

Document: Proposed Rule, **Register Page Number:** 25 IR 836

Source: December 1, 2001, Indiana Register, Volume 25, Number 3

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**TITLE 105 INDIANA DEPARTMENT OF
TRANSPORTATION**

Proposed Rule
LSA Document #01-374

DIGEST

Amends 105 IAC 9-4 concerning current categories for business logo signs and adds qualifications for a new category of business logo signs. It will also add a fee for seasonal installation and removal of closed panels, a requirement of compliance checks and notice of violations, and the consideration of available space when locating signs. The rule will also make other substantive and technical changes for spacing requirements for signs and will establish a timeframe for conformance with the spacing requirements. Effective 30 days after filing with the secretary of state.

105 IAC 9-4-4	105 IAC 9-4-9
105 IAC 9-4-5	105 IAC 9-4-10
105 IAC 9-4-6	105 IAC 9-4-11
105 IAC 9-4-7	105 IAC 9-4-12
105 IAC 9-4-8	105 IAC 9-4-13

SECTION 1. 105 IAC 9-4-4 IS AMENDED TO READ AS FOLLOWS:

105 IAC 9-4-4 Definitions

Authority: IC 8-23-2-6

Affected: IC 9-21-4-5

Sec. 4. ~~As used in~~ **The following definitions apply throughout** this rule:

~~(1)~~ **“Business sign” means a separately attached sign mounted on specific information panels to show the brand, symbol, trademark, or name, or combination of these, for a motorist service available at or near an interchange.**

(1) “Business facility” means a business operating in one (1) or more of the areas of service permitted for installation of specific service signs and meeting the criteria for installation of a logo panel.

(2) “CLOSED panel” means a panel imprinted with the word CLOSED that may be installed over a logo panel to indicate the seasonal closing of a business.

~~(2)~~ **(3) “Contractor” means the individual, partnership, firm, corporation, or combination of same contracting with the department for performance of prescribed work.**

~~(3)~~ **(4) “Department” means the Indiana department of transportation.**

~~(4)~~ **(5) “Freeway” means a divided highway for through traffic with full control of access.**

~~(5)~~ **(6) “Full control of access” means the condition where the right of owners or occupants of abutting land or other persons, to access light, air, or view in connection with a highway is fully controlled. Full control is exercised to give preference to through traffic by providing access connections only with selected public roads and by prohibiting crossings at grade or direct private driveway connections.**

(7) “Interstate system” means the federally designated system of interstate highways with full control of access.

(8) “Logo panel” is a business sign and means a separately attached sign mounted on specific service signs to show the brand, symbol, trademark, or name, or combination of these, for a motorist service available at or near an interchange.

(9) “Miniature logo panel” means a reduced size duplicate of the logo panel installed on the specific service sign in advance of the interchange that is installed on the specific service ramp sign.

(10) “Primary applicant” means a business facility requesting a logo panel that meets the highest standard for the specific service.

(11) "Secondary applicant" means a business facility requesting a logo panel that meets a reduced standard for the specific service. Contracts for secondary applicants may be for a shorter period than for primary applicants.

(12) "Specific service ramp sign" means a reduced size specific service sign installed on an interchange ramp to indicate distance and direction to a service facility not readily visible from the ramp intersection with the intersecting roadway.

~~(6)~~ (13) "Specific information panels" service sign" is a specific information panel and means a rectangular sign panel with the following:

(A) The words "GAS", "FOOD", "LODGING", ~~or~~ "CAMPING", ~~or~~ "ATTRACTION".

(B) Directional information.

(C) One (1) or more ~~business signs~~: logo panels.

(Indiana Department of Transportation; 105 IAC 9-4-4; filed Aug 13, 1984, 2:54 p.m.: 7 IR 2326; filed Mar 2, 1988, 10:55 a.m.: 11 IR 2330; filed Jan 8, 1992, 12:00 p.m.: 15 IR 698) NOTE: Transferred from Department of Highways (120 IAC 4-5-4) to Indiana Department of Transportation (105 IAC 9-4-4) by P.L. 112-1989, SECTION 5, effective July 1, 1989.

SECTION 2. 105 IAC 9-4-5 IS AMENDED TO READ AS FOLLOWS:

105 IAC 9-4-5 Costs; rental fee

Authority: IC 8-23-2-6

Affected: IC 9-21-4-5

Sec. 5. (a) The ~~specific service applicant~~ **business facility** or the department's contractor shall bear all costs of manufacturing, installation, and maintenance relating to their respective ~~business sign, logo panel and miniature logo panel~~, including theft, vandalism, or damage for any reason.

(b) The ~~specific service applicant~~ **business facility** shall pay a rental fee to the department or its authorized contractor.

(c) Business facilities that operate on a seasonal basis shall pay a fee for installation and subsequent removal of CLOSED panels or removal and reinstallation of logo panels.

~~(c) The rental fee~~ **(d) Fees** will be established or approved jointly by the department and the Indiana department of commerce. *(Indiana Department of Transportation; 105 IAC 9-4-5; filed Aug 13, 1984, 2:54 p.m.: 7 IR 2326; errata, 7 IR 2546; filed Mar 2, 1988, 10:55 a.m.: 11 IR 2331; filed Jan 8, 1992, 12:00 p.m.: 15 IR 699) NOTE: Transferred from Department of Highways (120 IAC 4-5-5) to Indiana Department of Transportation (105 IAC 9-4-5) by P.L. 112-1989, SECTION 5, effective July 1, 1989.*

SECTION 3. 105 IAC 9-4-6 IS AMENDED TO READ AS FOLLOWS:

105 IAC 9-4-6 Installation of panels; violations

Authority: IC 8-23-2-6

Affected: IC 9-21-4-5

Sec. 6. (a) Installation of a ~~business sign~~ **logo panel** shall be done by the department or its authorized contractor.

(b) The department, or its contractor, shall monitor business facilities on a regular basis, and may conduct random inspections, to assure continued compliance with the conditions of this rule.

(c) The department, or its contractor, shall notify any business facility found not in compliance with any condition of this rule and request compliance within a reasonable time period. Upon reinspection, if the business facility is not in compliance, the business facility shall be deemed in violation of this rule. After two (2) findings of noncompliance with subsequent return to compliance with the same condition of this rule, finding a third noncompliance shall be deemed a violation of a condition of this rule.

~~(b)~~ **(d)** The department, or its contractor, may remove ~~or place closed panels on~~, any ~~business sign~~ **logo panel** for

violation of any of the conditions of this rule.

(e) A business facility whose logo panel is removed for a violation of any condition of this rule may file as a new primary or secondary applicant. No preference will be granted for the prior installation of a logo panel. *(Indiana Department of Transportation; 105 IAC 9-4-6; filed Aug 13, 1984, 2:54 p.m.: 7 IR 2327; errata, 7 IR 2546; filed Mar 2, 1988, 10:55 a.m.: 11 IR 2331; filed Jan 8, 1992, 12:00 p.m.: 15 IR 699) NOTE: Transferred from Department of Highways (120 IAC 4-5-6) to Indiana Department of Transportation (105 IAC 9-4-6) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

SECTION 4. 105 IAC 9-4-7 IS AMENDED TO READ AS FOLLOWS

105 IAC 9-4-7 Location of specific service signs; general requirements

Authority: IC 8-23-2-6

Affected: IC 9-21-2; IC 9-21-4-5

Sec. 7. (a) ~~Business signs on specific information panels~~ **When the spacing requirements in section 10 of this rule can be met, specific service signs** may be erected along the interstate system and other freeways, except at the following locations:

- (1) At an interchange where motorists cannot conveniently reenter the freeway and continue in the same direction of travel.
- (2) Freeway to freeway interchanges.
- (3) Interchanges where **business specific service signs** are inappropriate due to safety considerations.

(b) The specific ~~information panels~~ **service signs** should be located so as to:

- (1)** take advantage of natural terrain; ~~to~~
- (2)** have the least impact on the scenic environment; and ~~to~~
- (3)** avoid visual conflict with other signs within the highway right-of-way.

Unprotected **specific service sign panel** supports located within the clear zone shall be of a breakaway design.

(c) In the direction of traffic **flow**, successive specific ~~information panels~~ **service signs** shall be those for **“ATTRACTION”, “CAMPING”, “LODGING”, “FOOD”, and “GAS”** in that order.

(d) The department will designate, by official action, interchanges where **business specific service signs** may not be erected due to safety considerations. *(Indiana Department of Transportation; 105 IAC 9-4-7; filed Aug 13, 1984, 2:54 p.m.: 7 IR 2327; filed Jan 8, 1992, 12:00 p.m.: 15 IR 699) NOTE: Transferred from Department of Highways (120 IAC 4-5-7) to Indiana Department of Transportation (105 IAC 9-4-7) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

SECTION 5. 105 IAC 9-4-8 IS AMENDED TO READ AS FOLLOWS:

105 IAC 9-4-8 Specific information permitted

Authority: IC 8-23-2-6

Affected: IC 9-21-2; IC 9-21-4-5

Sec. 8. (a) ~~Each business identified on a specific information panel must give written assurance to the state, or the contractor, of its conforming with all applicable laws concerning the provisions of public accommodations without regard to race, religion, color, sex, or national origin, and must not be in breach of that assurance.~~

~~(b)~~ **(a)** The types of services signs permitted are **“GAS”, “FOOD”, “LODGING”, and “CAMPING”, and “ATTRACTION”** and only one (1) type of service per **business sign: logo panel**. To qualify for display on a specific ~~information panel~~, **service sign**, the service facility must meet the requirements outlined in section 13 of this rule.

~~(c)~~ **(b)** The number of specific ~~information panels~~ **service signs** permitted is limited to a maximum of one (1) for each type of service **up to a maximum of four (4) specific service signs** along an approach to an interchange. The number of ~~business signs logo panels~~ permitted on a specific ~~information panel~~ **service sign** is specified in section 11 of this rule. *(Indiana Department of Transportation; 105 IAC 9-4-8; filed Aug 13, 1984, 2:54 p.m.: 7 IR 2327; filed Mar 2,*

1988, 10:55 a.m.: 11 IR 2332; filed Jan 8, 1992, 12:00 p.m.: 15 IR 699) NOTE: Transferred from Department of Highways (120 IAC 4-5-8) to Indiana Department of Transportation (105 IAC 9-4-8) by P.L.112-1989, SECTION 5, effective July 1, 1989.

SECTION 6. 105 IAC 9-4-9 IS AMENDED TO READ AS FOLLOWS:

105 IAC 9-4-9 Size and design; composition; general specifications

Authority: IC 8-9.5-4-8

Affected: IC 9-21-4

Sec. 9. (a) The specific ~~information panels~~ **service signs** shall have a blue **reflectorized** background with a white reflectorized border. The size of the specific ~~information panels~~ **service signs** shall not exceed the minimum size necessary to accommodate the maximum number of ~~business signs logo panels~~ permitted using the required legend height and the interline and edge spacing of current standards of the Indiana Manual on Uniform Traffic Control Devices.

(b) ~~Business signs~~ **Logo panels** shall have a blue background with white legend and border, except where standard ~~business signs identification symbols or trademarks~~ provide a background color. Signs shall be manufactured from sheet aluminum (**eighty-thousandths (.080) inches inch** thick) with reflective sheeting. The principal legend should be at least equal in height to the directional legend on the **specific service** sign panel. Where business identification symbols or trademarks are used for a ~~business sign, logo panel~~, the border may be omitted. The symbol or trademark shall be reproduced in the color and general design consistent with customary use, and any integral legend shall be in proportionate size. Messages, symbols, or trademarks which resemble any official traffic control device or tend to direct traffic are prohibited. The vertical and horizontal spacing between ~~business signs logo panels~~ on ~~sign panels~~ **specific service signs** shall not exceed eight (8) inches and twelve (12) inches respectively.

(c) All directional arrows and all letters and numbers used in the name of the type of service and the directional legend shall be white and reflectorized. (*Indiana Department of Transportation; 105 IAC 9-4-9; filed Aug 13, 1984, 2:54 p.m.: 7 IR 2327; errata, 7 IR 2546*) NOTE: Transferred from Department of Highways (120 IAC 4-5-9) to Indiana Department of Transportation (105 IAC 9-4-9) by P.L.112-1989, SECTION 5, effective July 1, 1989.

SECTION 7. 105 IAC 9-4-10 IS AMENDED TO READ AS FOLLOWS:

105 IAC 9-4-10 Location of signs; special requirements

Authority: IC 8-23-2-6

Affected: IC 9-21-2; IC 9-21-4-5

Sec. 10. (a) Except as provided in section 11(c) of this rule, a separate **specific service** sign ~~panel~~ must be provided for each type of service upon which ~~business signs logo panels~~ are displayed.

(b) The specific ~~information panels~~ **service signs** should be erected between **eight hundred (800) feet beyond the end of the last entrance taper of** the previous interchange and eight hundred (800) feet minimum in advance of the exit ~~direction sign lane taper~~, or the general motorist service sign if present, at the interchange from which the services are available. **When longitudinal space permits, all specific service signs should be installed before the one (1) mile exit panel.** There should **normally** be at least eight hundred (800) feet spacing between the signs, **and at least eight hundred (800) feet visibility to a sign installed beyond a sight obstruction.** Excessive spacing should be avoided.

(c) **Specific service signs existing at the time this rule is adopted and not meeting these spacing requirements may remain in place for the remainder of their normal service life but no longer than fifteen (15) years from adoption of this rule. At the end of the service life or at some time before the fifteen (15) years limit is reached, signs not complying with these spacing requirements should be removed or relocated in compliance with these requirements.**

(d) **When available space or other restrictions limit the number of specific service signs that may be installed**

approaching an interchange, the order of preference for choosing services to be displayed shall be “GAS”, “FOOD”, “LODGING”, “CAMPING”, “ATTRACTION”.

(e) (e) At single-exit interchanges, where service facilities having a **business sign logo panel** are not visible from the ramp terminal, **miniature directional business sign panels specific service ramp signs** must be installed at the ramp terminal as follows:

- (1) **Directional sign panels Specific service ramp signs** must include the distance and the directional arrow to the service facility.
- (2) The installation of **miniature directional business sign panels specific service ramp signs** shall be at the expense of the business facility.
- (3) The miniature **business sign logo panels installed on specific service ramp signs** must be a **duplicate of the corresponding specific business sign along the main roadway but reduced in size to eighteen (18) inches high by twenty-four (24) inches wide. The design of this sign must be approved by the department.**
- (4) The miniature **business sign logo panel** on the **directional specific service ramp sign panel** will be installed after receipt of the miniature **business sign logo panel** from the business facility.
- (5) Miniature **business signs, logo panels**, if required, must accompany the specific **business signs logo panel** before any installations are made.

(Indiana Department of Transportation; 105 IAC 9-4-10; filed Aug 13, 1984, 2:54 p.m.: 7 IR 2328; errata, 7 IR 2546; filed Mar 2, 1988, 10:55 a.m.: 11 IR 2332; filed Jan 8, 1992, 12:00 p.m.: 15 IR 700) NOTE: Transferred from Department of Highways (120 IAC 4-5-10) to Indiana Department of Transportation (105 IAC 9-4-10) by P.L.112-1989, SECTION 5, effective July 1, 1989.

SECTION 8. 105 IAC 9-4-11 IS AMENDED TO READ AS FOLLOWS:

105 IAC 9-4-11 Design; special requirements

Authority: IC 8-23-2-6

Affected: IC 9-21-4

Sec. 11. (a) At single-exit interchanges, the name of the type of service followed by the exit number shall be displayed in one (1) line above the **business signs, logo panels**, or, as an alternate, the exit number may be placed above the specific **information panel service sign** and the type of service(s) **service or services** should be displayed in one (1) line above the **business signs, logo panels**. At unnumbered interchanges, the directional legend “NEXT RIGHT (LEFT)” shall be substituted for the exit number. The specific **information panel service sign** shall be limited to six (6) **business signs logo panels** for “GAS”, “FOOD”, “LODGING”, and “CAMPING”, and “ATTRACTION”.

(b) At double-exit interchanges, the specific **information panels service signs** shall consist of two (2) sections, one (1) for each exit. The top section shall display the **business signs logo panels** for the first exit, and the lower section shall display the **business signs logo panels** for the second exit. The name of the type of service followed by the exit number shall be displayed in a line above the **business signs logo panels** in each section. At unnumbered interchanges, the legend “NEXT RIGHT (LEFT)” and “SECOND RIGHT (LEFT)” shall be substituted for the exit numbers. Where a type of motorist service is to be signed for at only one (1) exit, one (1) section of the specific **information panel service sign** may be omitted, or a single-exit interchange sign may be used. The number of **business signs logo panels** on the **specific service sign panel** (total of both sections) shall be limited to six (6) for “GAS”, “FOOD”, “LODGING”, and “CAMPING”, and “ATTRACTION”.

(c) At remote rural interchanges, where **not more than two (2) the number of** qualified **business** facilities are available for each of two (2) or more types of services, **business signs limited, or at interchanges where longitudinal space limits the number of specific service signs that may be installed, logo panels for two (2) or three (3) types of services may be displayed on the same specific service sign. panel. Not more than three (3) business signs for each type of service shall be displayed in combination on a panel. The permitted combinations are:**

- (1) **Up to two (2) logo panels for up to three (3) types of services.**
- (2) **Up to three (3) logo panels for two (2) types of services.**
- (3) **Up to four (4) logo panels for one (1) type of service and up to two (2) logo panels for one (1) other type of service.**

The name of each type of service shall be displayed above its respective ~~business sign(s)~~, **logo panel or panels**, and the exit number shall be displayed above the names of the types of services. At unnumbered interchanges, the legend "NEXT RIGHT (LEFT)" shall be substituted for the exit number. ~~Business signs~~ **Logo panels** should not be combined on a ~~panel specific service sign~~ when it is anticipated that additional service facilities will become available in the near future. When it becomes necessary to display a ~~fourth business sign~~ **more logo panels** for a type of service displayed in combination, the ~~business signs logo panels~~ involved shall then be displayed in compliance with ~~subsection~~ **subsections** (a) through (b).

(d) The normal orientation for specific service signs is with the longer dimension horizontal. At locations with extreme conditions, such as narrow right-of-way or steep slopes, where a horizontal installation is not practical, the longer dimension may be installed vertical with sections appropriate to the vertical orientation. The left section shall be for the first exit of a double-exit interchange and the right section for the second exit.

(e) When a specific service sign is divided into sections, a section may not be extended left or right, up or down to encroach into the area of another section. Specific service signs not in compliance with this provision at the time this rule is adopted may remain in place until the earlier of:

(1) the end of the normal service life of the sign; or

(2) a logo panel in the section with the extension is removed so that sections that comply may be established.
(Indiana Department of Transportation; 105 IAC 9-4-11; filed Aug 13, 1984, 2:54 p.m.: 7 IR 2328; filed Mar 2, 1988, 10:55 a.m.: 11 IR 2332; filed Mar 30, 1990, 3:30 p.m.: 13 IR 1390) NOTE: Transferred from Department of Highways (120 IAC 4-5-11) to Indiana Department of Transportation (105 IAC 9-4-11) by P.L.112-1989, SECTION 5, effective July 1, 1989.

SECTION 9. 105 IAC 9-4-12 IS AMENDED TO READ AS FOLLOWS:

105 IAC 9-4-12 Size; special requirements

Authority: IC 8-23-2-6

Affected: IC 9-21-4

Sec. 12. (a) Each ~~business sign logo panel~~ displayed on the "GAS" specific ~~information panel~~ **service sign** shall be contained within a forty-eight (48) inch wide and thirty-six (36) inch high rectangular background area, including border.

(b) Each ~~business sign logo panel~~ on the "FOOD", "LODGING", ~~and~~ "CAMPING", ~~and~~ "ATTRACTION" specific ~~information panels~~ **service signs** shall be contained within a sixty (60) inch wide and thirty-six (36) inch high rectangular background area, including border.

(c) All letters used in the name of the type of service and the directional legend shall be ten (10) inch capital letters. Numbers shall be ten (10) inches in height. *(Indiana Department of Transportation; 105 IAC 9-4-12; filed Aug 13, 1984, 2:54 p.m.: 7 IR 2329) NOTE: Transferred from Department of Highways (120 IAC 4-5-12) to Indiana Department of Transportation (105 IAC 9-4-12) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

SECTION 10. 105 IAC 9-4-13 IS AMENDED TO READ AS FOLLOWS:

105 IAC 9-4-13 Qualification for logo panels

Authority: IC 8-23-2-6

Affected: IC 9-21-4

Sec. 13. (a) In addition to the specific requirements in this section, each applicant must hold valid licenses, permits, and/or approvals required of the facility by any appropriate governmental agency. **Each business identified on a specific service sign must give written assurance to the state, or the contractor, of its conforming with all applicable laws concerning the provisions of public accommodations without regard to race, religion, color, sex, disability, or ancestry, and must not be in breach of that assurance.**

(b) To qualify as a ~~primary~~ **an** applicant for a "GAS" ~~business sign~~, **logo panel**, a business **facility** must establish the

following:

- (1) Provide vehicle services including fuel, oil, tire repair, and water. It is permissible for a subcontractor to provide tire repair service on the premises of the **primary applicant within one (1) hour of notification or for the applicant to have printed directions to a tire repair facility open for business the same hours as the applicant within one (1) mile of the applicant business facility.**
- (2) Provide **modern** public restroom facilities and drinking water.
- (3) Be in continuous operation with a minimum of **the following:**
 - (A) Sixteen (16) hours a day for seven (7) days a week **for a primary applicant.**
 - (B) **Twelve (12) hours a day for seven (7) days a week for a secondary applicant.**
- (4) Provide a public telephone.
- (5) Be located within two (2) miles of the interchange and be on, or readily visible from, the intersecting crossroad.

(c) To qualify as a **primary an applicant** for a “FOOD” **business sign, logo panel**, a business **facility** must establish the following:

- ~~(1) Open on or before 8:30 a.m.~~
- ~~(2) Provide twelve (12) hours of service a day and serve three (3) meals a day, seven (7) days a week, with a minimum seating capacity of twenty-five (25) persons.~~
- ~~(3) (1) Provide **modern** public restroom facilities.~~
- ~~(4) (2) Provide a public telephone.~~
- ~~(5) (3) Be located within three (3) miles of the interchange and be on, or readily visible from, the intersecting crossroad.~~
- (4) Provide a minimum seating capacity of twenty-five (25) persons.**
- (5) Provide meals a minimum of six (6) days per week. If applicable, the day of the week the business facility is not in operation shall be shown on or below the logo panel.**
- (6) Provide meal services a minimum of:**
 - (A) **twelve (12) hours operation for three (3) meals a day opening at or before 8:30 a.m. for a primary applicant; and**
 - (B) **two (2) meals per day for secondary applicant.**

(d) To qualify as a **primary an applicant** for a “LODGING” **business sign, logo panel**, a business must establish the following:

- (1) Provide a minimum of ten (10) separate sleeping units **with modern sanitary facilities.**
- (2) Provide a public telephone.
- (3) Have gasoline and food available within one (1) mile of the facility, between the facility and the interchange, or within the respective limits stipulated in subsections (b) and (c).
- (4) Be located within three (3) miles of the interchange and be on, or readily visible from, the intersecting crossroad.

(e) To qualify as a **primary an applicant** for a “CAMPING” **business sign, logo panel**, a business **facility** must establish the following:

- (1) Provide adequate waste disposal.
- (2) Provide **modern sanitary facilities, including** an adequate number of toilets, **and** lavatories, **and showers** for **camper parking camping sites’** capacity.
- (3) Provide running water, **with showers drinking water**, and electricity.
- (4) Provide a minimum of **fifty (50) overnight camper number of camping sites:**
 - (A) **fifty (50) for primary applicant; and**
 - (B) **twenty-five (25) for secondary applicant.**
- (5) Be located within fifteen (15) miles of the interchange.
- (6) Provide a public telephone.
- (7) Provide **twelve (12) month continuous months of operation or provide for “Closed” panels overlaying the business sign during the seasonal closing. The closed panel will be fabricated and erected at the applicant’s expense. Posting of the closed panel, and subsequent removal, will be limited to a one (1) time per year basis. as follows:**
 - (A) **Twelve (12) months for primary applicant.**
 - (B) **Six (6) months for secondary applicant. The secondary applicant shall provide for “Closed” panels during the months of closure. Posting of the closed panel, and subsequent removal, will be limited to one (1)**

time per year. Alternatively, the months of operation may be posted on or below the logo panel.
(8) Provide adequate trailblazing from the interchange to the facility.

(f) To qualify as a secondary applicant for a "GAS" business sign, an "ATTRACTION" logo panel, a business facility must establish the following:

- (1) Provide vehicle services including fuel, oil, tire repair, and water. It is permissible for a subcontractor to provide tire repair service on the premises of the secondary applicant.
- (2) Provide public restroom facilities and drinking water.
- (3) Be in continuous operation for a minimum of twelve (12) hours a day for seven (7) days a week.
- (4) Provide a public telephone.
- (5) Be located within two (2) miles of the interchange and be on, or readily visible from, the intersecting crossroad.

- (1) Be of regional significance.
- (2) Have adequate off-street parking for normal visitor demand.
- (3) Provide modern public restroom facilities and drinking water.
- (4) Provide a public telephone.
- (5) Be located within fifteen (15) miles of the interchange.
- (6) Provide adequate trailblazing from the interchange to the facility.
- (7) Be one (1) or more of the following:

(A) Amusement park. A commercially operated park enterprise that supplies refreshments and various forms and devices for entertainment.

(B) Business district/main street community. The central business district of a community or an area within a community that has been officially designated as a main street community by the Indiana department of commerce. To qualify for this type of signage at an exit, there must be more than one (1) exit from the highway to access the community.

(C) Education center. A facility that is of outstanding educational value and conducts tours on a regularly scheduled basis throughout the year.

(D) Golf course. Eighteen (18) hole minimum United States Golf Association regulation governed. Secondary applicant is the only applicant status available for golf course regardless of operation times outlined in subdivision (8).

(E) Historical site. A structure, district, or site listed on the Indiana Register of Historic Sites and Structures or the National Register of Historic Places as being of historical significance and is open to the public.

(F) Museum. An organized and permanent institution, with professional staff, essentially educational or aesthetic in purpose, that owns or utilizes tangible objects, cares for them, and exhibits them to the public on some regular schedule.

(G) Religious site. A shrine, grotto, or similar type site that is of a unique religious nature.

(H) Resort/ski area/marina. A facility with those recreational amenities normally present at a facility that is the main focal point of a vacation and is situated to take advantage of a natural, historic, or recreational attraction.

(I) U-pick/orchard/farmer's market. An established area or facility where consumers can purchase consumer picked or prepicked fresh Indiana grown food directly from Indiana producers.

(J) Winery. A facility that produces wine from grapes or other fruit and maintains a tasting room, sales, and tours.

(K) Botanical/zoological facility. A facility that houses and maintains a collection of unique living animals or plants and is open to the public.

(8) Have regularly scheduled operation for a minimum of the following:

(A) Eight (8) hours per day, seven (7) days per week all year for primary applicant.

(B) Six (6) hours per day for five (5) days per week for eight (8) continuous months per year for secondary applicant. If applicable, the day or days of the week the business facility is not in operation shall be shown on or below the logo panel. The secondary applicant shall provide for "Closed" panels during the months of closure. Posting of the closed panel, and subsequent removal, will be limited to one (1) time per year. Alternatively, the months of operation may be posted on or below the logo panel.

(g) To qualify as a secondary applicant for a "FOOD" business sign, a business must establish the following:

- (1) Serve two (2) meals a day, seven (7) days a week, with a minimum seating capacity of twenty-five (25) persons.
- (2) Provide public restroom facilities.

(3) Provide a public telephone.

(4) Be located within three (3) miles of the interchange and be on, or readily visible from, the intersecting crossroad.

(h) (g) The department or its contractor will enter into contracts with primary applicants for the use of space on specific information panels: **service signs**. If space remains available on "GAS" and "FOOD" information panels **specific service signs** after primary applicants have been ~~contacted~~, **contracted**, the department or its contractor may enter into contracts with secondary applicants for use of the remaining space. (*Indiana Department of Transportation; 105 IAC 9-4-13; filed Aug 13, 1984, 2:54 p.m.: 7 IR 2329; errata, 7 IR 2546; filed Mar 2, 1988, 10:55 a.m.: 11 IR 2333; filed Oct 5, 1993, 5:00 p.m.: 17 IR 173*) NOTE: Transferred from Department of Highways (120 IAC 4-5-13) to Indiana Department of Transportation (105 IAC 9-4-13) by P.L.112-1989, SECTION 5, effective July 1, 1989.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on January 15, 2002 at 10:00 a.m., at the Indiana Department of Transportation, Indiana Government Center-North, 100 North Senate Avenue, Room 730, Indianapolis, Indiana the Indiana Department of Transportation will hold a public hearing on proposed amendments concerning current categories for business logo signs and adding qualifications for a new category of business logo signs. The amendments will also add a fee for seasonal installation and removal of closed panels, a requirement of compliance checks and notice of violations, and the consideration of available space when locating signs. Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Room 730 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

J. Bryan Nicol
Commissioner
Indiana Department of Transportation