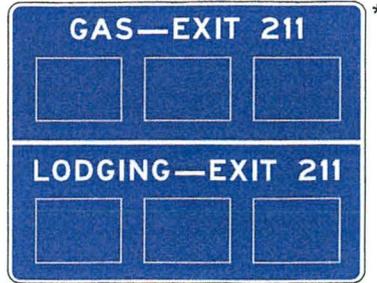
Option:

04 Where business identification symbols or trademarks are used alone for a logo, the border may be omitted from the logo sign panel.

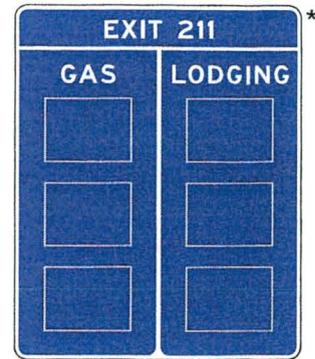
Figure 2J-1. Examples of Specific Service Signs



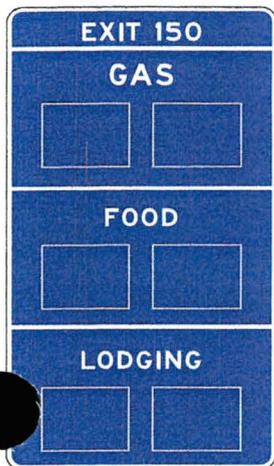
SINGLE-EXIT INTERCHANGE (ONE SERVICE)



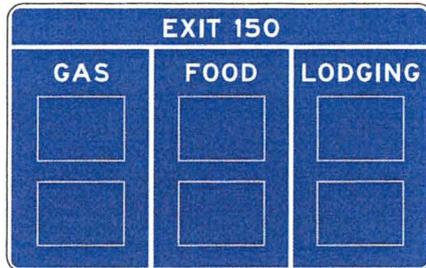
SINGLE-EXIT INTERCHANGE (TWO SERVICES)



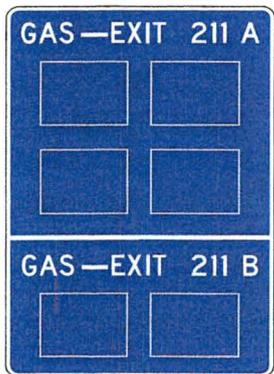
* See Section 2J.07 for option of displaying exit number on a separate plaque instead of on the sign



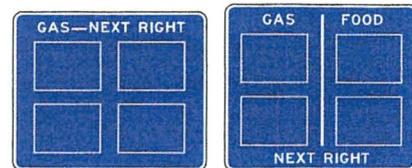
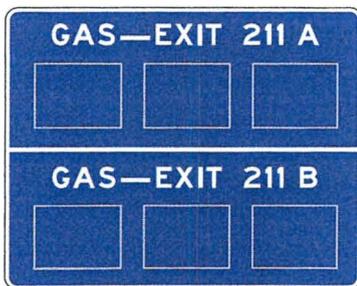
SINGLE-EXIT INTERCHANGE (THREE SERVICES)



LOGO SIGN PANEL

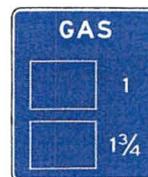
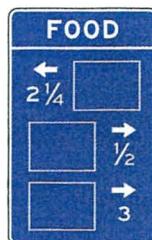
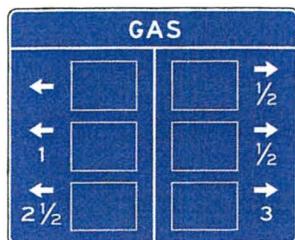


DOUBLE-EXIT INTERCHANGE



INTERSECTION

Note: Directional arrows or distance may be used when appropriate



RAMP

05 A portion of a logo sign panel may be used to display a supplemental message horizontally along the bottom of the logo sign panel, provided that the message displays essential motorist information (see Figure 2J-3).

Standard:

06 All supplemental messages shall be displayed within the logo sign panel and shall have letters and numerals that comply with the minimum height requirements shown in Table 2J-1.

Guidance:

07 A logo sign panel should not display more than one supplemental message.

08 The supplemental message should be displayed in a color to contrast effectively with the background of the business sign or separated from the other legend or logo by a divider bar.

09 State or local agencies that elect to allow supplemental messages on logo sign panels should develop a statewide policy for such messages.

Support:

10 Typical supplemental messages might include DIESEL, 24 HOURS, CLOSED and the day of the week when the facility is closed, ALTERNATIVE FUELS (see Section 2I.03), and RV ACCESS.

Option:

The RV ACCESS supplemental message may be circular.

Standard:

12 If the RV ACCESS supplemental message is circular, it shall be the abbreviation RV in black letters inside a yellow circle with a black border and it shall be displayed within the logo sign panel near the lower right-hand corner (see Figure 2J-4).

Guidance:

13 If the circular RV ACCESS supplemental message is used, the circle should have a diameter of 10 inches and the letters should have a height of 6 inches.

14 If a State or local agency elects to display the designation of businesses as providing on-premise accommodations for recreational vehicles with the RV ACCESS supplemental message or the RV Access circular message, there should be a statewide policy for such designation and criteria for qualifying businesses. The criteria should include such site conditions as access between the public roadway and the site, on-premise geometry, and parking.

Option:

15 If a business designated as an Interstate Oasis (see Section 2I.04) has a business logo sign panel on the Food and/or Gas Specific Service signs, the word OASIS may be displayed on the bottom portion of the logo sign panel for that business.

Standard:

A logo sign panel shall not display the symbol/trademark or name of more than one business.

Figure 2J-3. Examples of Supplemental Messages on Logo Sign Panels

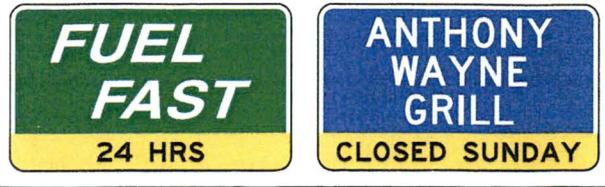
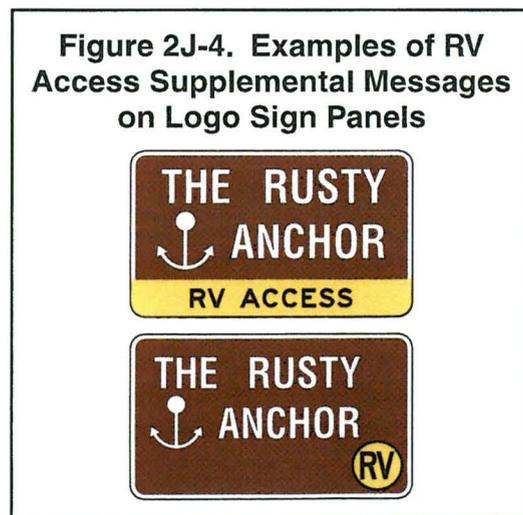


Table 2J-1. Minimum Letter and Numeral Sizes for Specific Service Signs According to Sign Type

Type of Sign	Freeway or Expressway	Conventional Road or Ramp
A. Specific Service Signs		
Service Categories	10	6
Exit Number Words	10	—
Exit Number Numerals and Letters	10	—
Action Message Words	10	6
Distance Numerals	—	6
Distance Fraction Numerals	—	4
B. Logo Sign Panels		
Logo Sign Panels	60 x 36	30 x 18
Words and Numerals (Non-Trademark/Graphic Logo)	8	4
Trademark/Graphic Logo	Proportional	Proportional
Supplemental Message Words and Numerals	5	2.5

Note: Sizes are shown in inches and where applicable are shown as width x height

Figure 2J-4. Examples of RV Access Supplemental Messages on Logo Sign Panels



Section 2J.04 Number and Size of Signs and Logo Sign Panels

Guidance:

01 *Sign sizes should be determined by the amount and height of legend and the number and size of logo sign panels attached to the sign. All logo sign panels on a sign should be the same size.*

Standard:

02 **Each Specific Service sign or sign assembly shall be limited to no more than six logo sign panels.**

Option:

03 Where more than six businesses of a specific service type are eligible for logo sign panels at the same interchange, additional logo sign panels of that same specific service type may also be displayed in accordance with the provisions of Paragraph 4. The additional logo sign panels may be displayed either by placing more than one specific service type on the same sign (see Paragraph 3 of Section 2J.02) or by using a second Specific Service sign of that specific service type if the additional sign can be added without exceeding the limit of four Specific Service signs at an interchange or intersection approach (see Paragraph 6 of Section 2J.02).

Standard:

04 **Where logo sign panels for more than six businesses of a specific service type are displayed at the same interchange or intersection approach, the following provisions shall apply:**

- A. **No more than 12 logo sign panels of a specific service type shall be displayed on no more than two Specific Service signs or sign assemblies;**
- B. **No more than six logo sign panels shall be displayed on a single Specific Service sign; and**
- C. **No more than four Specific Service signs shall be displayed on the approach.**

Support:

05 Section 2J.08 contains information regarding Specific Service signs for double-exit interchanges.

Standard:

06 **Each logo sign panel attached to a Specific Service sign shall have a rectangular shape with a width longer than the height. A logo sign panel on signs for freeways and expressways shall not exceed 60 inches in width and 36 inches in height. A logo sign panel on signs for conventional roads and freeway and expressway ramps shall not exceed 30 inches in width and 18 inches in height. The vertical and horizontal spacing between logo sign panels shall not exceed 8 inches and 12 inches, respectively.**

Support:

07 Sections 2A.14, 2E.15, and 2E.16 contain information regarding borders, interline spacing, and edge spacing.

Section 2J.05 Size of Lettering

Standard:

01 **All Specific Service signs and logo sign panels shall have letter and numeral sizes that comply with the minimum requirements of Table 2J-1.**

Guidance:

02 *Any legend on a symbol/trademark should be proportional to the size of the symbol/trademark.*

Section 2J.06 Signs at Interchanges

Standard:

01 **The Specific Service signs shall be installed between the preceding interchange and at least 800 feet in advance of the Exit Direction sign at the interchange from which the services are available (see Figure 2J-2).**

Guidance:

02 *There should be at least an 800-foot spacing between the Specific Service signs, except for Specific Service ramp signs. However, excessive spacing is not desirable. Specific Service ramp signs should be spaced at least 100 feet from the Exit Gore sign, from each other, and from the ramp terminal.*

Section 2J.07 Single-Exit Interchanges

Standard:

01 **At numbered single-exit interchanges, the name of the service type followed by the exit number shall be displayed on one line above the logo sign panels. At unnumbered interchanges, the directional legend NEXT RIGHT (LEFT) shall be used.**

02 **At single-exit interchanges, Specific Service ramp signs shall be installed along the ramp or at the ramp terminal for facilities that have logo sign panels displayed along the main roadway if the facilities are not readily visible from the ramp terminal. Directions to the service facilities shall be indicated by arrows on the ramp signs. Logo sign panels on Specific Service ramp signs shall be duplicates of those displayed on the Specific Service signs located in advance of the interchange, but shall be reduced in size (see Paragraph 6 of Section 2J.04).**

Guidance:

03 *Specific Service ramp signs should include distances to the service facilities.*

Option:

An exit number plaque (see Section 2E.31) may be used instead of the exit number on the signs located in advance of an interchange.

Section 2J.08 Double-Exit Interchanges*Guidance:*

01 *At double-exit interchanges, the Specific Service signs should consist of two sections, one for each exit (see Figure 2J-1).*

Standard:

02 **At a double-exit interchange, the top section shall display the logo sign panels for the first exit and the bottom section shall display the logo sign panels for the second exit. At numbered interchanges, the name of the service type and the exit number shall be displayed above the logo sign panels in each section. At unnumbered interchanges, the word message NEXT RIGHT (LEFT) and SECOND RIGHT (LEFT) shall be used in place of the exit number. The number of logo sign panels on the sign (total of both sections) or the sign assembly shall be limited to six.**

Guidance:

03 *At a double-exit interchange, where a service type is displayed on two Specific Service signs in accordance with the provisions of Section 2J.04, one of the signs should display the logo sign panels for that service type for the businesses that are accessible from one of the two exits and the other sign should display the logo sign panels for that service type for the businesses that are accessible from the other exit.*

Option:

04 *At a double-exit interchange where there are four logo sign panels to be displayed for one of the exits and one or two logo sign panels to be displayed for the other exit, the logo sign panels may be arranged in three rows with two logo sign panels per row.*

05 *At a double-exit interchange, where a service is to be signed for only one exit, one section of the Specific Service sign may be omitted, or a single exit interchange sign may be used. Signs on ramps and crossroads as prescribed in Section 2J.07 may be used at a double-exit interchange.*

Section 2J.09 Specific Service Trailblazer Signs*Support:*

01 *Specific Service trailblazer signs (see Figure 2J-5) are guide signs with one to four logo sign panels that display business identification and directional information for services and for eligible attractions. Specific Service trailblazer signs are installed along crossroads for facilities that have logo sign panels displayed along the main roadway and ramp, and that require additional vehicle maneuvers.*

Standard:

02 **Specific Service trailblazer signs shall be installed along crossroads where the route to the business requires a direction change, where it is questionable as to which roadway to follow, or where additional guidance is needed. Where it is not feasible or practical to install Specific Service trailblazer signs to such businesses, those businesses shall not be considered eligible for signing from the ramp and main roadway. A Specific Service trailblazer sign shall not be required at the point where the business is visible from the roadway and its access is readily apparent.**

Guidance:

03 *If used, a Specific Service trailblazer sign should be located a maximum of 500 feet in advance of any required turn.*

Standard:

04 **The location of other traffic control devices shall take precedence over the location of a Specific Service trailblazer sign.**

05 **When used, each Specific Service trailblazer sign or sign assembly shall be limited to no more than four logo sign panels. The logo sign panels on Specific Service trailblazer signs shall be duplicates of those displayed on the Specific Service ramp signs.**

06 **Appropriate legends, such as directional arrows or the word message NEXT RIGHT or SECOND RIGHT, shall be displayed with the logo sign panel to provide proper guidance. The directional legend and order shall be white and shall be displayed on a blue background.**

D. To qualify for a *CAMPING* logo sign panel, a business should have:

1. Licensing or approval, where required;
2. Adequate parking accommodations; and
3. Modern sanitary facilities and drinking water.

E. To qualify for an *ATTRACTION* logo sign panel, a facility should have:

1. Regional significance, in compliance with the provisions of Paragraph 6; and
2. Adequate parking accommodations.

Standard:

11 If State or local agencies elect to provide Specific Service signing for pharmacies, both of the following criteria shall be met for a pharmacy to qualify for signing:

- A. The pharmacy shall be continuously operated 24 hours per day, 7 days per week, and shall have a State-licensed pharmacist present and on duty at all times; and
- B. The pharmacy shall be located within 3 miles of an interchange on the Federal-aid system.

Support:

12 Section 2I.04 contains information regarding the Interstate Oasis program.

Section 2J.02 Application

Standard:

01 The number of Specific Service signs along an approach to an interchange or intersection, regardless of the number of service types displayed, shall be limited to a maximum of four. In the direction of traffic, successive Specific Service signs shall be for 24-hour pharmacy, attraction, camping, lodging, food, and gas services, in that order.

02 A Specific Service sign shall display the word message GAS, FOOD, LODGING, CAMPING, ATTRACTION, or 24-HOUR PHARMACY, an appropriate directional legend such as the word message EXIT XX, NEXT RIGHT, SECOND RIGHT, or directional arrows, and the related logo sign panels.

03 No more than three types of services shall be represented on any sign or sign assembly. If three types of services are displayed on one sign, then the logo sign panels shall be limited to two for each service type (for a total of six logo sign panels). If two types of services are displayed on one sign, then the logo sign panels shall be limited to either three for each service type (for a total of six logo sign panels) or four for one service type and two for the other service type (for a total of six logo sign panels). The legend and logo sign panels applicable to a service type shall be displayed such that the road user will not associate them with another service type on the same sign.

04 No service type shall appear on more than two signs (see Paragraph 6).

05 The signs shall have a blue background, a white border, and white legends of upper-case letters, numbers, and arrows.

Guidance:

06 Where a service type is displayed on two signs, the signs for that service should follow one another in succession.

07 The Specific Service signs should be located 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.

Option:

08 General Service signs (see Sections 2I.02 and 2I.03) may be used in conjunction with Specific Service signs for eligible types of services that are not represented by a Specific Service sign.

Support:

09 Examples of Specific Service signs are shown in Figure 2J-1. Examples of sign locations are shown in Figure 2J-2.

Section 2J.03 Logos and Logo Sign Panels

Standard:

01 A logo shall be either an identification symbol/trademark or a word message. Each logo shall be placed on a separate logo sign panel that shall be attached to the Specific Service sign. Symbols or trademarks used alone for a logo shall be reproduced in the colors and general shape consistent with customary use, and any integral legend shall be in proportionate size. A logo that resembles an official traffic control device shall not be used.

70:04:02:23. Trailblazing signs. A trailblazing sign shall be installed if the route to the business requires a direction change, or if there is a question as to which roadway to follow or if additional guidance is needed. A trailblazing sign is not allowed on a state highway if:

(1) The business is visible from the roadway and the business's access is readily apparent;

(2) If a business is eligible for a tourist-oriented directional sign in accordance with ARSD chapter 70:04:07;

(3) The business is currently signed with an on-right-of-way or off-right-of-way directional sign; or

(4) The trailblazing sign is not constructed and installed in accordance with the 2009 edition of the Manual on Uniform Traffic Control Devices.

Source: 40 SDR 102, effective December 3, 2013.

General Authority: SDCL [31-29-80.1](#).

Law Implemented: SDCL [31-29-80.1](#).

Reference: "Signs," Part II, **Manual on Uniform Traffic Control Devices**, Federal Highway Administration, U.S. Department of Transportation, 2009. Copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Cost \$22.