

1 Title 19A NCAC 02E.0216 is proposed for amendment with changes as published under a temporary action in 18:3
2 NCR, August 1, 2003, as follows:

3
4 **19A NCAC 02E .0216 SPECIFIC SERVICE ~~INFORMATION~~ SIGNING (LOGO) PROGRAM**

5 The Specific Service ~~Information~~ Signing Program, hereinafter "Program", provides eligible businesses with the
6 opportunity to be listed on official signs within the right-of-way of fully controlled access highways. The Traffic
7 Engineering and Safety Systems Branch is responsible for administering the program and receiving requests for
8 information concerning the Program. Requests for information may be directed to the State Traffic Engineer,
9 Division of Highways, Department of Transportation, ~~P.O. Box 25201, Raleigh, N. C. 27611.~~ 1561 Mail Service
10 Center, Raleigh, NC 27699-1561. Division Engineers for the division in which the interchange is located are
11 responsible for receiving and distributing applications and copies of policies and procedures, executing agreements
12 and administering the agreements.

13
14 *History Note: Authority G.S. 136-89.56; 136-137; 136-139; 143B-346; 143B-348; 143B-350(f);*
15 *23 C.F.R. 750, Subpart A; 23 U.S.C. 131(f);*
16 *Eff. April 1, 1982*
17 *Amended in a Temporary Action Eff. October 20, 2003;*
18 *Amended Eff. January 1, 2004; April 1, 1994; October 1, 1993; October 1, 1991.*

1 Title 19A NCAC 02E.0217 is hereby repealed as follows:

2
3 **19A NCAC 02E .0217 SPECIFIC INFORMATION PROGRAM DEFINITIONS**

4
5 *History Note: Authority G.S. 136-89.56; 136-137; 136-139; 143B-346; 143B-348; 143B-350(f);*
6 *24 C.F.R. 750, Subpart A; 23 U.S.C. 131(f);*
7 *Eff. April 1, 1982*
8 *Repealed Eff. January 1, 2004;*
9 *Amended Eff. April 1, 1994; October 1, 1993; April 1, 1986; November 1, 1985.*

1 Title 19A NCAC 02E.0218 is hereby repealed as follows:

2
3 **19A NCAC 02E .0218 LOCATION OF PANELS**

4
5 *History Note: Authority G.S. 136-89.56; 136-137; 136-139; 143B-346; 143B-348; 143B-350(f); 23*
6 *C.F.R. 750, Subpart A; 23 U.S.C. 131(f);*
7 *Eff. April 1, 1982;*
8 *Repealed Eff. January 1, 2004;*
9 *Amended Eff. August 1, 1998; September 1, 1994; April 1, 1994; October 1, 1993;*
10 *October 1, 1991.*

Title 19A NCAC 02E.0219 is proposed for amendment with changes as published under a temporary action in 18:3 NCR, August 1, 2003, as follows:

19A NCAC 02E .0219 ELIGIBILITY FOR PROGRAM

~~Business~~ Businesses ~~signs may be permitted,~~ may participate in the program provided said businesses comply with the following criteria: ~~criteria and have a public telephone:~~

- (1) The individual business installation whose name, symbol or trademark appears on a business panel sign shall give written assurance of the business's conformity with all applicable laws concerning the provision of public accommodations without regard to race, religion, color, sex, age, disability, or national origin. ~~An individual business may apply for additional sign positions on a sign panel provided no qualified applicant is denied space on the sign panel. An individual business, under construction, may participate in the program by giving written assurance of the business's conformity with all applicable laws and requirements for that type of service, by a specified date of opening to be within one year of the date of application.~~
- (2) An individual business, under construction, may apply to participate in the program by giving written assurance of the business's conformity with all applicable laws and requirements for that type of service, by a specified date of opening to be within one year of the date of application. No business panel shall be displayed for a business which is not open for business and in full compliance with the standards required by the program. A business under construction shall not be allowed to apply for participation in the program if its participation would prevent an existing open business application from participating, unless the existing business qualifies for or has a provisional contract.
- (3) Businesses may apply for participation in the program on a first-come, first-served basis until the maximum number of panels on the logo sign for that service are reached. If a business's panels are removed and space is available on the sign, the first business to contact the Department shall be allowed priority for the vacant space.
- ~~(2)~~ (4) The maximum distance that a "GAS" "GAS", "FOOD", or "LODGING" service may be located from the fully controlled access highway shall not exceed three miles at rural interchange approaches and one mile at urban interchange approaches in either direction via an all-weather road. Where no qualifying services exist within three miles, miles (rural) or one mile (urban), provisional contracts are permitted where the maximum distance may be increased to six miles, miles at rural interchange approaches and three miles at urban interchange approaches, provided the total travel distance to the business and return to the interchange does not exceed twelve miles. Provisional contracts shall be written with the understanding that if a closer business applies, qualifies, and is within the three miles (rural) or one mile (urban) radius as applicable, and there is not otherwise room on the sign for the new business, then the provisional contract of the furthest business from the intersection shall be cancelled and the business panels shall be removed at the annual contract renewal date. The maximum distance for a "CAMPING" service shall not exceed ten 15 miles in either direction via an all-weather road, and the maximum distance for an

1 "ATTRACTION" service shall not exceed 15 miles in either direction via an all-weather road. Said
2 distances shall be measured from the point on the interchange crossroad, coincident with the centerline of a
3 fully controlled access highway route median, along the roadways to the respective motorist service. The
4 point to be measured to for each business is a point on the roadway that is perpendicular to the corner of the
5 nearest wall of the business to the interchange. The wall to be measured to shall be that of the main
6 building or office. Walls of sheds (concession stands, storage buildings, separate restrooms, etc.) whether
7 or not attached to the main building shall not be used for the purposes of measuring. If the office (main
8 building) of a business is located more than .2 mile from a public road on a private road or drive, the
9 distance to the office along the said drive/road shall be included in the overall distance measured to
10 determine whether or not the business qualifies for business signing. The office shall be presumed to be at
11 the place where the services are provided.

12 (3) (5) "GAS" and associated services. Criteria for erection of a business sign panel on a panel sign shall
13 include:

- 14 (a) appropriate licensing as required by law;
- 15 (b) vehicle services for ~~fuel,~~ fuel (gas, diesel, or alternative fuels), motor oil, ~~tire repair (by an~~
16 ~~employee)~~ and water;
- 17 (c) on premise restroom facilities; ~~facilities and drinking water suitable for public use;~~
- 18 (d) an ~~on premise~~ on premise attendant to collect monies, make change, and make or arrange for tire
19 repairs;
- 20 (e) year-round operation at least 16 continuous hours per day, seven days a ~~week;~~ week;
- 21 (f) on premise telephone available for emergency use by the public.

22 (4) (6) "FOOD". Criteria for erection of a business sign panel on a panel sign shall include:

- 23 (a) appropriate licensing as required by law, and a permit to operate by the health department;
- 24 (b) businesses shall ~~meet at least one of the following criteria:~~ operate year round at least eight
25 continuous hours per day six days per week.
 - 26 (i) ~~year round operation at least 12 continuous hours per day to serve three meals a day~~
27 ~~(sandwich type entrees may be considered a meal) (breakfast, lunch, supper), seven days a~~
28 ~~week;~~
 - 29 (ii) ~~year round operation at least 12 continuous hours per day to serve three meals a day~~
30 ~~(sandwich type entrees may be considered a meal) (breakfast, lunch, supper) six days a~~
31 ~~week;~~
 - 32 (iii) ~~year round operation at least eight continuous hours per day, open by at least 6:00 a.m. or~~
33 ~~open later than 11:00 p.m. and with a drive up window to serve at least two meals a day~~
34 ~~(sandwich type entrees may be considered a meal) (breakfast, lunch, supper), seven days a~~
35 ~~week.~~

36 ~~If a business qualifies under (ii) or (iii) then it must be stated on each mainline, each ramp,~~
37 ~~and each trailblazer business sign the day closed or the hours of operation.~~

- 1 (c) indoor seating for at least 20 persons;
- 2 (d) on premise public restroom facilities; facilities.
- 3 (e) on premise telephone available for emergency use by the public.
- 4 ~~(5)~~ (7) "LODGING". Criteria for erection of a business ~~panel sign~~ on a ~~panel sign~~ shall include:
- 5 (a) appropriate licensing as required by law, and a permit to operate by the health department;
- 6 (b) overnight sleeping accommodations consisting of a minimum of 10 units each, including bathroom
- 7 and sleeping room, except a Lodging business operating as a "Bed and Breakfast" establishment
- 8 with less than 10 units may participate. "Bed and Breakfast" businesses shall be identified on the
- 9 Logo signs by a standard message specified by the Department. "Bed and Breakfast" businesses
- 10 shall only be allowed to participate in the program if the maximum number of qualified Lodging
- 11 businesses do not request participation in the program and occupy spaces on the Logo sign panels;
- 12 (c) ~~off street vehicle parking for each lodging room for rent;~~ adequate parking accommodations;
- 13 (d) year-round ~~operation.~~ operation;
- 14 (e) on premise telephone available for emergency use by the public.
- 15 ~~(6)~~ (8) "CAMPING". Criteria for erection of a business ~~sign panel~~ on a ~~panel sign~~ shall include:
- 16 (a) appropriate licensing as required by law, including meeting all state and county health and
- 17 sanitation codes and having water and sewer systems which have been duly inspected and approved
- 18 by the local health authority (the operator shall present evidence of such inspection and approval);
- 19 (b) at least 10 campsites with accommodations (including public restroom facilities) for all types of
- 20 travel-trailers, tents and camping vehicles;
- 21 (c) adequate parking accommodations;
- 22 (d) continuous operation, seven days a week during business season;
- 23 (e) removal or masking of said business ~~sign panel~~ by the department during off seasons, if operated
- 24 on a seasonal ~~basis.~~ basis;
- 25 (f) on premise telephone available for emergency use by the public.
- 26 (9) "ATTRACTION". Criteria for erection of a business panel on a sign for any business or establishment
- 27 shall include:
- 28 (a) appropriate licensing as required by law;
- 29 (b) on premise public restroom facilities in a permanent structure;
- 30 (c) continuously open to the motoring public without appointment at least eight hours per day, five
- 31 days per week during its normal operating season or the normal operating season for the type of
- 32 business;
- 33 (d) adequate parking accommodations for a minimum of 10 motor vehicles (cars);
- 34 (e) only facilities which have the primary purpose of providing amusement, historical, cultural, or
- 35 leisure activities to the public and meet the eligibility requirements as specified in the NCDOT
- 36 Logo Signing Manual;
- 37 (f) on premise telephone available for emergency use by the public.

1
2
3
4
5
6
7

History Note: Authority G.S. 136-89.56; 136-137; 136-139; 143B-346; 143B-348; 143B-350(f);
23 C.F.R. 750, Subpart A; 23 U.S.C. 131(f);
Eff. April 1, 1982;
Amended in a Temporary Action Eff. October 20, 2003;
Amended Eff. January 1, 2004; August 1, 1998; April 1, 1994; October 1, 1993; December 1, 1992;
October 1, 1991.

1 TITLE 19A NCAC 02E.0220 IS PROPOSED FOR AMENDMENT AS PUBLISHED UNDER A TEMPORARY
2 ACTION IN 18:3 NCR, AUGUST 1, 2003 AS FOLLOWS:

3
4 **02E .0220 COMPOSITION OF SIGNS**

5 No business ~~sign~~ panel shall be displayed which would mislead or misinform the traveling public. Any message,
6 trademarks, or brand symbols which interfere with, imitate, or resemble any official warning or regulatory traffic
7 sign, signal or device is prohibited.

8 Each specific service business ~~sign~~ panel shall include only information that is related to that specific service.

9 ~~No business sign shall be displayed for a business which is not open for business and in full compliance with the~~
10 ~~standards required by the program.~~ Signs with more than one specific service such as gas and food may be allowed
11 if approved by the Department. Provisional contracts for the businesses other than gas on these signs shall be
12 required as specified in the NCDOT Logo Signing Manual. Individual business panels containing more than one
13 type of service shall not be allowed.

14
15 *History Note: Authority G.S. 136-89.56; 136-137; 136-139; 143B-346; 143B-348; 143B-350(f);*
16 *23 C.F.R. 750, Subpart A; 23 U.S.C. 131(f);*

17 *Eff. April 1, 1982;*

18 *Amended in a Temporary Action Eff. October 20, 2003;*

19 *Amended Eff. January 1, 2004; August 1, 1998; October 1, 1993; November 1, 1987.*

20

Title 19A NCAC 02E.0221 is proposed for amendment as published under a temporary action in 18:3 NCR, August 1, 2003 as follows:

19A NCAC 02E .0221 FEES

All logo signs shall be constructed and maintained by the Department. These logo signs shall be owned by the Department. The participating logo business shall pay an annual fee established by the Board of Transportation. All logo contracts existing under prior administrative code provisions are terminated in accordance with the terms of those contracts. However, existing participants shall not be required to reapply, but shall be required to sign an appropriate contract in accordance with the new regulations in order to continue their participation.

~~(a)~~ (1) The fees for participation in the Logo program are as follows:

~~(1)~~ (a) ~~Mainline and Ramp~~ Mainline, ramp, and trailblazer panels are billed Construction Payback Fee consists of three options as listed in Parts (A), (B) and (C) in this Subparagraph:

~~(A)~~ Option A is a one-year contract fee of two hundred twenty five dollars (\$225) three hundred dollars (\$300) per each mainline and mainline, ramp, and trailblazer panel. ramp sign. Contracts shall be renewed annually and every participating business that meets program requirements, has a valid contract and pays all required fees shall be automatically renewed. The annual fee shall be paid prior to initial installation. ~~every November 1.~~

~~(B)~~ Option B is a 10 year contract fee of two thousand two hundred fifty dollars (\$2,250.00) per each mainline and ramp sign. Contracts shall be renewed by decade every November 1.

~~(C)~~ Option C is a lifetime contract fee of the design and complete installation cost for all required mainline, ramp, trailblazer and supplemental service panels. The participating business shall be subject to a credit to be determined by the Department at the time the Department receives any fee from a business which later qualifies and elects to participate in the program on the subject panel. Businesses participating in the program under Paragraph (c) of this Rule shall not have lifetime rights.

~~(2)~~ Trailblazer Fee is a one time charge of two hundred fifty dollars (\$250.00) per each trailblazer business sign.

~~(3)~~ Maintenance Fee is an annual fee of seventy five dollars (\$75.00) per each mainline, per each ramp, and per each trailblazer business sign.

~~(4)~~ Prorated Fee is a prorated portion of the construction payback fee. This fee shall be charged for that period of time between placement and acceptance of the business sign by the Department and the following November 1. This construction payback prorated fee shall be charged on the first November 1 of the contract. This applies for both one year and 10 year contracts, but not for lifetime contracts as stated in Subparagraph (a)(1) Option C of this Rule.

~~(5)~~ (2) Service Charge Fee of sixty dollars (\$60.00) per each business sign shall be charged when a business requests replacement of their business sign, or when the Department requires replacement due to damages to the business sign caused by acts of vandalism, accidents, or natural causes including natural

1 ~~deterioration.~~ The business shall provide a new or renovated business panel when necessary due to
2 damages to the business sign caused by acts of vandalism, accidents, or natural causes including natural
3 deterioration. ~~sign with the service charge fee per each business sign to the Department.~~ If the
4 Department replaces a business panel on a logo sign or removes or masks a business panel ~~sign~~ because
5 of seasonal operation, there shall be no additional charge to the business.

6 ~~(6) Supplemental Service Signs shall not be subject to fees except as stated in Subparagraph (a)(1) Option C of~~
7 ~~this Rule.~~

8 ~~(b)~~ (3) Fees may be paid by ~~check, cash~~ check or money order and are due in advance of the period of service
9 covered by said fee. Failure to pay a charge when due is ~~ground~~ grounds for removal of the business signs
10 and termination of the contract. ~~All participating businesses shall be allowed to change contract options~~
11 ~~only at the renewal date.~~

12 ~~(c) Any business located more than three miles from a fully controlled access highway participating under~~
13 ~~Subparagraph (a)(1) Option C of this Rule shall be allowed a reimbursement if dislocated by another qualifying~~
14 ~~participating business. This reimbursement amount shall be determined by the Department, based on life cycle costs~~
15 ~~of the logo signs and in service time the business logo was displayed.~~

16
17 *History Note: Authority G.S. 136-89.56; 136-137; 136-139; 143B-346; 143B-348; 143B-350(f); 23*
18 *C.F.R. 750, Subpart A; 23 U.S.C. 131(f);*

19 *Eff. April 1, 1982;*

20 *Amended in a Temporary Action Eff. October 20, 2003;*

21 *Amended Eff. January 1, 2004; July 1, 2000; August 1, 1998; April 1, 1994; October 1, 1993; December 1,*
22 *1992; September 1, 1990.*

23

1 TITLE 19A NCAC 02E.0222 IS HEREBY REPEALED AS FOLLOWS:

2
3 **19A NCAC 02E .0222 CONTRACTS WITH THE DEPARTMENT**

4
5 *History Note: Authority G.S. 136-89.56; 136-137; 136-139; 143B-346; 143B-348; 143B-350(f); 23*
6 *C.F.R. 750, Subpart A; 23 U.S.C. 131(f);*
7 *Eff. April 1, 1982;*
8 *Repealed Eff. January 1, 2004;*
9 *Amended Eff. July 1, 2000; August 1, 1998; December 1, 1994; October 1, 1993; October 1, 1992,*
10 *September 1, 1990.*

1

2