

Clearinghouse Rule 06-103

STATE OF WISCONSIN

DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY

The Wisconsin Department of Transportation proposes an order to amend TRANS 200.015(2)(m) and (n)1., 200.06(2) and (7)(c)1.; and create TRANS 200.06(2m), (2r) and (12) relating to Specific Information Signs

**NOTICE OF HEARING
AND
TEXT OF PROPOSED RULE**

NOTICE IS HEREBY GIVEN that pursuant to ss. 86.195(1)(d), 86.195(3), 86.195(4)(b), 86.195(8), Stats., and interpreting ss. 84.02(4)(e) and 86.195, Stats., the Department of Transportation will hold a public hearing in **Room 144-B** of the Hill Farms State Transportation Building, 4802 Sheboygan Avenue, Madison, Wisconsin on the **14th** day of **November**, 2006, at **10:30 AM**, to consider the amendment of ch. Trans 200, Wisconsin Administrative Code, relating to Specific Information Signs.

An interpreter for the hearing impaired will be available on request for this hearing. Please make reservations for a hearing interpreter at least 10 days prior to the hearing.

Parking for persons with disabilities and an accessible entrance are available.

Analysis Prepared by the Wisconsin Department of Transportation

Statutes interpreted: ss. 84.02(4)(e) and 86.195, Stats.

Statutory authority: ss. 86.195(1)(d), 86.195(3), 86.195(4)(b), 86.195(8), Stats.

Explanation of agency authority: The Department has the authority to regulate the number and types of specific information signs on signposts near interchanges.

Related statute or rule: Section Trans 200.06(2), Wis. Admin. Code.

Plain language analysis: The current administrative rule allows four types of motorist services signs to be displayed on a specific information sign. This proposed rule

will amend ch. Trans 200, relating to displaying attractions on highway specific information signs, to include the category of “Attractions” within the Specific Information Sign program and establish guidelines for criteria of qualification for “Attractions.”

Summary of, and preliminary comparison with, existing or proposed federal regulation: 2005 Wis. Act 136 amended s. 86.195, Stats., which adds the “Attractions” category to the Specific Information Sign program and authorizes the amendment of ch. Trans 200 to include specific criteria addressing the qualifications of an attraction. This also would give the Department a chance to add different types of tourist type businesses to the program that may not have had the chance to be included in any directional signing programs.

Comparison with Rules in the Following States:

Michigan: Does not include “Attractions” in their program.

Minnesota: Does not include “Attractions” in their program.

Illinois: Currently involved in “Attractions” pilot program.

Iowa: Recently included “Attractions” in their program.

Summary of factual data and analytical methodologies used and how the related findings support the regulatory approach chosen: This rule making would establish more detailed criteria on qualifications to the attractions category, therefore, Wisconsin would be consistent with the Federal Highway Administration Manual on Uniform Traffic Control Devices by adding the “Attractions” category to the Specific Information sign program.

Analysis and supporting documentation used to determine effect on small businesses: The rule change is being requested by small business. The cost impact is minimal and voluntary.

Effect on small business: The proposed rule provides additional participation opportunities for small businesses. Since businesses request that they be identified on state-installed signs, the sign application process will enforce the rule. The Department’s Regulatory Review Coordinator may be contacted by e-mail at andrew.ruiz@dot.state.wi.us, or by calling (414) 438-4585.

Fiscal effect and anticipated costs incurred by private sector: The Department estimates that there will be no net fiscal impact on state or private sector revenues or liabilities. Added administrative costs will be recovered through participant’s fees. The private sector presumably will only choose to incur the costs when they anticipate the signs will generate a net benefit to the business.

Agency contact person and place where comments are to be submitted and deadline for submission: The public record on this proposed rule making will be held

open until close of business the day of the hearing to permit the submission of comments in lieu of public hearing testimony or comments supplementing testimony offered at the hearing. Any such comments should be submitted to John Noll, Department of Transportation System Development, Traffic Engineering Section, Room 501, and P. O. Box 7986, Madison, WI 53707-7986. You may also contact Mr. Noll by phone at (608) 266-0318.

To view the proposed amendments to the rule, view the current rule, and submit written comments via e-mail/internet, you may visit the following website: <http://www.dot.wisconsin.gov/library/research/law/rulenotices.htm>.

TEXT OF PROPOSED RULE

SECTION 1. Trans 200.015(2)(m) and (n)1. are amended to read:

Trans 200.015(2)(m) “Motorist service sign” means an official traffic sign that includes one or more of the words “GAS,” “FOOD,” “LODGING” or “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)1. One or more of the words, “GAS,” “FOOD,” “LODGING” or “CAMPING” or “ATTRACTION”;

SECTION 2. Trans 200.06(2) is amended to read:

Trans 200.06(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” and “CAMPING,” or “ATTRACTION” in accordance with s. 86.195(3), Stats.

SECTION 3. Trans 200.06(2m) is created to read:

Trans 200.06(2m)(a) GENERAL REQUIREMENTS FOR “ATTRACTION” ELIGIBILITY. To be eligible for an “ATTRACTION” sign, the facility shall meet the following criteria:

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

2. Provide public accommodations without regard to race, religion, color, age, sex or national origin.

3. Have licensing and approval, where required.

4. Be of regional significance.

5. Provide adequate parking to accommodate normal traffic volumes for the facility with a minimum of 10 spaces.

6. Not be identified on other supplemental guide signs on the same route as the specific information sign or trailblazing signs.

7. Provide sanitary public restroom facilities and drinking water.

8. Be in continuous operation at least 8 hours a day, 5 days per week during normal operating season for the type of business, except this requirement may not apply to certain facilities such as arenas, auditoriums, civic centers and stadiums.

9. Be located within 3 miles of the interchange and have adequate signage to direct motorist to their location after exiting the highway. If no business, facility, or activity in the category of "ATTRACTION" is available within the 3-mile limit, the limit may be extended to a maximum distance of not more than 5 miles from the highway.

10. Minimum annual attendance of not less than 2,500.

(b) In addition to par. (a), the following are activities that may qualify as an "ATTRACTION" and specific requirements that apply to certain categories of activities:

1. Agri-tourism—breweries, gardens, vineyards, wineries. These types of facilities shall provide regularly scheduled or self-guided tours available no less than 4

times per day and providing tour opportunities through the majority of the hours open to the public.

2. Aquarium, wildlife facility/preserve/sanctuary, zoo.

3. Cultural, historic or scientific site, gallery, hall of fame, museum, performing arts facility. A performing arts facility shall provide a minimum of 250 seats.

4. Nature or scenic area--beach, gorge, nature facility/preserve/sanctuary, observation point/tower, park, scenic area, trail, waterfall, waterway.

5. Recreation facility--amusement park, casino, racetrack, speedway, theme park.

6. Religious site/shrine. This facility shall demonstrate that at least 50% of average daily annual visitors originate from 50 or more miles from the attraction. Religious sites/shrines do not include cathedrals, local churches, chapels, synagogues, temples, or mosques.

7. Scenic ride/sightseeing tours--balloon, boat, helicopter, lift, airplane, train, trolley. These tours shall demonstrate that at least 50% of average daily annual visitors originate from 50 or more miles from the attraction.

8. Sport arena/facility/stadium. These facilities shall provide a minimum of 2,500 seats and have minimum annual attendance of 25,000.

SECTION 4. Trans 200.06(2r) is created to read:

Trans 200.06(2r) ADVISORY COUNCIL. The department may appoint an advisory council under ss. 15.04(1)(c) and 15.09, Stats., to review applications for the "ATTRACTION" category signs. This 7-member council shall include representatives from the department of tourism, department of commerce, and other organizations as determined by the department and shall make recommendations to the department to

approve or deny applications for “ATTRACTION” category signs. 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 applicants or that the signing itself creates operational or safety concerns. The advisory council shall meet not less than once each month, unless otherwise directed by the department, 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 shall 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.

SECTION 5. Trans 200.06(7)(c)1. is amended to read:

Trans 200.06(7)(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,” ~~or~~ “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.

SECTION 6. Trans 200.06(12) is created to read:

Trans 200.06(12)(a) PRIORITY. Signs will be available on a first-come, first-serve basis. If, during initial erection of a sign, there are too many applicants for the available space, then the businesses' prior year attendance will be used with the sign space going to the business with the greatest attendance. Remaining applicants will be placed on a waiting list in this order. After the sign has been erected, attractions cannot be bumped off a sign or out of the waiting list based on attendance 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.

(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.

(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Signed at Madison, Wisconsin, this ____ day of
September, 2006.

FRANK J. BUSALACCHI
Secretary
Wisconsin Department of Transportation