

# LOGO RULES

## **19A NCAC 02E .0216 SPECIFIC SERVICE SIGNING (LOGO) PROGRAM**

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

*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 Eff. April 1, 1994; October 1, 1993; October 1, 1991; Temporary Amendment Eff. October 13, 2003; Amended Eff. January 1, 2004.*

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

### **19A NCAC 02E .0218 LOCATION OF PANELS**

*History Note: Authority G.S. 136-89.56; 136-137; 136-139; 143B-346; 143B-348; 143B-350(f); 24 C.F.R. 750, Subpart A; 23 U.S.C. 131(f); Eff. April 1, 1982;*

*Amended Eff. August 1, 1998; September 1, 1984; April 1, 1994; October 1, 1993; October 1, 1991; April 1, 1986; November 1, 1985; Temporary Repeal Eff. October 13, 2003; Repealed Eff. January 1, 2004.*

## **19A NCAC 02E .0219 ELIGIBILITY FOR PROGRAM**

Businesses may participate in the program provided said businesses comply with the following criteria:

- (1) The individual business installation whose name, symbol or trademark appears on a business panel 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.
- (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 60 days 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 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 is reached. If a business's panel is removed and space is available on the sign, or one or more of the existing businesses have provisional contracts, the first fully qualifying business to contact the Department shall be allowed priority for the vacant space or the space occupied by a business with a provisional contract.
- (4) The maximum distance that a "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 (rural) or one mile (urban), provisional contracts are permitted where

the maximum distance may be increased to six 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. A rural interchange is defined as an interchange along a freeway (interstate or other fully-controlled access arterial highway) that is located either in a rural unincorporated area or within the corporate limits of a city or town with a population of less than 40,000. An urban interchange is defined as an interchange along a freeway (interstate or other fully-controlled access arterial highway) that is located either in or within one mile of the corporate limits of a city or town with a population equal to or greater than 40,000. 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) distance 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" or "ATTRACTION" service shall not exceed 15 miles in either direction via an all-weather road.

- (5) "GAS" and associated services. Criteria for erection of a business panel on a sign shall include:
  - (a) licensing as required by law;
  - (b) vehicle services for fuel (gas, diesel, or alternative fuels), motor oil, and water;
  - (c) on premise public restroom facilities;
  - (d) an on premise attendant to collect monies, make change, and make or arrange for tire repairs;
  - (e) year-round operation at least 16 continuous hours per day, seven days a week; and
  - (f) on premise telephone available for emergency use by the public.
- (6) "FOOD" service. Criteria for erection of a business panel on a sign shall include:
  - (a) licensing as required by law, and a permit to operate by the health department;
  - (b) businesses shall operate year-round at least eight continuous hours per day six days per week;
  - (c) indoor seating for at least 20 persons;
  - (d) on premise public restroom facilities; and
  - (e) on premise telephone available for emergency use by the public.
- (7) "LODGING" service. Criteria for erection of a business panel on a sign shall include:
  - (a) licensing as required by law, and a permit to operate by the health department;
  - (b) overnight sleeping accommodations consisting of a minimum of 10 units each, including bathroom and sleeping room, except a Lodging business operating as a "Bed and Breakfast" establishment with less than 10 units may participate. "Bed and Breakfast" businesses shall be identified on the Logo signs by a standard message specified by the Department. "Bed and Breakfast" businesses shall only be allowed to participate in the program if the maximum number of qualified Lodging businesses do not request participation in the program and occupy spaces on the Logo signs. All "Bed and Breakfast" businesses shall have provisional contracts;
  - (c) adequate parking accommodations;
  - (d) year-round operation; and
  - (e) on premise telephone available for emergency use by the public.
- (8) "CAMPING" service. Criteria for erection of a business panel on a sign shall include:
  - (a) licensing as required by law, including meeting all state and county health and sanitation codes and having water and sewer systems which have been duly inspected and approved by the local health authority (the operator shall present evidence of such inspection and approval);
  - (b) at least 10 campsites with accommodations (including on premise public restroom facilities in a permanent structure) for all types of travel-trailers, tents and camping vehicles;
  - (c) adequate parking accommodations;
  - (d) continuous operation, seven days a week during business season;
  - (e) removal or masking of said business panel by the department during off seasons, if operated on a seasonal basis; and
  - (f) on premise telephone available for emergency use by the public.

- (9) "ATTRACTION" service. Criteria for erection of a business panel on a sign for any business or establishment shall include:
- (a) licensing as required by law;
  - (b) on premise public restroom facilities in a permanent structure;
  - (c) continuously open to the motoring public without appointment at least eight hours per day, five days per week during its normal operating season or the normal operating season for the type of business;
  - (d) adequate parking accommodations;
  - (e) on premise telephone available for emergency use by the public; and
  - (f) only facilities whose primary purpose is providing amusement, historical, cultural, or leisure activities to the public and are categorized as follows shall be allowed signing:
    - (i) Amusement Parks: Permanent areas open to the general public including at least three of the following activities: roller coasters, entertainment rides, games, swimming, concerts, and exhibitions;
    - (ii) Cultural Centers or Facilities: Locations for cultural events including museums, outdoor theaters, or a facility that exhibits or sells antiques or items painted or crafted by local artists;
    - (iii) Historic Sites: Buildings, structures, or areas listed on the national or state historic register and recognized by the Department as historic attractions or locations;
    - (iv) Leisure or Recreation Activity Areas: Attractions that provide tourists with opportunities such as golfing (excluding miniature golf, driving ranges, chip and putt areas, and indoor golf), horseback riding, wind surfing, skiing, bicycling, boating, fishing, picnicking, hiking, and rafting;
    - (v) Manufacturing Facilities: Locations that manufacture or produce products of interest to tourists and offer tours at least four times daily on a regularly scheduled year-round basis such as candy, ice cream, cookie, or pickle manufacturing facilities. Facilities shall produce or manufacture and exhibit or sell their products at the facilities.
    - (vi) Agricultural Facilities: Locations that provide tours and exhibit or sell their agricultural products or provide on site samples of their products, such as vineyards and regional farmers markets;
    - (vii) Zoological or Botanical Parks and Farms: Facilities that keep living animals or plants and exhibit them to the public;
    - (viii) Natural Phenomena: Naturally occurring areas that are of outstanding interest to the public, such as waterfalls or caverns; and
    - (ix) Motor Sports Facilities: Locations including museums, race tracks, and race team headquarters that exhibit or sell items related to automobile or truck racing.
- (10) Any other "ATTRACTION" not listed in Item (f) of this Rule shall be approved by the State Traffic Engineer.
- (11) Ineligible Attractions include, but are not limited to, shopping malls, furniture stores, drug stores, movie theaters; community business, historic, antique, or other districts; appliance stores, automobile or truck dealerships or garages, houses of worship, colleges, schools, real estate offices, sand and gravel facilities, produce stands, nurseries, grocery stores, restaurants, bars, lounges, adult establishments, and adult video, book, and novelty stores. An attraction is not eligible for both Travel Services (Logo) Signing and supplemental guide signing, such as Agriculture Tourism signing, at the same interchange.

*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 Eff. August 1, 1998; April 1, 1994; October 1, 1993; December 1, 1992; October 1, 1991; Temporary Amendment Eff. October 13, 2003; Amended Eff. January 1, 2004.*

### **19A NCAC 02E .0220 COMPOSITION OF BUSINESS PANELS AND LOGO SIGNS**

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

(b) Each specific service business panel shall include only information that is related to that specific service. No more than one specific service type such as GAS, FOOD, or LODGING shall be allowed on a business panel.

(c) Combination signs are the large rectangular signs that include space for individual business logo panels with more than one specific service. Provisional contracts for the businesses on combination signs shall be required for all businesses other than the first three fully qualifying GAS panels and the first three fully qualifying FOOD panels.

Combination signs shall be allowed if one or more of the following conditions are met:

- (1) if space is not available for separate sign installations;
- (2) if the number of businesses desiring to participate exceeds the number of spaces available for business panels on sign; or
- (3) if the number of businesses desiring to participate does not warrant the installation of separate sign installations.

*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 Eff. August 1, 1998; October 1, 1993; November 1, 1987; Temporary Amendment Eff. October 13, 2003; Amended Eff. January 1, 2004.*

### **19A NCAC 02E .0221 FEES**

(a) 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.

(b) The fee for participation in the Logo program is as follows: Mainline, ramp, and trailblazer panels are billed an annual fee of three hundred dollars (\$300.00) per each mainline, ramp and trailblazer panel. The initial payment of the fee shall be paid prior to installation. The contract runs for one year from the date of installation. Contracts shall be renewed annually and the fee is due at the contract renewal date. Every participating business that meets program requirements has a valid contract and pays all required fees shall be automatically renewed except for provisional contracts which shall be reviewed by the Department annually prior to renewal.

(c) The business shall provide a new or renovated business panel when necessary due to damages caused by acts of vandalism, accidents, or natural causes including natural deterioration. If the Department replaces a business panel on a logo sign or removes or masks a business panel because of seasonal operation, there shall be no additional charge to the business.

(d) The fee shall be paid by check or money order and is due in advance of the period of service covered by the fee. Failure to pay a fee when due is grounds for removal of the business panels and termination of the contract.

*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 Eff. July 1, 2000; August 1, 1998; April 1, 1994; October 1, 1993; December 1, 1992; September 1, 1990; Temporary Amendment Eff. October 13, 2003; Amended Eff. February 1, 2004.*

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

*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 Eff. July 1, 2000; August 1, 1998; December 1, 1994; October 1, 1993; October 1, 1992, September 1, 1990; Temporary Repeal Eff. October 13, 2003; Repealed Eff. January 1, 2004.*

**19A NCAC 02E .0223    APPEAL OF DECISION OF DIVISION ENGINEER TO SECRETARY**

- (a) Any business which applies to participate in the program and is refused or any business participating in the program which has its contract terminated, signs removed or believes that the program is otherwise not being administered in accord with these Rules may appeal the decision of the Division Engineer to the Secretary. The decision of the Secretary is final.
- (b) The business which decides to appeal a decision of the Division Engineer shall so notify the appropriate engineer of his decision to appeal by certified mail, return receipt requested, within 10 days of the receipt of notice of the decision of the Engineer. The Division Engineer shall then forward the notice given to him by the business to the Secretary.
- (c) Within 20 days from the time of submitting his notice of appeal to the Division Engineer, the business shall submit to the Secretary a written appeal setting forth with particularity the facts upon which its appeal is based.
- (d) Within 30 days from the receipt of the said written appeal or within such additional time as may be agreed to between the Secretary and the business, the Secretary shall make an investigation of the said appeal. The Secretary shall then make appropriate findings of fact and conclusions pertaining to the appeal on behalf of the Department of Transportation and the findings and conclusion shall be served upon the business seeking the review by certified mail, return receipt requested.

*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 Eff. October 1, 1993.*