

**TRANSPORTATION DEPARTMENT[761]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code sections 306C.11, 307.10 and 307.12, the Iowa Department of Transportation, on November 12, 2013, adopted amendments to Chapter 120, "Private Directional Signing," Iowa Administrative Code.

Notice of Intended Action for these amendments was published in the September 18, 2013, Iowa Administrative Bulletin as **ARC 1017C**.

The amendments:

- Delete a restriction that prohibits a business or tourist attraction from placing a private directional sign within the daylight area of an intersection, exclusive of any public right-of-way.
- Add a restriction on the placement of any private directional sign which obstructs or impairs the vision of the motorist near an intersection or a railroad crossing pursuant to Iowa Code section 657.2.
- Clarify that if a trademark or logo is to be approved for use by the Department, it will serve as the identification of the business or attraction in lieu of a word message identifying the business or attraction.
- Provide exceptions for signs measuring 32 square feet or less in size; the Tourist Signing Committee will not need to review these applications, and there is no application fee.
- Correct nondiscrimination language and the implementation sentence.

These rules do not provide for waivers. Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

These amendments are identical to those published under Notice of Intended Action.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 306C.11 and 657.2.

These amendments will become effective January 15, 2014.

The following amendments are adopted.

ITEM 1. Rescind the definition of "Daylight area" in rule **761—120.1(306C)**.

ITEM 2. Amend rule 761—120.2(306C) as follows:

**761—120.2(306C,657) General requirements.**

**120.2(1)** No change.

**120.2(2)** A private directional sign shall not:

*a.* to *e.* No change.

*f.* Obstruct or impair the view of any portion of the public roadway at an intersection or a railroad crossing and cause an unsafe condition as determined by the department.

ITEM 3. Amend subrule 120.5(3) as follows:

**120.5(3)** The following spacing requirements apply to private directional signs:

*a.* to *e.* No change.

~~*f.* A private directional sign shall not be located within the daylight area.~~

*g-f.* Except as otherwise specified, on-premises signs, permitted billboards, and official signs and notices are not taken into consideration when determining compliance with spacing requirements.

ITEM 4. Amend subrule 120.6(4) as follows:

**120.6(4)** The sign message shall not contain additional words or phrases descriptive of the activity or site, pictorial or photographic representations of the activity or site or its environs, or advertisements of brand-name goods. However, the department may authorize the display of a nationally or regionally recognized trademark or logo in lieu of a word message to identify the activity or site.

ITEM 5. Amend subrule 120.7(3) as follows:

**120.7(3)** The activity or site must be open to the general public and not by appointment, reservation or membership only and must comply with all applicable laws concerning public accommodations without regard to age, race, religion, creed, color, age, sex, sexual orientation, gender identity, or national origin, religion or disability.

ITEM 6. Amend subrule 120.8(3) as follows:

**120.8(3)** The tourist signing committee will approve or deny applications, except that signs located along noninterstate routes and not exceeding 32 square feet in size may be approved or denied by the department. The composition of the committee is set out in 761—subrule 119.5(3).

ITEM 7. Amend rule 761—120.9(306C) as follows:

**761—120.9(306C) Fees.** Fees are applicable to all signs measuring over 32 square feet in size. The initial fee, payable at the time of application, is \$100 per permit. The annual renewal fee, payable on or before June 30 of each year, is \$15 per permit.

ITEM 8. Amend **761—Chapter 120**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 306C.10 to 306C.19 and 657.2.

[Filed 11/13/13, effective 1/15/14]

[Published 12/11/13]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/11/13.