

Chapter Trans 200

ERECTION OF SIGNS ON PUBLIC HIGHWAYS AND HANDICAPPED PARKING SIGNS

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Trans 200.01 Purpose. The purpose of this chapter is to interpret and implement ss. 86.19, 86.191, 86.195, 86.196, 340.01 (73m), 346.41 and 346.503, Stats., relating to erection and maintenance of signs on public highways and signs related to reserved parking spaces for handicapped persons. This chapter does not apply to signs erected and maintained on property beyond the limits of a public highway, except signs related to reserved parking spaces for handicapped persons.

History: 1-2-56; renum. from Hy 10.01 and am. (1), Register, July, 1980, No. 295, eff. 8-1-80; r. and recr., Register, March, 1984, No. 339, eff. 4-1-84; am. Register, July, 1992, No. 439, eff. 8-1-92; am. Register, March, 1999, No. 519, eff. 4-1-99.

Trans 200.015 Definitions. (1) The definitions of words and phrases in chs. 84, 86, 340 and 990, Stats., except s. 990.01 (12), Stats., apply to this chapter unless a different definition is specifically provided.

(2) In this chapter:

(a) "Business sign" means a separately attached sign mounted on a specific information sign to show the brand, symbol, trademark or name, or combination of these, for a motorist service available on a crossroad at or near an interchange or an intersection. Each sign on an exit ramp sign under s. Trans 200.06 (7) (a) 4. is a separate business sign.

(b) "Conventional highway" means a highway that is neither a freeway nor an expressway.

(d) "District" means the geographical area under the administration of a district office.

(e) "District office" means an office of the division of highways and transportation services of the department of transportation.

(f) "Double-exit interchange" means a highway interchange facility with 2 exit ramps for traffic approaching the interchange from the same direction with one exit ramp leading to one direction of travel on the intersecting highway and the other exit ramp leading to the opposite direction of travel on the intersecting highway.

(g) "Erect" means to construct, manufacture, fabricate, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish a sign or sign structure, but it does not include any of the foregoing activities when performed as customary maintenance of the sign or sign structure.

(h) "Exit ramp sign" means a specific information sign installed along the ramp or at the ramp terminal at single-exit interchanges that corresponds to the specific information sign along the main roadway, but which is reduced in size.

(i) "Federal-aid primary highway" means a highway designated by the department and approved by the secretary of the United States department of transportation under s. 84.105 or 84.29, Stats., and 23 USC 103 (b) or 103 (e).

(im) "Federal-aid secondary highway" means a highway designated by the department and approved by the secretary of the United States department of transportation under s. 84.01 (15), Stats., and 23 USC 103 (c) that is under the jurisdiction of the department.

(j) "Guidance sign" means a sign permitted under s. Trans 200.03.

(jm) "Install" has the same meaning as "erect."

(k) "Maintain" means to keep in a state of repair, efficiency, or validity; to preserve from failure or decline; and to allow to exist.

(L) "Motorist service" means a service that qualifies under s. Trans 200.06 (2).

(m) "Motorist service sign" means an official traffic sign that includes one or more of the words "GAS," "FOOD," "LODGING," "CAMPING" or "ATTRACTION" and directional information, but does not identify the business offering the service or the name of the brand of products offered.

(n) "Specific information sign" means a rectangular sign panel that displays:

1. One or more of the words, "GAS," "FOOD," "LODGING," "CAMPING" or "ATTRACTION";
2. Directional information; and
3. One or more business signs.

(o) "State trunk highway" means a highway designated as part of the state trunk highway system as provided in s. 84.02, Stats., including national parkways as provided in s. 84.105 (5), Stats., and interstate highways as provided in s. 84.29 (2), Stats.

(p) "Tourist-oriented directional assembly" means a group of one to 4 tourist-oriented directional signs attached to the same post.

History: Cr. Register, March, 1984, No. 339, eff. 4-1-84; emerg. am. (2) (e), cr. (2) (im), r. (2) (o), eff. 6-13-86; cr. (2) (im), r. (2) (o), Register, September, 1986, No. 369, eff. 10-1-86; am. (2) (e), Register, February, 1987, No. 374, eff. 3-1-87; am. (2) (a), r. (2) (c), cr. (2) (jm), (o) and (p), Register, July, 1992, No. 439, eff. 8-1-92; CR 06-103; am. (2) (m) and (n) l. Register July 2007 No. 619, eff. 8-1-07.

Trans 200.02 Authority for the erection of signs.

(1) The department of transportation or its authorized representatives in the case of the marked routes of state trunk highways, and local authorities with respect to highways under their exclusive jurisdiction, may place and maintain such traffic signs and signals as they deem necessary to warn, guide, inform, and regulate traffic, and also such signs and signals as are expressly permitted or required by the statutes or by these regulations, subject, however, to such limitations and restrictions as are contained in the statutes and these regulations.

(2) The department of transportation with respect to the state trunk highway system, and local authorities with respect to highways under their jurisdiction, may erect or permit any department of the federal, state or local government to erect such standard signs as the department of transportation or local authorities deem necessary to inform and warn the public of federal or state laws, local ordinances and lawful regulations by any such department.

History: 1-2-56; am. (2), Register, June, 1973, No. 210, eff. 7-1-73; renum. from Hy 10.02 and am., Register, July, 1980, No. 295, eff. 8-1-80.

Trans 200.03 Guidance signs for resorts, hotels, county institutions, etc. (1) Any person or persons conducting a summer or winter resort, hotel, or any place of public entertainment or instruction, or any place of religious worship, or per-

sons having charge of any county institution or of any scientific experiment for the furtherance of agriculture or other science or art may be permitted to erect guidance signs of a type approved by the department subject to the conditions contained in this section.

(2) No guidance sign may be permitted on freeways, including the national system of interstate highways.

(3) Only where such institution or business is located removed from the state trunk highway system may such guidance signs be erected.

(4) Such guidance signs may be erected at only 2 intersections of the state trunk highway system with county highways or town roads, and at such intersections of county or town highways as are deemed necessary by the local authorities having jurisdiction over those highways.

(5) One sign of an approved size and shape may be erected at the entrance to any of the enumerated institutions or businesses.

(6) No person may be permitted to erect or maintain a guidance sign on a highway if that person has any advertising sign in the vicinity of the intersection where the guidance sign is proposed to be erected or has a business sign under s. Trans 200.06 on the same highway.

(7) All guidance signs erected on any public highway shall be of a type and design approved by the department. No flashing, illuminated, or reflecting signs or installation shall be permitted.

(8) No guidance sign may be erected upon state trunk highway right of way at an intersection with the state trunk highway system until the location and manner of erection of the sign have the written approval of the department. No guidance sign may be erected on the right of way of a county and town highway until the location and manner of erection of the sign have the written approval of the local authorities having jurisdiction over the said highway.

(9) All guidance signs and their supports shall be maintained in good condition. Signs or installations not satisfactorily maintained shall be removed by the officers in charge of the maintenance of the highway.

History: 1-2-56; renum. from Hy 10.03 and am. (1), (6) and (7), Register, July, 1980, No. 295, eff. 8-1-80; r. (5), renum. (2) to (4) and (6) to (8) to be (3) to (5) and (7) to (9); cr. (2) and (6), Register, March, 1984, No. 339, eff. 4-1-84.

Trans 200.04 Prohibited signs and signals. (1) No person may erect, cause to be erected, permit to be erected, or maintain any advertising, warning, route, guide, information, or regulatory sign or signal within the limits of any highway except as authorized in s. Trans 200.02, 200.03, 200.05 or 200.06.

(2) No person may place or maintain nor may any public authority permit upon any highway any official traffic control device bearing thereon any commercial advertising except as authorized in s. Trans 200.06. (See ss. 346.41 and 349.09, Stats.)

(3) No local authority shall place or maintain any stop sign or traffic control signal which stops or regulates the movement of traffic on or entering the state trunk highway system or the urban extensions of the marked routes thereof, designated by the statutes as connecting highways, without the approval of the department.

History: 1-2-56; am. (1), Register, June, 1959, No. 42, eff. 7-1-59; renum. from Hy 10.04 and am., Register, July, 1980, No. 295, eff. 8-1-80; am. (1) and (2), Register, March, 1984, No. 339, eff. 4-1-84.

Trans 200.05 Warning signs for underground transmission lines. (1) Subject to the conditions set forth in this chapter and in compliance with the provisions of s. 86.16, Stats., the department may grant permits to public utility companies and cooperatives to erect on highway right of way signs giving notice of the presence of underground conduit, cables or pipe for the transmission of electric power, communications or liquid or gaseous fuels.

(2) When warning signs are permitted in accordance with this chapter, they shall be placed on highway right of way within 2 feet of the fence or right of way line in such a manner that the face of

the sign roughly parallels the highway centerline and shall be so adjusted as to height that they will in no way impair vision at intersections, curves, railroad crossings or private entrances. Signs may be erected at the following prescribed locations:

(a) On one or both sides of a public highway or railroad right of way which the underground transmission line crosses.

(b) On one or both sides of a stream wider than 50 feet. In the case of navigable streams or channels, additional signs may be permitted in the stream at such locations approved by the authority having control of navigation.

(c) On one side of a small stream or drainage ditch.

(d) At such intermediate points that signs will be located at intervals of approximately one-half mile.

(e) At such other points as may be specifically authorized upon a determination that such additional signs are necessary to reduce the likelihood of damage to the transmission lines.

(3) The signs shall be rectangular in shape and not larger than 24" x 18" when mounted horizontally or not larger than 12" x 18" when mounted vertically. Roof-type aerial markers shall not exceed 24" x 18" measured on the plane connecting the 4 lower corners of the marker with a maximum vertical dimension of 8". Adequate contrasting color combinations for signs may be selected at the discretion of the utility, except that the following 2-color combinations are specifically prohibited:

(a) Black on federal yellow.

(b) White on red (except where specifically required by other legal authority).

(3m) The signs shall not be reflectorized.

(4) In addition to the warning message, the signs may include an arrow or arrows indicating the general direction taken by the transmission line. The arrow signs may also be separate from the warning sign, in which case they shall be not greater than 4" x 12" in size. The warning signs may carry the name, address, and telephone number of the company owning the transmission line, provided that such lettering shall not exceed one inch in vertical height. The word "Danger" shall generally be avoided unless specifically required by statute or other legal authority. No advertising will be permitted except that the signs may carry the company symbol provided that such symbol is restricted in size to a minimum of one inch and a maximum of 20% of the vertical height of the sign. Such restrictions shall apply to both horizontal and vertical dimensions of the symbol.

(5) All signs and their supports shall be erected, maintained, and replaced as necessary by the company owning them. They shall be moved by the company at its own expense upon request from the authority maintaining the highway.

(6) In accepting permission to erect signs of the type provided for in this chapter, the company (or cooperative) agrees that such permission in no way constitutes assumption by the highway maintaining authority of any liability for any damage to the transmission line resulting from work performed by or for said highway authority.

(7) The regulations of this chapter shall not be retroactive but shall apply to all sign installations made subsequent to the date of adoption of this chapter, and shall also apply to any replacement of existing signs made after said date.

(8) Special cases where application of this general policy is deemed impractical, inadequate or unreasonable shall be subject to special study and individual decision by the department as to disposition.

History: Cr. Register, June, 1959, No. 42, eff. 7-1-59; renum. from Hy 19.05 and am.(1) and (8), Register, July, 1980, No. 295, eff. 8-1-80.

Trans 200.055 Warning signs for utility work areas. The first advance warning sign and the "END UTILITY WORK" sign shall be placed in accordance with the Wisconsin manual on uniform traffic control devices, the department's utility accommodation policy, or any other work zone traffic control guidance

that has been accepted for regular use by the department with respect to the state trunk highway system, or a county, town, or municipality with respect to highways under their jurisdiction.

Note: Authority for the Manual on Uniform Traffic Control Devices is found at s. 84.02 (4) (e), Stats. Section 227.01 (13) (d), Stats., also states that the Department is exempt from rulemaking with regard to use of highways that is made known to the public by means of signs or signals. A copy of the Department's Utility Accommodation Policy may be obtained, without cost, by writing to the Division of Transportation Infrastructure Development, Bureau of Highway Operations, P. O. Box 7986, Room 501, Madison, WI 53707-7986.

History: Cr. Register, March, 1999, No. 519, eff. 4-1-99.

Trans 200.06 Specific information and business signs. (1) SIGNS PERMITTED. The department may authorize the erection and maintenance of business signs on specific information signs in accordance with s. 86.195, Stats., subject to the following restrictions:

(c) No business sign may be erected or maintained for any business that has a guidance sign under s. Trans 200.03 on the same highway unless the guidance sign is removed before the business sign is erected.

(d) When a business sign is erected, any existing motorist service signs for the same services at the same intersection in the same direction shall be removed.

(f) Any person permitted to have a business sign shall provide any supplemental signing deemed necessary to guide traffic to the motorist service. Supplemental signing includes ramp signing or other lawful signing.

(g) No business sign may be erected or maintained on an exit ramp sign without a corresponding business sign on the specific information sign along the main roadway. A business sign may be erected and maintained on a specific information sign along the main roadway without a corresponding business sign on an exit ramp sign unless deemed necessary by the department to guide traffic to the motorist service.

(h) No business sign may be erected or maintained on a freeway for a business that is reached by any other freeway. No business sign may be erected or maintained on an expressway for a business that is reached by any other expressway or by any freeway. No business sign may be erected or maintained on a conventional highway for a business that is reached by any other conventional state trunk highway or by any expressway or freeway. The department may allow exceptions to the restrictions in this paragraph when it deems it necessary to provide motorists with service information.

(i) No business sign may be erected or maintained at a location where there is an intersection or interchange on the same highway between the sign location and the intersection or interchange at which the business to which the sign applies is located. This paragraph does not apply to double-exit interchanges.

(j) No business sign may be erected or maintained at less than normal spacing in order to accommodate the sign between 2 successive intersections or interchanges. This paragraph does not apply to double-exit interchanges.

(k) When there are more business signs requested than the number that may be permitted, the businesses with existing permitted signs shall have priority; then the businesses that are nearest the through federal-aid primary or secondary highway shall have next priority. At double-exit interchanges, the distance shall be measured separately for each pair of double exits, and the shorter distance shall determine priority.

(L) Any business sign for a motorist service operated on a seasonal basis shall be removed or covered during off seasons.

(m) No business sign, brand, symbol, trademark or any other message may be erected or maintained that resembles any official traffic control device or railroad sign or signal.

(n) No business sign may be erected or maintained that does not meet the department's specifications.

(o) No business sign may be erected or maintained that has an objectionable appearance as determined by the department due to vandalism, fading, deterioration or other causes.

(p) No business sign may be erected or maintained for a motorist service that does not fulfill the service requirements of s. 86.195 (3), Stats.

(q) No business sign may be erected or maintained by any applicant for the sign.

(r) No business sign may be erected or maintained that fails to conform with s. 86.19, 86.191, 86.195 or 346.41, Stats., or rules interpreting and implementing these statutes, as determined by the department.

(s) No business sign may be erected or maintained that fails to conform with Wisconsin statutes or federal statutes.

(t) No business sign may be erected or maintained in violation of an order of the department or any court of competent jurisdiction.

(u) No business sign may be erected or maintained for any business that fails to conform with all applicable laws concerning the provisions of public accommodations without regard to race, religion, color, sex, sexual orientation or national origin.

(v) Sign removal shall not be stayed by filing any appeal of the department's decision or order to remove a sign.

(w) Sign removal shall not affect a sign requestor's liability for any unpaid fees, interest and costs of collection as determined by the department.

(2) SERVICES PERMITTED. The motorist services for which the department may authorize the erection and maintenance of business signs on specific information signs within a highway are limited to "GAS," "FOOD," "LODGING," "CAMPING" or "ATTRACTION" in accordance with s. 86.195 (3), Stats.

Note: The 36 highway segments currently (2005-06) designated as eligible for these signs are shown on the map in Appendix A.

(2g) GENERAL REQUIREMENTS FOR "ATTRACTION" ELIGIBILITY. To qualify for display on a specific information sign as an "ATTRACTION," a business shall meet the following criteria:

(a) Have the primary purpose of providing amusement, historical, cultural or leisure activities to the public.

(b) Be of regional significance.

(c) Provide adequate parking to accommodate normal traffic volumes for the facility.

(d) Not be identified on any supplemental signing under sub. (1) (f) or guidance sign on the same route as the specific information sign.

(e) Be located within 3 miles of the interchange and have adequate signage to direct motorists to their location after exiting the highway. If no business, facility, or activity in the category of "ATTRACTION" is available or chooses to participate in the specific information sign program within the 3-mile limit, the limit may be extended to a maximum distance of not more than 5 miles from the highway, unless the distance limit for the category of "ATTRACTION" is increased by a statutory enactment of the Wisconsin Legislature that is consistent with federal law.

(f) Comply with laws concerning the provisions of public accommodations without regard to race, religion, color, age, sex, or national origin, and laws concerning the licensing and approval of service facilities.

(g) Have adequate supplemental signage under sub. (1) (f) to direct motorists to their location after exiting the highway.

Note: The 3 to 5-mile distance to services limitation in par. (2g) (e) is required by s. 86.195 (5) (a), Stats. (2005-06). The public accommodations requirement in par. (2g) (f) is required by Section 2F.01 of the 2003 Manual on Uniform Traffic Control Devices (Rev. 1 included) that reads: "Eligible service facilities shall comply with laws concerning the provisions of public accommodations without regard to race, religion, color, age, sex, or national origin, and laws concerning the licensing and approval of service facilities."

(2r) ADVISORY COUNCIL. The advisory council appointed by the department under ss. 15.04 (1) (c) and 15.09, Stats., for the

tourist-oriented directional sign program under s. Trans 200.08 (3) shall also serve as the advisory council to review applications for the display of business signs on specific information signs in the "ATTRACTION" category. The department shall make the final decision on applications. The department may act on any application not acted upon by the advisory council within 60 days of forwarding of the application to the council. Members of the advisory council will not be compensated for their services or reimbursed for their expenses, except the department may reimburse private citizen members in hardship cases for actual and necessary expenses incurred in the performance of their duties.

(a) *Amusement, historical, cultural or leisure activities.* In making its recommendations regarding whether an applicant's business qualifies as an "ATTRACTION," the advisory council may consider the following non-exclusive list of business facilities that presumptively provide amusement, historical, cultural or leisure activities to the public:

1. Agri-tourism businesses such as breweries, gardens, cheese factories, vineyards, and wineries.
2. Aquariums, wildlife facilities, wildlife preserves, wildlife sanctuaries, and zoo facilities.
3. Cultural, historic or scientific sites, galleries, halls of fame, museums, and performing arts facilities.
4. Nature or scenic areas such as beaches, gorges, nature facilities, nature preserves, nature sanctuaries, observation points, observation towers, parks, scenic areas, trails, lakes, waterfalls, waterways, and bluffs.
5. Recreation facilities such as amusement parks, casinos, racetracks, speedways, and theme parks.
6. Religious sites or shrines. Religious sites or shrines, typically not including cathedrals, churches, chapels, synagogues, temples, or mosques, and only when the site or shrine is readily recognized regionally.
7. Scenic rides or sightseeing tours such as balloon, boat, helicopter, lift, airplane, train, and trolley rides are more likely to qualify in more rural less densely populated areas or where there is a large selection of such activities in one place.
8. Sport arenas, sport facilities or sport stadiums.
9. Shopping mall, or downtown/business area only if it has a readily regionally recognized and dominant attraction and regionally well-known identifying logo for the mall or downtown/business area and is not better identified by alternative directional signing.

(b) *Primary purpose.* In making its recommendations regarding whether an applicant's business qualifies as an "ATTRACTION," the advisory council may consider the following factors to determine whether a business facility has the primary purpose of providing one or more of the above qualifying activities to the public:

1. Percent of business and land area devoted to the eligible activity.
2. Percent of business gross and net revenue derived from the eligible activity.
3. Focus of any business advertising primarily for the eligible activity.
4. Percent of annual attendance attributable to the eligible activity.

(c) *Regional significance.* In making its recommendations regarding whether an applicant's business qualifies as an "ATTRACTION," the advisory council may recognize or consider the following in determining whether a business facility has regional significance:

1. Regional significance generally is demonstrated by a market presence or significant public awareness of the attraction beyond the local community. While the concept of regional significance is consistent around the state, the significance of a given attraction should be considered relative to other attractions in the

area. Areas of the state that are more heavily tourism oriented and those areas that are more rural and less densely populated may result in different determinations of regional significance.

2. Regionally significant attractions are more likely to be pre-planned ultimate destinations than convenience stops.

3. Annual attendance, typically over 5,000 at minimum, size of geographic market, percent of customers or visitors from beyond 50-mile radius, existence and size of a regional advertising budget, the number of parking spaces, accommodations to handle large groups such as transit or tour bus facilities, the number of seats in performing arts facilities, the percentage of out-of-state plates, the number of hours and days of continuous operations, the availability and number of tours, and the expected contribution to the success of regional tourism may also be considered indicators of regional significance.

(d) *Changeable electronic signs.* Due to spacing requirements, geographic and other limitations on the number of "ATTRACTION" category sign opportunities that may be available, the department may allow changeable electronic sign technology for the specific information sign program to the extent permitted by federal laws and regulations, and subject to the ability to meet contractual and cost provisions acceptable to the department. Changeable electronic signs may serve to make the limited number of spaces available to more "ATTRACTIONS" and other permitted categories.

(e) *Permissive alternative recommendations when appropriate.* If the advisory council recommends against allowing an "ATTRACTION" category sign to an applicant, the council may recommend:

1. Alternative signing under the tourist-oriented directional sign program under s. 86.196, Stats., and s. Trans 200.08 when appropriate on any highway, other than those designated by the state for the specific information sign program.

2. Alternative directional or destination guide signs authorized by the federal Manual on Uniform Traffic Control Devices 2003 Edition, Revision 1, including Sections 2H.08 and 2H.09 and some parts of Sections 2D and 2E as adopted by the department pursuant to s. 84.02 (4) (e), Stats., when appropriate, with further explanations and guidance provided in the department's traffic guidelines manual. Section Trans 200.03 is an additional source of direction for guidance signing.

Note: Appendix B is an illustration of a Specific Information Sign and associated business sign. Appendix C is an illustration of a Tourist-Oriented Directional Sign. Appendix D is an illustration of other directional or guidance signs generally known as Traffic Generator Signs.

(3) APPLICATION AND PERMIT RENEWAL PROCEDURE. (a) 1. The department shall provide forms for business sign applications at district offices. Completed applications shall be submitted to the district office for the district where the sign is to be located. Each applicant shall provide all information required on the department's application form. If the application for the sign is denied, the application fee shall be returned.

2. In lieu of or in addition to the form and procedure in subd. 1., the department may enter into a contract that specifies alternative application forms with a private contractor.

(c) Each applicant shall indicate on its application whether its business is seasonal and the closing and opening dates of the business if seasonal. The applicant shall give assurance to the department that it will provide prior notification to the district office of the district in which the sign is to be located of any change in seasonal dates.

(e) Each applicant shall state on its application that it shall furnish the department's contractor the brand, symbol or trademark or business sign meeting the department's specifications for the business sign.

(f) If an application is approved and a permit issued, an annual permit renewal fee shall be required for administrative costs and routine inspection. Annual renewal of the permit shall be subject to review and approval or denial by the department. If there are

more business signs requested than the number that may be permitted, the permit shall be denied or not renewed in favor of existing permitted signs and then any eligible applicant providing a motorist service that is nearer the through federal-aid primary or secondary highway. If motorist services are at equal distance from the through federal-aid primary or secondary highway upon which the sign is to be placed, then the earliest received application shall have priority.

(g) Applications for permits may be submitted to the department within periods announced and publicized by the department. Applications received during announced periods may be considered project groups.

(h) The business for which a business sign is requested shall be the applicant and the permit shall be issued to the business.

(i) In lieu of the application and permit renewal procedure stated in pars. (a) to (h), the department may enter into a contract that specifies alternative application and permit renewal procedures with a private contractor.

(4) FEES. The applicant requesting the erection of a business sign shall pay to the department an application fee of \$40 for administrative costs and the cost of routine sign inspection. A separate application and \$40 fee is required for each business sign requested. A business sign along the main roadway and its corresponding sign on an exit ramp sign under sub. (7) (a) 4. shall be considered 2 business signs. The applicant granted a permit shall pay the department an annual permit renewal fee of \$40 for each business sign and \$40 for each corresponding business sign on an exit ramp sign, if any, before the anniversary date of the erection of the business sign each year following erection of the sign. If the department does not receive payment of the annual renewal fee by the anniversary date, the department shall not renew the permit.

(5) CONTRACTS. (a) The department shall prepare plans and specifications for the manufacture, erection and maintenance of signs. The department's specifications shall require all sign panel supports to be of a breakaway design. The department may elect to undertake the manufacture and erection of signs by erection contract or by maintenance contract. The department may also elect to undertake the manufacture of specific information signs by separate contract from the maintenance or erection contracts, and contracts may be of any statewide, regional, district or local scope deemed reasonable and cost effective by the department. All erection and maintenance work shall be done under contracts administered by the department. No work may be done by any applicant. The applicant shall furnish the department's contractor the applicant's brand, symbol, trademark or name, or combination of these, or the business sign meeting the department's specifications as the business sign. All materials furnished as business signs by an applicant or by the department's contractor shall become and remain the property of the department once erected within any public highway, or as otherwise specified in the department's contract with its contractor. Failure to deliver the business sign within the specified period, to provide necessary supplemental signs, or to conform the sign to the department's specification may result in the forfeiture of the \$40 fee and another business may be given the opportunity to qualify for the vacated space.

(b) Sign maintenance contracts shall include provisions for installation of additional business signs on existing specific information signs; replacement of damaged, defective or obsolete signs; removal of signs; and covering and uncovering or removing and replacing signs for seasonal services.

(c) Maintenance contracts may contain provisions for a negotiated price for unanticipated erection of specific information signs, including supports.

(d) In lieu of or in addition to the contracting procedures stated in pars. (a) to (c), the department may enter into a contract that specifies alternative manufacture, erection, maintenance, marketing and implementation methods with a private contractor.

(6) SIGNING CRITERIA. (a) *Distance to motorist service.* The distance from a highway to a business shall be measured from the nearest edge of the main travelled roadway of the highway at an intersection or from the gore between the main travelled roadway and the exit ramp at an interchange to the centerline extended of the closest driveway to the business on the crossroad. At a double-exit interchange, the distance shall be measured for each pair of double exits and the shorter distance shall govern.

(b) *Lateral location.* The location for specific information signs shall be determined by the department to preserve highway safety, to take advantage of natural terrain, to have the least impact on the scenic environment, to minimize conflict with scenic easements, and to avoid visual conflict with other signs within the highway or with signs authorized or permitted under s. 84.30, Stats.

(c) *SIS grandfather provision.* Specific information signs lawfully erected with the department's approval before May 8, 1990, may be maintained subject to all other conditions of this section.

(e) *General sign specifications.* 1. Specific information signs. The sign panels for specific information signs shall have a blue background with a white legend and border. The sign panels, legend and borders shall be reflectorized but not illuminated. The size of the sign panels shall not exceed the minimum size necessary to accommodate the maximum number of business signs permitted using the required legend height and the interline and edge spacing.

2. Business signs. Business signs shall have a blue background with a white legend and border. Business signs shall be reflectorized. The principal legend should be at least equal in height to the directional legend on the specific information sign. If a business brand, symbol or trademark is used alone for a business sign, the border may be omitted. Business signs, including the brand, symbol or trademark or name, or combination of these, meeting the department's specifications, shall be provided to the department's contractor by the business. The brand, symbol or trademark or name, or combination of these, and any required legend shall not exceed the standard business sign size and any integral legend shall be in proportionate size. Businesses that provide diesel fuel as well as "GAS" services are encouraged to provide "DIESEL" as an integral legend on their business sign. The vertical and horizontal spacing between business signs on specific information signs shall not exceed 8 inches and 12 inches, respectively.

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

(7) INTERSTATE HIGHWAYS AND OTHER FREEWAYS SPECIAL REQUIREMENTS. (a) *Sign location.* 1. Separate specific information signs. Except as provided in par. (b) 3., a separate specific information sign shall be provided for each type of motorist service for which business signs are displayed.

2. Relationship to exit gore. The specific information signs shall be erected between the end of the acceleration lane at the previous interchange and 800 feet in advance of the beginning of the deceleration lane at the interchange from which the motorist services are available. There shall be at least 800 feet spacing between the signs. Excessive spacing shall be avoided. Spacing may be adjusted to avoid visual conflict with other signs.

3. Convenient reentry. Specific information signs shall not be erected at an interchange where the motorist cannot conveniently reenter the freeway and continue in the same direction of travel.

4. Exit ramp signs. At single-exit interchanges where motorist service facilities are not visible from a ramp terminal, ramp signs shall be installed along the ramp or at the ramp terminal. These signs shall be provided by the business and shall correspond to the specific information signs along the main roadway but shall

be reduced in size. Business signs for visible facilities may be omitted. The exit ramp signs shall include the distance to motorist service installations exceeding 3 miles and directional arrows in lieu of words. The minimum letter height shall be 4 inches except that any legend on a symbol shall be proportional to the size of the symbol.

(b) *Sign composition.* 1. Single-exit interchanges. At single-exit interchanges, the name of the type of motorist service followed by the exit number shall be displayed in one line above the business signs. At unnumbered interchanges, the directional legend "NEXT RIGHT (LEFT)" shall be substituted for the exit number.

2. Double-exit interchanges. At double-exit interchanges, the specific information signs shall consist of 2 sections, one for each exit. The top section shall display the business signs for the first exit and the lower section shall display the business signs for the second exit. No more than one-half of the maximum number of signs permitted at an intersection shall be permitted for each exit. The name of the type of motorist service followed by the exit number shall be displayed in a line above the business signs in each section. At unnumbered interchanges, the legends "NEXT RIGHT (LEFT)" and "SECOND 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 specific information sign may be omitted. The number of business signs, total of both sections, shall be limited to the number specified in s. 86.195 (5) (b), Stats.

3. Interchanges with fewer facilities. a. At interchanges where not more than 3 qualified facilities are available for each of 2 or more types of motorist services, business signs for 2 types of motorist services may be displayed on the same specific information sign. Not more than 3 business signs for each type of motorist service may be displayed in combination on a specific information sign with 2 types of motorist services. When it becomes necessary to display a fourth business sign for a type of motorist service displayed in combination, the business signs involved shall then be displayed in compliance with subds. 1. and 2.

b. At interchanges where not more than 2 qualified facilities are available for each of 3 or more types of motorist services, business signs for 3 types of motorist services may be displayed on the same specific information sign. Not more than 2 business signs for each type of motorist service may be displayed in combination on a specific information sign with 3 types of motorist services. When it becomes necessary to display a third business sign for a type of motorist service displayed in combination, the business signs involved shall then be displayed in compliance with subd. 1., 2. or 3. a.

c. The name of each type of motorist service shall be displayed above its respective business signs, and the exit number shall be displayed above the names of the types of motorist services. At unnumbered interchanges, the legend "NEXT RIGHT (LEFT)" shall be substituted for the exit number. Business signs shall not be combined on a specific information sign when it is anticipated that additional motorist service facilities will become available in the near future.

(c) 1. Business sign size. Each business sign displayed on a "GAS" specific information sign shall be contained within a 48-inch-wide and 36-inch-high rectangular background area, including border. Each business sign displayed on a "FOOD," "LODGING," "CAMPING" OR "ATTRACTION" specific information sign shall be contained within a 60-inch-wide and 36-inch-high rectangular background area, including border. If 2 business signs are displayed for 3 different types of motorist services on one specific information sign, the business sign size shall be contained within a 48-inch-wide and 36-inch-high rectangular background area, including border.

Note: After August 1, 2007, the Department may require all newly-erected or replacement specific information signs to contain business signs within a 48-inch

wide and 36-inch high rectangular background area, including border, in order to accommodate the newly added ATTRACTIONS category of signs.

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

(8) EXPRESSWAYS—SPECIAL REQUIREMENTS. (a) *Sign location.* 1. Interchanges. The location of specific information signs and exit ramp signs erected for interchanges shall be the same as for interstate highways and freeways under sub. (7) (a).

2. Intersections. The locations of specific information signs, the spacing between specific information signs, and between specific information signs and other traffic control devices shall be determined on the basis of the department's engineering study.

(b) *Sign composition.* The composition of specific information signs and exit ramp signs erected for interchanges shall be the same as for interstate highways and freeways under sub. (7) (b).

(c) *Sign size.* 1. 'Interchanges'. Business signs shall conform to the sizes specified for interstate highways and freeways under sub. (7) (c) 1. Legends shall conform to the requirements for interstate highways and freeways under sub. (7) (c) 2.

2. Intersections. Each business sign shall be contained within a 36-inch-wide and 24-inch-high rectangular background area, including border. All letters used in the name of the type of motorist service and the directional legend shall be 6-inch capital letters.

(9) CONVENTIONAL HIGHWAYS—SPECIAL REQUIREMENTS. (a) *Sign location.* The location of the specific information signs shall be the same as specified for expressway intersections under sub. (8) (a) 2.

(b) *Sign composition.* The composition of the specific information signs shall be the same as specified for expressway intersections under sub. (8) (b).

(c) *Sign size.* Each business sign shall be contained within a 24-inch-wide and 18-inch-high rectangular background area, including border. All letters used in the name of the type of motorist service and the directional legend shall be 4-inch capital letters.

(10) COMPLIANCE WITH FEDERAL LAW. The department may promulgate an emergency administrative rule under s. 227.24, Stats., that supersedes this chapter whenever federal standards become more restrictive than this chapter.

(11) SIGN REMOVAL. (a) The department may remove a business sign at any time for any of the following reasons:

1. Failure to comply with any of the restrictions under sub. (1);

2. Failure to comply with any of the motorist service standards under sub. (2);

3. Failure to comply with any application or permit renewal requirement under sub. (3).

4. Failure to receive timely payment of any fee required by the department under sub. (4);

5. Failure to comply with any signing criteria under sub. (6) (a);

6. Failure to comply with an emergency rule promulgated by the department to comply with more restrictive federal standards under sub. (10);

7. Failure to have a valid business sign permit approved by the department at the time the sign is removed;

8. Failure to comply with any condition of any business sign permit;

(b) The department may also remove a business sign to facilitate construction, maintenance or utility work within the limits of the public highway, including sign erection or maintenance, when approved by the department. The department shall provide restoration of the sign upon completion of the work.

(c) Removal of a business sign by the department shall not be stayed by the filing of any contested case, by any appeal of the department's decision or order to remove the sign, or while the final decision is pending in any contested case or appeal.

(d) Removal of a business sign by the department as a result of the department's denial of a permit renewal shall not be stayed pending the final decision in any contested case or any appeal of the department's denial of the permit renewal.

(e) The department may remove a business sign at any time for any reason stated in this subsection whether the reason for removal occurs before or after issuance of the permit by the department, renewal or denial of the permit, or erection of the sign.

(f) The department may remove a business sign at any time for any reason stated in this subsection whether the reason for removal results from action or inaction of the department, an applicant, permittee, the department's contractor, or any other person or any other event or occurrence. The department shall provide for restoration of the sign, or refund, if the removal results from an error of the department or the department's contractor in locating the sign.

(12) (a) Priority. The department will establish an initial application period for "ATTRACTION" category signs ending the first day of the second month commencing after the effective date of this chapter. If, after review by the advisory committee, there are more eligible applicants than spaces available at any one location, priority will be given to those eligible "ATTRAC-TIONS" recommended by the advisory committee and closest to the intersection or exit. When there is any eligible attraction within the first 3 miles from the intersection or exit that has applied, no applicants outside the 3-mile distance may be approved. Remaining applications will be retained for consideration when space becomes available for attractions at that location. Following the initial application period when opportunities arise to replace or add an attraction to a specific information sign, the applications on file for that sign location will be referred to the advisory council for review of current eligibility. The advisory council report will be used by the department in determining which applicant will be approved. The department will select the eligible attraction closest to the intersection or exit. When 2 or more eligible attractions exist at the same distance from the intersection or interchange, the date the application was received may be used as a tiebreaker. After the sign has been erected, attractions cannot be removed from a sign based on distance alone.

(b) *Distance.* If the attraction is greater than 3 miles but less than the 5-mile limit from the highway interchange, the ramp sign shall include the number of miles to that location as part of the business logo. The ramp sign shall also include the number of miles to the location if the distance limit for the category of "ATTRACTION" is increased by a statutory enactment of the Wisconsin Legislature that is consistent with federal law.

(c) *Seasonal attractions.* If the attraction is seasonal, the attraction business sign will be removed or covered with a closed plaque during the off-season. If a waiting list exists, the department may offer the spot temporarily, but the seasonal business will go back on the sign during the next "open" season.

Note: A different rate may be necessary to accommodate seasonal businesses due to the increased maintenance necessary.

History: Cr. Register, March, 1984, No. 339, eff. 4-1-84; emerg. am. (1) (intro.), (a) to (h), (k), (q), (3) (e) and (f), (4) (a), (5) (a) and (b), (6) (e) 2., (7) (a) 4., r. (1) (a) and (b), (3) (d), (4) (b) to (d), cr. (1) (x), (3) (i), (5) (d), and (12), r. and recr. (3) (g), eff. 6-13-86; am. (1) (intro.), (e), (h), (k), (q), (3) (e) and (f), (5) (a) and (b), (6) (e) 2. and (7) (a) 4., r. (1) (a) and (b) and (3) (d), cr. (1) (x), r. and recr. (3) (g), Register, September, 1986, No. 369, eff. 10-1-86; am. (1) (d), (f) to (h), (k), (3) (f) and (5) (a), renum. (4) (a) to be (4) and am., r. (4) (b) to (d), cr. (3) (i), (5) (d) and (12), Register, February, 1987, No. 374, eff. 3-1-87; am. (1) (intro.), (h), (p), (2) (intro.), (6) (e), (7) (b) and (8) (a) 2., r. (1) (e), (x), (2) (a) to (d), (3) (b) and (6) (d), r. and recr. (6) (a), (c), (7) (c) 1. and (8) (b), renum. (12) to be (3) (a) 2. and am., Register, July, 1992, No. 439, eff. 8-1-92; correction in (9) (b) made under s. 13.93 (2m) (b) 7., Stats., Register March 1999 No. 519; CR 05-082: r. and recr. (7) (b) 3., am. (7) (c) 1. Register February 2006 No. 602, eff. 3-1-06; CR 06-103: am. (2) and (7) (c) 1., cr. (2g), (2r) and (12) Register July 2007 No. 619, eff. 8-1-07.

Trans 200.07 Handicapped parking signs. (1) PURPOSE. The purpose of this section is to define and illustrate the design, size and installation requirements of the official traffic signs required under s. 346.503 (1m), Stats., related to reserved parking spaces for handicapped persons.

(2) SIGN DESCRIPTION. (a) The sign shall consist of a white rectangle with longer dimension vertical, having green message, a green arrow, if required under this section, and a blue and white international symbol for the barrier-free environments. The sign may be reflective or non-reflective.

(b) The sign shall include the words "reserved parking" and the words "vehicles with VET or DIS plates or state disabled card" or other words with a similar meaning.

(c) The size of the sign shall be not less than 12 inches by 18 inches. When used on a highway with a speed limit of more than 35 miles per hour, it shall be not less than 18 inches by 24 inches.

(d) A right arrow, left arrow or the words "This Stall" or similar wording shall be included near the bottom of the sign.

(3) SIGN PLACEMENT. Each sign shall be erected on an adequate support. On highways, the vertical distance from roadway to the bottom of a sign shall be not less than 7 feet, except when overhead obstructions necessitate a lower height. In off-highway parking lots, the vertical distance from the parking lot surface, or top of curb if any, to the bottom of a sign shall be not less than 4 feet. A single sign with the message "This Space" or similar wording shall be used to designate a single reserved space. At least 2 signs are required for multiple reserved spaces. When 2 signs are used they shall be located at the outermost limits of the spaces reserved and, by arrow, designate the location of the reserved spaces.

(a) A sign shall be located at the end of an angled or right-angled space and shall be set to face a motorist entering the space.

(b) When the reserved space is parallel to the edge of a roadway, a sign shall be set at an angle of approximately 30° with the line of traffic.

(4) Signs which are in place prior to May 1, 1983 may remain in place and have the same effect as the signs described herein for 5 years after May 1, 1983 provided that they include the international symbol for barrier-free environments and the wording required under sub. (2) (b) either as part of the original sign or on a supplementary plaque or plaques. The requirements under sub. (3) do not apply to these signs.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; r. (5), Register, September, 1986, No. 369, eff. 10-1-86; correction made in (4) under s. 13.93 (2m) (b) 14., Stats., Register, July, 1992, No. 439; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register March 2012 No. 675.

Trans 200.08 Tourist-oriented directional signs.

(1) SIGNS PERMITTED. The department and local authorities that have adopted an enabling ordinance may authorize the erection and maintenance of tourist-oriented directional signs within highways under their jurisdiction subject to the provisions of s. 86.196, Stats., and the following restrictions:

(a) No tourist-oriented directional sign may be erected or maintained by an applicant.

(b) No tourist-oriented directional sign may be erected or maintained for any business that has a guidance sign erected on a right-of-way under s. Trans 200.03 on the same road, in the same direction, unless the guidance sign is removed before the tourist-oriented directional sign is erected.

(c) No tourist-oriented directional sign may be installed or maintained directing to a tourist-oriented business, service or activity that is located within an urban area as defined by s. 86.196 (1) (c), Stats.

(d) No tourist-oriented directional sign may be erected or maintained that fails to conform with s. 86.19, 86.191, 86.196 or 346.41, Stats., or rules implementing or interpreting these statutes, as determined by the department.

(e) No tourist-oriented directional sign may be erected or maintained if the applicant has an outdoor advertising sign for the same business, service or activity in violation of s. 84.30, Stats., or ch. Trans 201.

(f) Any person permitted to have a tourist-oriented directional sign shall provide for the installation and maintenance of any supplemental signing deemed necessary by the department to guide traffic to the tourist-oriented business, service or activity.

(g) 1. No tourist-oriented directional sign may be erected on a conventional state trunk highway directing to a tourist-oriented business, service or activity that is located on a freeway, expressway or any other conventional state trunk highway. Local authorities may adopt similar restrictions with reference to highways under their jurisdiction.

2. No tourist-oriented directional sign may be erected on an expressway directing to a tourist-oriented business, service or activity that is located on a freeway or any other expressway.

(h) No intersection tourist-oriented directional assembly may be erected or maintained at a location such that there exists another intersection between the assembly and the intersection at which the assembly applies. The department may authorize advance tourist-oriented directional assemblies in accordance with sub. (6) (d) and (e) at locations where 2 intersections are so closely spaced that it is not practical to install intersection tourist-oriented directional assemblies between the 2 intersections.

(i) The location of an existing official traffic control device, or the need for a new device, shall take precedence over the location of a tourist-oriented directional sign, either existing or proposed.

(j) The department reserves the right to require the relocation or removal of tourist-oriented directional signs, if necessary, for the safety of the traveling public, to install official traffic signs at or in the vicinity of existing tourist-oriented directional signs.

(k) When there are more tourist-oriented directional signs requested than the number that may be permitted, priority shall be given in the following order:

1. The businesses, services or activities with existing permitted tourist-oriented directional signs.
2. Businesses, services or activities with the earliest received application. Applications received on the same day will be considered received simultaneously.
3. The business, service or activity that is nearest the highway on which the tourist-oriented directional sign is located.

(L) Any tourist-oriented directional sign for a business, service or activity operated on a seasonal basis shall be removed during off-seasons. The permittee shall notify the department or its contractor not less than 15 calendar days before the closing and reopening date.

(m) No tourist-oriented directional sign may be erected or maintained:

1. That does not meet department specifications.
2. That has an objectionable appearance as determined by the department due to accident, vandalism, fading, deterioration or other causes.
3. That fails to conform with Wisconsin or federal statutes or rules.
4. In violation of an order of the department or any court of competent jurisdiction.
5. For any business service or activity that fails to conform with all applicable laws concerning the provision of public accommodations without regard to race, religion, color, sex, sexual orientation or national origin.
6. If the business, service or activity does not meet pertinent health and other administrative regulations including, but not limited to, licensure by an appropriate agency.

7. Until an investigation by the department determines that no conflict resulting in unsafe driving conditions will exist with other official traffic control devices.

8. Which displays the hours of operation or dates of operation, if seasonal, of the business, service or activity.

9. To direct to a business, service or activity that is located on the same highway on which tourist-oriented directional signs are requested.

(n) Tourist-oriented directional sign removal shall not be stayed by filing any appeal of the department's decision or order to remove a tourist-oriented directional sign. A reviewing court may order a stay upon such terms as it deems proper pursuant to s. 227.54, Stats.

(o) Tourist-oriented directional sign removal shall not affect a sign requestor's liability for any unpaid fees, interest and costs of collection as determined by the department.

(2) BUSINESSES, SERVICES, ACTIVITIES PERMITTED. In order to qualify for a tourist-oriented directional sign, the business, service or activity:

(a) Shall be conducted in an appropriate area or in a building appropriately designed for the purpose and shall be open to the public;

(b) May not be conducted in a building principally used as a residence unless there is a convenient, separate and well-marked entrance leading to the business, service or activity;

(c) Shall be maintained in a manner consistent with standards generally accepted for that type of business, service or activity;

(d) Shall be of significant interest to the traveling public to the extent that 50% or more of its annual visitors or its annual gross income is derived from customers residing outside the immediate area in which the business, service or activity is located; and

(e) Shall qualify under one of the following categories:

1. Gas. Services provided shall conform with provisions of s. 86.195 (3) (a), Stats.

2. Food. Services provided shall conform with provisions of s. 86.195 (3) (b), Stats.

3. Lodging. Services provided shall conform with provisions of s. 86.195 (3) (c), Stats.

4. Camping. Services provided shall conform with provisions of s. 86.195 (3) (d), Stats.

5. Tourist attraction. A tourist attraction shall:

- a. Be of significant interest to the traveling public;
- b. Be open a minimum of 8 hours per day, and 5 days per week, if the highway on which the tourist-oriented directional sign is located is a state trunk highway;
- c. Be in operation the greater part of 3 consecutive months, if the highway on which the tourist-oriented directional sign is located is a state trunk highway; and
- d. Be licensed or approved if required.

(3) ADVISORY COUNCIL. The department may appoint an advisory council under ss. 15.04 (1) (c) and 15.09, Stats., to review applications for tourist-oriented directional signs on the state trunk highway system in the tourist attraction category and for "ATTRACTION" category signs under s. Trans 200.06. This 7 member council shall include representatives from the tourism industry, department of tourism, department of safety and professional services, and other organizations as determined by the department and shall make recommendations to the department to approve or deny applications. The department shall make the final decision on applications. The department shall furnish to the advisory council minimum criteria and requirements for the uniform evaluation and assessment of applications. The department, in collaboration with the advisory council, may make revisions to the application evaluation criteria if at any time it is apparent that the criteria or implementation process are inequitable to the appli-

cants or that the signing itself creates operational or safety concerns. The advisory council shall meet as needed to consider and make recommendations on applications received by the department. The department may act on any application not acted upon by the advisory council within 60 days of forwarding of the application to the council. Members of the advisory council will not be compensated for their services or reimbursed for their expenses, except the department may reimburse private citizen members in hardship cases for actual and necessary expenses incurred in the performance of their duties.

(4) APPLICATION, PERMIT AND RENEWAL PROCEDURE. (a) The department shall provide forms for tourist-oriented directional sign applications at its district offices. Completed applications shall be submitted to the district office for the district where the tourist-oriented directional sign is to be located. Each applicant shall provide all information required on the department's application form. If the application for the tourist-oriented directional sign is denied, the application fee shall be returned.

(b) Each applicant shall give written assurance on its application to the department that the applicant's business, service or activity conforms with all applicable laws concerning the provision of public accommodations without regard to race, religion, color, sex, sexual orientation or national origin.

(c) Each applicant shall indicate on its application whether its business, service or activity is seasonal and the closing and opening dates of the business if seasonal. The applicant shall give assurance to the department that it will provide prior notification of at least 15 calendar days to the district office of the district in which the tourist-oriented directional sign is located of any change in seasonal dates.

(d) Each applicant shall state on its application that it shall furnish the department, upon granting of the permit, the legend and directional information meeting the department's specifications for tourist-oriented directional signs.

(e) If a tourist-oriented directional sign application is approved, the application fee of \$20.00 per year for each year of the initial 5-year period of the tourist-oriented directional sign program shall be retained by the department for administrative costs and routine inspection. Renewal of the permit shall be subject to review and approval or denial by the department and the department shall re-evaluate the fee during the 5-year period and shall establish a new fee to cover costs in order to comply with s. 86.196 (2) (c), Stats.

(f) The business, service or activity for which a tourist-oriented directional sign is requested shall be the applicant's and the permit shall be issued to the applicant.

(g) In lieu of the application and permit renewal procedure under pars. (a) to (f), the department may enter into a contract or contracts with a private contractor or contractors that specify substantially similar application and permit renewal procedures.

(h) Notwithstanding any prior grant or renewal of a tourist-oriented directional sign permit, the renewal of the permit shall not be granted, or the permit previously granted shall be revoked for any one of the following reasons:

1. If the qualified business, service or activity fails to provide the services required to qualify for a tourist-oriented directional sign so as to justify a finding that the business, service or activity is not in substantial compliance with this section;

2. If the qualified business, service or activity fails during its normal business season to open for business for more than 7 consecutive days, or for more than 10 days cumulatively, during any one-month period, unless the department finds that such closure was beyond the control of the owner or responsible operator or that the closure was justified by extenuating circumstances.

(i) If, due to fire, accident or similar cause, a qualified business, service or activity becomes inoperable for an extended period of time, exceeding 7 days, but not more than 90 days, its tourist-oriented directional sign shall be temporarily removed but shall not

lose its priority. Under these circumstances, it shall be unnecessary to reapply prior to the normal time for a permit renewal. Further extensions may be granted if good cause is 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 will require a new permit application.

(j) All tourist-oriented directional sign permits may be canceled by the department on 30 days written notice; except that when good cause is shown, a permit may be canceled with 10 days written notice.

(5) FEES. (a) The applicant requesting the erection of a tourist-oriented directional sign shall pay to the department an application fee of \$100.00, representing \$20.00 each year, to cover a 5-year period, for administrative costs and the cost of routine tourist-oriented directional sign inspection. The 5-year period begins on the date the sign is erected. A separate application and \$100.00 fee is required for each tourist-oriented directional sign and for each advance tourist-oriented directional sign requested. The department shall re-evaluate the fee during the initial 5-year period of the tourist-oriented directional sign program and shall establish a new fee to cover costs in order to comply with s. 86.196 (2) (c), Stats. The applicant granted a permit shall pay the department a fee established by the department for each tourist-oriented directional sign and for each advance tourist-oriented directional sign, if any, before the anniversary date of the erection of the tourist-oriented directional sign for each 5-year period following the erection of the sign. If the department does not receive payment of the fee by the 5-year anniversary date, the department may decline to renew the permit and the tourist-oriented directional sign may be removed.

(b) Applicants shall be responsible for the full cost of fabrication and supplying tourist-oriented directional signs to the department, in accordance with specifications established by the department. If the tourist-oriented directional sign program is privately contracted, signs may be furnished by the contractor.

(c) After application approval, the department or its contractor shall install tourist-oriented directional signs supplied by the applicant or the contractor and an appropriate installation fee will be charged the applicant.

(d) Any tourist-oriented directional sign determined by the department to be ineffective due to accident, vandalism or wear shall be replaced at the expense of the applicant in accordance with pars. (b) and (c). The applicant shall contact the department's district office to obtain current tourist-oriented directional sign specifications prior to the fabrication of any replacement tourist-oriented directional sign.

(e) The department or its contractor shall be responsible for any necessary adjustments in tourist-oriented directional assemblies and tourist-oriented directional signs for special circumstances as described in sub. (8) (f).

(6) CONTRACTS. (a) The department shall prepare plans and specifications for the manufacture, installation and maintenance of tourist-oriented directional signs and tourist-oriented directional assemblies. The department's specifications shall require all tourist-oriented directional assembly supports to be of break-away design. The department may manufacture and install tourist-oriented directional assemblies and tourist-oriented directional signs by installation contract or by maintenance contract. Contracts may be of any regional, district or local scope deemed reasonable and cost-effective by the department. All installation and maintenance work shall be done under contracts or procedures administered by the department. No installation, maintenance or other work may be done by any applicant, except for removal and replacement due to seasonal closures. The applicant shall furnish the department or its contractor the appropriate legend and directional information meeting the department's specifications for tourist-oriented directional signs. All materials

furnished as a tourist-oriented directional sign by an applicant or by the department's contractor shall become and remain the property of the department once installed within any public highway, or as otherwise specified in the department's contract with its contractor. Failure by the applicant to deliver the tourist-oriented directional sign within the specified period, to provide for the installation of necessary supplemental signs, or to conform the sign to the department's specifications may result in the forfeiture of all fees and costs, and another business, service or activity may be given the opportunity to qualify to provide the signs for the vacated space.

(b) Sign maintenance contracts shall include provisions for installation of additional tourist-oriented directional signs on existing tourist-oriented directional assemblies; replacement of damaged, defective or obsolete signs; removal of signs; and costs for these items.

(c) Maintenance contracts may contain provisions for a negotiated price for unanticipated installation of tourist-oriented directional signs, including supports.

(d) In lieu of or in addition to the contracting procedures in pars. (a) to (c), the department may enter into a contract that specifies alternative manufacture, installation, maintenance, marketing and implementation methods with a private contractor.

(e) Applicant or contractor shall be responsible for removing and replacing signs for seasonal services. This activity shall be in accordance with department standards and applicant or contractor performing the activity shall hold harmless the department in case of any accident or injury due to this operation.

(7) SIGNING CRITERIA. (a) *Distance to tourist-oriented business, service or activity.* A tourist-oriented business, service or activity may not be located in excess of the 5-mile distance specified in s. 86.196 (5), Stats., from the highway intersection at which tourist-oriented directional signs are to be located to qualify for a tourist-oriented directional sign, unless the distance limit is increased by a statutory enactment of the Wisconsin Legislature that is consistent with federal law. Distance to a business, service or activity will be measured from the near edge of the main travelled way to the center line extended of the closest business driveway of the business, service or activity.

(b) *Lateral location.* The location for tourist-oriented directional signs shall be determined by the department to preserve highway safety, to take advantage of natural terrain, to have the least impact on the scenic environment, to minimize conflict with scenic easements and to avoid visual conflict with other signs within the highway or with signs authorized or permitted under s. 84.30, Stats. The signs shall be installed in accordance with the applicable provisions of the Wisconsin manual on traffic control devices adopted by the department under s. 84.02 (4) (e), Stats.

(c) *Location of tourist-oriented directional assemblies.* Tourist-oriented directional assemblies located at intersections shall be at least 200 feet from the intersection. If 2 tourist-oriented directional assemblies are required for one direction leading to an intersection, the tourist-oriented directional assembly for right turns shall be at least 200 feet from the intersection and the tourist-oriented directional assembly for left turns shall be at least 300 feet away from the right-turn assembly, moving away from the intersection.

(d) *Advance tourist-oriented directional assemblies.* Advance tourist-oriented directional assemblies may be permitted only in those situations where the department determines that sight distance or other geometric conditions, intersection vehicle maneuvers or other vehicle operating characteristics require advance notification of the service to reduce vehicle conflicts or improve highway safety on the approach to and at the intersection where turning movements would occur.

(e) *Order of advance tourist-oriented directional assemblies.* The order of advance tourist-oriented directional assemblies shall be identical to the order of tourist-oriented directional signs found

at intersections. However, advance tourist-oriented directional signs shall omit directional arrows and distances. The legend NEXT RIGHT or NEXT LEFT, whichever is appropriate, in letters of the same height as the sign legends, will be placed on the tourist-oriented directional assemblies above the tourist-oriented directional signs. The department or its contractor shall be responsible for the fabrication, installation and maintenance of NEXT RIGHT and NEXT LEFT panels.

(f) *Location of advance tourist-oriented directional assemblies.* When used, advance tourist-oriented directional assemblies shall be located approximately 1/2 mile from the intersection. The distance between adjacent advance tourist-oriented directional assemblies shall be at least 800 feet.

(g) *Precedence of advance or intersection tourist-oriented directional assemblies.* An advance tourist-oriented directional assembly replaces and is not in addition to the intersection tourist-oriented directional assembly which would otherwise be installed at the intersection.

(h) *Relationship to rail crossings.* All tourist-oriented directional assemblies shall be located at least 750 feet from railroad crossings on the highway on which tourist-oriented directional signs are to be located.

(i) *Traffic control device precedence.* The location of other traffic control devices shall take precedence over the location of tourist-oriented directional signs. Tourist-oriented directional assemblies shall be located at least 300 feet from other traffic control devices.

(j) *Supplemental signing.* Where the department requires, an applicant shall provide adequate supplemental signs on local roads and streets to guide motorists to the business, service or activity. Any required supplemental signs shall be in place before the tourist-oriented directional sign may be erected on a state trunk highway. Supplemental signs may be necessary where the business, service or activity is not located on a crossroad of the highway upon which the tourist-oriented directional sign is placed. Where supplemental signing is required by the department, it shall be the responsibility of the applicant to make arrangements with the appropriate local authority, and make the necessary payments to the local authority for the erection and maintenance of such signs.

(8) SIGN DESIGN AND COMPOSITION. (a) Tourist-oriented directional signs may be designed in any manner that complies with the applicable provisions of the Wisconsin manual on traffic control devices adopted by the department under s. 84.02 (4) (e), Stats. Briefly, the Wisconsin manual provides in part that tourist-oriented directional signs shall be rectangular in shape and shall have a white legend and border on a blue background. Each tourist-oriented directional sign shall have not more than 2 lines of legend including a separate directional arrow and the distance to the facility shown beneath the arrow except advance tourist-oriented directional signs as described in sub. (7) (e). The content of the legend shall be limited to the identification of the business, service or activity, and the directional information. Legends shall not include promotional advertising.

(b) The department shall develop specifications for tourist-oriented directional assembly supports, sign base material and sign message and background reflective sheeting consistent with specifications as established for department signing. If the department adopts revised specifications at any time, existing tourist-oriented directional signs may remain until replacement is necessary. The new specifications shall be applicable for replacement tourist-oriented directional signs.

(c) The style and size of lettering and the arrangement and size of signs may be of any type that complies with the applicable provisions of the Wisconsin manual on traffic control devices adopted by the department under s. 84.02 (4) (e), Stats. Briefly, the Wisconsin manual provides in part that individual tourist-oriented directional signs for intersection tourist-oriented direc-

tional assemblies shall not exceed 72" width and the tourist-oriented directional sign for advance tourist-oriented directional assemblies shall not exceed 60" width and the standard size and style of legend.

(d) A maximum of 4 tourist-oriented directional signs may be displayed on any one tourist-oriented directional assembly. A maximum of 2 tourist-oriented directional assemblies shall be allowed on each approach to an intersection or, when the department deems it necessary, a maximum of 2 advance tourist-oriented directional assemblies may be permitted.

(e) When there are 4 or fewer tourist-oriented directional signs to be placed on any one approach to an intersection, they shall be placed on one tourist-oriented directional assembly. When only one intersection tourist-oriented directional assembly is to be placed, those tourist-oriented directional signs for businesses, services or activities to the left shall be arranged vertically above those tourist-oriented directional signs requiring a turn to the right. Advance tourist-oriented directional signs require separate tourist-oriented directional assemblies for businesses, services or activities requiring turns to the right and to the left.

(f) When there are more than 4 tourist-oriented directional signs to be placed at an intersection, 2 tourist-oriented directional assemblies shall be used, one assembly for those businesses, services or activities requiring turns to the right, and one assembly for those requiring turns to the left. The tourist-oriented directional assembly for left turns shall be placed further from the intersection than the tourist-oriented directional assembly for right turns. In special circumstances as determined by the department, such as at a T-intersection or at a crossroad intersection when the number of potentially eligible businesses, services or activities in a particular direction is limited, the 2 tourist-oriented directional assemblies may contain up to a total of 8 tourist-oriented directional signs for businesses, services or activities located either to the right or left.

(9) SIGN REMOVAL AND REPLACEMENT. (a) The department may revoke or suspend an approved tourist-oriented directional sign permit and remove any related tourist-oriented directional signs at any time for good cause including, but not limited to, any of the following reasons:

1. Failure to comply with any of the restrictions under sub. (1);
2. Failure to comply with any of the service standards under sub. (2);
3. Failure to comply with any application or permit renewal requirement under sub. (4);
4. Failure to receive timely payment of any fee required by the department under sub. (5);
5. Failure to comply with any signing criteria under sub. (7);
6. Failure to comply with the design and composition requirements under sub. (8);
7. Failure to comply with an emergency rule promulgated by the department to comply with more restrictive federal standards under sub. (9); or

8. Failure to comply with any condition of any tourist-oriented directional sign permit.

(b) The department may also remove a tourist-oriented directional sign to facilitate construction, maintenance or utility work within the limits of the public highway, including sign erection or maintenance, when approved by the department. The department shall restore the tourist-oriented directional sign upon completion of the work, if practicable.

(c) Removal of a tourist-oriented directional sign by the department shall not be stayed by the filing of any contested case, by any appeal of the department's decision or order to remove the tourist-oriented directional sign, or while the final decision is pending in any contested case or appeal. A reviewing court may order a stay upon such terms as it deems proper pursuant to s. 227.54, Stats.

(d) Removal of a tourist-oriented directional sign by the department as a result of the department's denial of a permit renewal shall not be stayed pending the final decision in any contested case or by appeal of the department's denial of the permit renewal. A reviewing court may order a stay upon such terms as it deems proper pursuant to s. 227.54, Stats.

(e) The department may remove a tourist-oriented directional sign at any time for any reason stated in this subsection whether the reason for removal occurs before or after issuance of the permit by the department, renewal or denial of the permit or erection of the sign.

(f) The department may remove a tourist-oriented directional sign at any time for any reason stated in this subsection whether the reason for removal results from action or inaction of the department, an applicant, permittee, the department's contractor or any other person or any other event or occurrence. The department shall provide for restoration of the sign or refund if the removal results from error of the department or the department's contractor in locating the tourist-oriented directional sign.

(g) In cases where the department removes a tourist-oriented directional sign before the permit period has expired, except where good cause is shown under par. (a), the appropriate permit fee for any time remaining on the permit shall be refunded. No refund shall be provided for any temporary removal.

(h) The department shall remove any sign which imitates or purports to be a tourist-oriented directional sign and which is determined by the department to be installed without a valid tourist-oriented directional sign permit.

(10) COMPLIANCE WITH FEDERAL LAW. To the extent changes to the tourist-oriented directional sign provisions of this section are required in order to conform with more restrictive federal standards for specific information signs pursuant to s. 86.195 (10), Stats., the department shall promulgate an emergency administrative rule under s. 227.24, Stats., that supersedes this chapter whenever federal standards become more restrictive than this chapter.

History: Cr. Register, July, 1992, No. 439, eff. 8-1-92; correction in (1) (h) made under s. 13.93 (2m) (b) 7., Stats., Register March 1999 No. 519; CR 06-103; am. (2) (e) 5. b., c., (3) and (7) (a) Register July 2007 No. 619, eff. 8-1-07; correction in (3) made under s. 13.92 (4) (b) 6., Stats., Register January 2012 No. 673.