

603 KAR 4:035. Logo signs; placement along fully controlled and partially controlled access highways.

RELATES TO: KRS Chapter 45A, 177.0734-177.0738

STATUTORY AUTHORITY: KRS 177.0736, 177.0738, 177.0739

NECESSITY, FUNCTION, AND CONFORMITY: KRS 177.0736 and 177.0738 require the Commissioner of the Department of Highways to promulgate administrative regulations for the erection of specific service signs on fully controlled access highways and at interchanges on partially controlled access highways. This administrative regulation establishes the criteria to be followed in the erection and maintenance of specific service signs and attached logo signs.

Section 1. Definitions.

- (1) "Clear zone" means the area beginning at the edge of the traveled way that is available for safe use by errant vehicles.
- (2) "Contractor" means the entity selected by the Department of Highways pursuant to KRS Chapter 45A and 600 KAR 6:070 to administer the specific service signing program in Kentucky. The activities of a contractor include:
 - (a) Marketing;
 - (b) Determining business eligibility;
 - (c) Maintenance, erection, and removal of the specific service signs; and
 - (d) Installation and removal of logo signs.
- (3) "Contract year" means a fiscal year that is July 1 through the following June 30.
- (4) "Cover" means to place a protective shield over a logo sign to prohibit viewing of the sign.
- (5) "Fully controlled access highway" is defined by KRS 177.0734(1).
- (6) "Highway guide sign" means an official highway sign that is erected by the Department of Highways to:
 - (a) Give directions;
 - (b) Furnish advance notice of the approach to an intersection or interchange;
 - (c) Direct drivers into appropriate lanes;
 - (d) Identify a route;
 - (e) Indicate the distance to a destination; or
 - (f) Provide information or assistance to the traveling public including:
 1. Motorist services;
 2. Rest areas;
 3. Scenic areas; or
 4. Recreational areas.
- (7) "Interchange" means a system of interconnecting roadways providing for traffic movement between two (2) or more highways that do not intersect at grade.
- (8) "Logo signs" is defined by KRS 177.0734(2).
- (9) "Motorist service" means a place of business providing one (1) or more MUTCD eligible service such as gas, food, lodging, tourist attractions, or camping facilities.
- (10) "MUTCD" means Manual on Uniform Traffic Control Devices incorporated by reference in 603 KAR 5:050.
- (11) "Partially controlled access highway" is defined by KRS 177.0734(4).
- (12) "Specific service signs" is defined by KRS 177.0734(3).
- (13) "Trailblazing sign" means a sign that provides directional guidance to a particular cultural or recreational site from other highways in the vicinity.

Section 2. General Provisions.

- (1) The Commissioner of the Department of Highways shall authorize the placement of specific service signs with logo signs within the right-of-way of fully controlled and

partially controlled access highways.

(2) The Department of Highways shall control the erection and maintenance of specific service and logo signs in accordance with the MUTCD.

Section 3. Application and Contracts for Specific Service Signs. A business shall apply with the cabinet's contractor for a logo or specific service sign.

Section 4. Location and Erection of Specific Service Signs.

(1) A specific service sign shall be located and erected according to the MUTCD in Section 2J

(2) At an interchange with a request for more types of services than signs permitted by the MUTCD, service signing priority shall be in the order "gas", "food", and "lodging", with the remaining services and attractions determined by distance from the interchange.

(3) If there is sufficient space available in a single direction for the maximum number of specific signs permitted by the MUTCD, the signs closest to the interchange shall be for "gas", "food", and "lodging".

(4) A specific service sign shall be located to avoid visual conflict with other signs within the highway right-of-way.

(5) Specific service signs that have unprotected sign supports located within the clear zone shall be of a breakaway design.

(6) If a business ceases to exist or is not in operation for thirty (30) days, the logo sign shall be immediately covered or removed by the contractor.

(7) A business that operates on a seasonal basis shall remove or cover a permitted logo sign during the off season and shall notify the Department of Highways' contractor in writing thirty (30) days before the opening or closing occurs.

Section 5. Business Criteria, Eligibility, and Priority.

(1) A motorist service business shall be eligible for placement of a logo sign on a specific service sign as established in the MUTCD, Section 2J.

(2) An applicant that applies for a FOOD logo and meets MUTCD requirements shall be designated a tier two (2) applicant.

(3) In an urban area where space for a logo sign is limited or where logo signs are full, an applicant for a logo sign that meets all the following requirements shall be designated a tier one (1) applicant:

(a) Is in continuous operation fourteen (14) hours a day, six (6) days a week;

(b) Has a seating capacity for a minimum of fifty (50) guests at sit-down, eat-in service; and

(c) Is located within three (3) miles of the interchange.

(4)

(a) An application for a logo shall be processed in the order received if space is available on the specific service sign.

(b) If a logo sign is full, an applicant shall be placed on a waiting list.

(c) A business that is fifteen (15) miles (24.15 kilometers) or more from the interchange shall not qualify for placement of a logo sign.

(d) A business that is fifteen (15) miles (24.15 kilometers) or more from the interchange with a logo sign in place on January 1, 1994, may continue to display the logo sign until the business fails to meet MUTCD criteria.

(5) A business offering more than one (1) motorist service may display a LOGO on more than one (1) specific service sign if space is available.

Section 6. Duration.

(1) A motor service vendor, except for a food vendor, that obtains a logo shall retain that logo until the motor service vendor no longer pays its annual fee or no longer meets MUTCD requirements.

(2) An eligible food business with a higher tier pursuant to Section 5 of this administrative regulation, shall be permitted to display its sign at the beginning of the next contract year, in the place of a currently displayed, lower tiered business if:

(a) The specific service sign is fully utilized; and

(b) It files an application by April 1;

(3) The food business with the lower tier that is the greatest distance from the interchange shall have its logo sign removed at the end of the current contract year.

(4) If more than one (1) applicant applies for an available space for a food logo, the applicant who applied first shall receive the logo.

Section 7. Fees.

(1)

(a) The qualifying business shall pay to the cabinet's contractor an annual fee of \$600 per direction, in advance, for each logo sign placed on the fully controlled access highway for gas, food, and lodging and \$300 for camping and tourist attractions.

(b) The annual fee for the first year shall accompany the initial application.

(c) If the first contract is for less than one (1) year, the first year's annual fee shall be prorated on a monthly basis with each portion of a month the logo sign is up requiring payment of one-twelfth (1/12) of the fee.

(d) The annual fee and application for renewal shall be due forty-five (45) days prior to the annual renewal date.

(e) The payment of this fee shall guaranty that the logo sign shall be displayed for one (1) contract year or portion of the first contract year as long as the business is not in violation of its agreement with the Department of Highways' contractor or the criteria established in the MUTCD.

(2) If a sign for a business is removed or covered, a fee of \$100 shall be charged for the reinstallation or uncovering of the sign for each business at each interchange.

(3) The qualifying business shall be responsible for damage to its logo sign caused by an act of vandalism or natural causes requiring repair or replacement of a logo sign.

(4) The qualifying business shall provide a new or renovated logo sign if the displayed sign:

(a) Would misinform the traveling public;

(b) Is badly faded or in a state of dilapidation; or

(c) Is in need of repair or replacement due to natural causes or an act of vandalism.

Section 8. Trailblazing Signs for Campgrounds.

(1) A campground fifteen (15) miles (24.15 kilometers) or less from the centerline of a fully controlled access highway shall be eligible for a new trailblazing sign.

(2) One (1) specific service trailblazing sign with a logo may be erected for each business, and the sign shall be placed a minimum of 300 feet (91.5 meters) in advance of the intersection from which the camping service is available.

(3) A trailblazing sign shall not be erected or displayed if the applicant business is visible within 300 feet (91.5 meters) of the intersection on the fully controlled access highway.

Section 9. Measurements. Measurements shall be taken from the end of the exit ramp to the main entrance of the business in the selection of a qualified business for a logo sign.

Section 10. Logo Sign Contract.

(1)

(a) A logo sign and contract shall be subject to review by the Transportation Cabinet.

(b) A contract shall be revoked for a failure to comply with the requirements established in the MUTCD or in this administrative regulation including nonpayment by a participating business.

- (c) If a contract is revoked for cause, the prepaid fees for a contract year or a portion thereof shall not be refunded.
- (2) The Department of Highways' contractor shall notify the business in writing of a violation.
- (3) The Department of Highways contractor shall take immediate action to cancel the contract and remove, replace, or cover the logo signs if a business has been issued a second notice of noncompliance within a single contract year.

Section 11. Appeal to the Commissioner of Highways for Exemption.

- (1) The Commissioner of Highways shall grant an exemption to a business from the necessity of complying with a requirement established in this administrative regulation if:
 - (a) The exemption is in the public interest; and
 - (b) The business conforms to the Federal Highway Administration standards for specific service signs.
- (2) In qualifying for a logo sign, a business that conforms to MUTCD requirements and the requirements established in this administrative regulation shall be given a preference over a business not conforming to the requirements.
- (3) An appeal by a business of the denial of a request for an exemption shall be filed as established in Section 13 of this administrative regulation.

Section 12. Encroachment Permits. The Department of Highways' contractor shall apply for an encroachment permit pursuant to 603 KAR 5:150 for a specific service sign proposed to be erected, modified, or removed from state-owned right-of-way.

Section 13. Appeal of Department of Highways Action.

- (1) A business or person aggrieved by the action taken by the Department of Highways or its contractor in administering this administrative regulation may request a formal hearing before the Commissioner of the Department of Highways.
 - (2) The request for a formal hearing shall:
 - (a) Be filed in writing to the Commissioner, Department of Highways, 200 Mero Street, Frankfort, Kentucky 40622; and
 - (b) State the nature of the complaint and the grounds for the appeal.
 - (3)
 - (a) The Office of Legal Services for the Transportation Cabinet shall assign the matter to a hearing officer.
 - (b) The hearing officer shall issue a recommended order to the Commissioner of the Department of Highways.
 - (c) The Commissioner of the Department of Highways shall issue a final order in the matter.
 - (4) A party aggrieved by the final order of the Department of Highways may appeal. The appeal shall be in accordance with the provisions of KRS 13B.140.
- (9 Ky.R. 578; 678; eff. 11-3-1982; 11 Ky.R. 246; 588; eff. 10-9-1984; 20 Ky.R. 3104; 21 Ky.R. 41; eff. 7-13-1994; 22 Ky.R. 984; 1318; 1463; eff. 1-22-1996; 23 Ky.R. 3413; 3821; 4119; eff. 6-2-1997; 25 Ky.R. 2195; 2882; 26 Ky.R. 58; eff. 6-1-1999; 29 Ky.R. 1682; 2674; eff. 5-15-2003; 38 Ky.R. 1218; 1443; eff. 2-15-2012; Crt eff. 10-8-2018; Crt eff. 3-5-2019.)