

CHAPTER 353

(HB 693)

AN ACT relating to tourism signage.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 177.076 is amended to read as follows:

As used in KRS 177.076 to 177.079, unless the context requires otherwise:

- (1) "Historical site" means a cultural or educational site that is officially listed in the National Register of Historical *Places*~~[Sites]~~;
- (2) "Fully controlled access highway" means a limited access highway, an interstate highway, and a parkway;
- (3) "Limited supplemental guide sign" means an official highway guide sign that is erected by the Department of Highways to give directions, furnish advance notice, show mileage or exit indicators, and indicate access to historical sites or to scenic, cultural, and recreational tourist areas or attractions and that conforms to the design standards and requirements set forth in the Manual on Uniform Traffic Control Devices (MUTCD);
- (4) "Post-interchange guide sign" means an official highway sign that may be used in conjunction with a limited supplemental guide sign and lists the name of a tourist area or attraction or an historical site and the distance from an interstate to a tourist area or attraction or an historical site. A post-interchange guide sign shall conform to the design standards and requirements set forth in the Manual on Uniform Traffic Control Devices (MUTCD);
- (5) "Rural area" means an area that does not have sufficient population to be designated as an urban area;
- (6) "Tourist area or attraction" means a cultural, recreational, or entertainment facility, *family entertainment center*, or an area of natural phenomenon or scenic beauty that is suited for outdoor recreation~~[or]~~ that receives a major portion of its income or visitors during the normal business season from motorists not residing in the immediate area of the tourist area or attraction. "Tourist area or attraction" does not include any of the following:
 - (a) Lodging facilities; or
 - (b) Facilities that are primarily devoted to the retail sale of goods, unless the *facilities are a family entertainment center or the* goods are created by individuals at the tourist area or attraction or if the sale of goods is incidental to the tourist area or attraction; *or*
 - (c) *Recreational facilities that do not serve as a likely destination where individuals who are not residents of the state would remain overnight in commercial lodging at or near the tourism area or attraction;*
- (7) "*Family entertainment center*" means a facility, other than a stand alone shopping center, that meets all of the following criteria:
 - (a) *Contains a minimum of fifty thousand (50,000) square feet of building space;*
 - (b) *Is located on property encompassing at least five (5) acres adjacent or complementary to a cultural, recreational, or entertainment facility, or natural recreational area;*
 - (c) *Provides a variety of entertainment and leisure options;*

- (d) *Contains at least one (1) restaurant and at least two (2) additional venues, including, but not limited to, live entertainment, concert halls, museums, zoos, or other cultural, recreational or leisure activities; and*
 - (e) *Is at a location where sixty percent (60%) of the developed property is devoted to entertainment and food options.*
- (8) "City" means an area with a population of one hundred thousand (100,000) or more designated by the United States Department of Commerce, Bureau of the Census.

Section 2. KRS 177.077 is amended to read as follows:

- (1) No later than February 1, 1999, the commissioner of the Department of Highways shall establish standards, procedures, and forms for the making and approval of applications for a limited supplemental guide sign by the promulgation of administrative regulations in accordance with KRS Chapter 13A.
- (2) The criteria for the approval of a limited supplemental guide sign application for an historical site or for a tourist area or attraction shall be based upon average annual attendance and distance from a fully controlled access highway interchange.
- (3) At a fully controlled access highway interchange in a rural area, the standards for approval shall be the lesser of:
 - (a) Tourist areas and attractions that have an average annual attendance of ten thousand (10,000) visitors and are located within fifty (50) miles of a fully controlled access highway;
 - (b) Tourist areas and attractions that are located within fifty (50) miles of a fully controlled access interchange and have an annual visitation equal to or greater than the average annual daily traffic count of the fully controlled access highway at the interchange from which the attraction is served.
- (4) At a fully controlled access highway interchange in a city, the standards for approval shall be the lesser of:
 - (a) Tourist areas and attractions that have an average annual attendance of seventy-five thousand (75,000) visitors and are located within fifty (50) miles of a fully controlled access highway interchange;
 - (b) Tourist areas and attractions that are located within fifty (50) miles of a fully controlled access highway interchange and have an annual visitation equal to the average annual daily traffic count of the fully controlled access highway at the interchange from which the attraction is served.
- (5) Historical sites that are located in either a rural area or a city shall have an average annual attendance of five thousand (5,000) and shall be located within fifty (50) miles from a fully controlled access highway interchange.
- (6) The identification of a tourist area or attraction on a specific service sign pursuant to KRS 177.0736 shall not affect its eligibility for a limited supplemental guide sign.
- (7) Upon receipt of an application, the commissioner of the Department of Highways shall within thirty (30) days provide written notification to the applicant of any hearings pertaining to the application. The commissioner of the Department of Highways shall make

- (a) determination on whether to approve the erection of a limited supplemental guide sign within ninety (90) days after the receipt of an application and shall provide written notification to the applicant of his decision.
- (8) Supplemental guide signs, including but not limited to limited supplemental guide signs, erected prior to July 1, 1998, shall not be removed due to the site selection criteria contained in KRS 177.076 to 177.079.

Section 3. KRS 177.078 is amended to read as follows:

- (1) An application from an historical site or from a tourist area or attraction for the erection of a limited supplemental guide sign shall be made to the commissioner of the Department of Highways. The application shall include, but not be limited to:
 - (a) Evidence that demonstrates the average annual attendance;
 - (b) Evidence that the tourist area or attraction is established as a permanent business; and
 - (c) Evidence that the tourist area or attraction has all necessary and proper licenses, that normal business hours shall be maintained, that it is open to the traveling public, and that it provides recreational or educational opportunities.
- (2) ~~An~~~~[A nonrefundable]~~ application fee of two hundred dollars (\$200) shall be paid to the Department of Highways **by each applicant**.
- (3) Upon approval of the application, the applicant shall pay a fee not to exceed five hundred dollars (\$500) per year for a period of ten (10) years or the total cost of the sign and its installation, amortized for a period of ten (10) years, whichever is less, to the Transportation Cabinet.

Approved April 6, 2000