

CHAPTER 119
TOURIST-ORIENTED DIRECTIONAL SIGNING

761—119.1(321) Definitions.

“*Primary highway*,” for the purpose of this chapter, does not include an interstate highway or a freeway primary highway as defined in Iowa Code section 306C.10.

“*Tourist-oriented directional signing*” is official signing that is located within the right-of-way of a primary highway and that identifies and gives directions to activities or sites of significant interest to the traveling public. However, official signing for campgrounds and ski area facilities is not included in this definition. This signing is provided for elsewhere.

761—119.2(321) General.

119.2(1) *Conformance to MUTCD.* Tourist-oriented directional signing shall conform to the “Manual on Uniform Traffic Control Devices” (MUTCD), as adopted in rule 761—130.1(321).

119.2(2) *Spacing and location.*

- a. Tourist-oriented directional signing shall be installed only when sufficient space is available.
- b. Tourist-oriented directional signing shall be installed in advance of the intersection where the motorist leaves the primary highway system to travel to the activity or site. However, tourist-oriented directional signs may be placed within the maximum travel distance on a higher classified highway to direct motorists onto a lower classified highway, or on a greater traveled highway to direct motorists onto a lesser traveled highway.

c. Tourist-oriented directional signing shall not be placed at interchanges. If an at-grade intersection on a primary highway is replaced with an interchange, the intersection will no longer qualify for tourist-oriented directional signing. Any tourist-oriented directional signing previously erected shall be removed by the department.

d. If an adjacent landowner complains to the department about the placement of a tourist-oriented directional sign, the department shall attempt to reach an agreement with the landowner for relocating the sign. If possible, the sign shall be relocated to the least objectionable place.

119.2(3) *Advance signing.* Advance signing authorized by the MUTCD may be installed where the department determines that advance notification of an activity or site would reduce vehicle conflicts and improve highway safety.

119.2(4) *Message.* The message on a tourist-oriented directional sign is limited to a descriptive name, a directional arrow, and travel distance to the activity or site. However, if an agricultural business activity offers tours, the message for the activity shall include the word “tours.”

761—119.3(321) General eligibility requirements for an activity or site. This rule describes the general requirements which an individual activity or site must meet to qualify for tourist-oriented directional signing.

119.3(1) *Significant interest to the traveling public.* An activity or site must be of significant interest to the traveling public. This means that a major portion of the activity’s or site’s products or services is tourist- or motorist-oriented.

119.3(2) *Hours.* The activity or site shall be open to the general public during regular and reasonable hours and not by appointment, reservation or membership only.

- a. Seasonal activities shall be in operation a minimum of four consecutive weeks.
- b. The current months, days and hours of operation shall be conspicuously posted on the premises.

119.3(3) *Building or area.* The activity shall be conducted in an appropriate area or in a building appropriately designed or well-suited for the purpose.

a. The activity shall not be conducted in a building principally used as a residence unless there is a convenient, separate, and well-marked entrance.

b. The building or area must be maintained in a manner consistent with standards generally accepted for that type of business or activity.

119.3(4) *Location of activity or site.* The activity or site shall be located:

- a. In an unincorporated area or inside the corporate limits of a city with a population of 2500 or less.
- b. Outside the corporate limits of a city with a population between 2500 and 5000. However, tourist-oriented directional signing for the activity or site may be located within the corporate limits.
- c. Outside the urban area, as established by the U.S. Census Bureau, of a city with a population of 5000 or more. However, tourist-oriented directional signing for the activity or site may be located within the urban area or corporate limits.

119.3(5) *Signing restrictions.* An activity or site does not qualify for a tourist-oriented directional sign if:

- a. The activity or site is identified by an off right-of-way directional sign, as authorized in 761—Chapter 120, that is within one mile, is on the same route, and is facing the same direction as the proposed tourist-oriented directional sign.
- b. The activity or site or an on-premises sign advertising the activity or site is readily recognizable from the primary highway far enough ahead of the entrance to allow the motorist time to safely make the turn into the entrance.
- c. An advertising device which serves the activity or site is erected or maintained in violation of Iowa Code chapter 306B; Iowa Code chapter 306C, division II; or other statutes or administrative rules regulating outdoor advertising.

119.3(6) *Nondiscrimination.* The activity or site shall comply with all applicable laws concerning public accommodations without regard to race, religion, color, age, sex, or national origin.

761—119.4(321) Specific eligibility requirements for the type of activity or site. This rule describes the types of activities or sites that may qualify for tourist-oriented directional signing. Within each type, this rule also describes the specific requirements that an individual activity or site must meet to qualify for tourist-oriented directional signing. These requirements are in addition to those found in rule 119.3(321).

119.4(1) *Motorist service.*

- a. A service of significant interest to motorists may qualify. The types of services which may qualify include, but are not limited to: gas, food, lodging, or passenger vehicle service or repair.
- b. An activity or a site providing a motorist service must:
 - (1) Be open a minimum of eight hours a day, six days a week.
 - (2) Be open 12 months a year or during the normal seasonal period.
 - (3) Be located within five miles of the primary highway.

119.4(2) *Tourist attraction.*

- a. An attraction that is of significant interest to tourists as a historic, cultural, scientific, or religious site, or as a site of natural scenic beauty or naturally suited for outdoor recreation, may qualify.
- b. In determining significant interest, the tourist signing committee shall consider information provided by the applicant and a site review of the attraction, and may seek advice from agencies or organizations who have specific information on the attraction.
- c. A tourist attraction must:
 - (1) Be open a minimum of 40 hours a week, five days a week.
 - (2) Be open a minimum of three consecutive months each year.
 - (3) Be located within five miles of the primary highway or within ten miles if open a minimum of eight hours a day, seven days a week.

119.4(3) *Agricultural business activity.*

- a. An agricultural business activity of significant interest to the traveling public may qualify.
- b. “Significant interest” means the agricultural business activity does one of the following:
 - (1) Provides a regular and reasonable tour along with a brochure. The brochure must fully describe the tour if it is self-guided.
 - (2) Offers products which are of interest to the general public and can be purchased from the site.
 - (3) Provides a service which is of interest to the traveling public.
- c. An agricultural business activity must:
 - (1) Be open a minimum of 40 hours a week, five days a week.

- (2) Be open 12 months a year or during the normal seasonal period.
- (3) Be located within ten miles of the primary highway.

119.4(4) Other commercial activity.

a. A nonagricultural commercial activity, business, service or site of significant interest to the traveling public may qualify. A major portion of the products or services provided must be tourist- or motorist-oriented.

b. A nonagricultural commercial activity must:

- (1) Be open a minimum of 40 hours a week, five days a week.
- (2) Be open 12 months a year or during the normal seasonal period.
- (3) Be located within five miles of the primary highway.

761—119.5(321) Application and approval procedure.

119.5(1) Applications for tourist-oriented directional signing shall be submitted to: Advertising Management Section, Office of Traffic and Safety, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

119.5(2) The department of transportation shall verify compliance with the minimum requirements and develop an agenda for the tourist signing committee's review of applications that meet the minimum requirements. The department shall return to the applicant an application that does not meet the minimum requirements.

119.5(3) The tourist signing committee consists of representatives from the department of economic development, the department of transportation, the department of agriculture and land stewardship, the department of natural resources, the department of cultural affairs, the travel federation of Iowa, and the outdoor advertising association of Iowa. The committee's responsibility is to approve or deny applications.

119.5(4) If the number of approved applicants for an intersection is greater than the number of spaces available, the department of transportation shall hold a lottery among the approved applicants to select the applicants who will fill any vacant spaces.

761—119.6(321) Installation, maintenance, replacement and removal.

119.6(1) *Installation and maintenance of tourist-oriented directional signs.* Except as provided in subrule 119.6(5), the department shall fabricate and perform all required installation, maintenance, removal and replacement of tourist-oriented directional signs that are located within the right-of-way.

a. The department shall design the tourist-oriented directional sign and provide a scaled drawing of it to the applicant prior to sign fabrication.

b. A tourist-oriented directional sign for a for-profit activity or site shall not be installed until the applicant has paid the department the initial fee specified in subrule 119.6(3). If the activity or site is not for profit, the department shall fabricate and install the sign and provide normal maintenance at no cost to the applicant.

119.6(2) *Installation and maintenance of trailblazing signs.* If the activity or site is not located adjacent to the secondary road or city street intersecting the primary route, trailblazing signs are required. Trailblazing signs shall conform to requirements in the MUTCD.

a. The department shall fabricate trailblazing signs and provide them to cities and counties for installation on secondary roads and city streets. Cities and counties are responsible for the installation and maintenance of trailblazing signs on routes under their jurisdiction.

b. Trailblazing signs for a for-profit activity or site shall not be installed until the applicant has paid the department a fee for the cost of sign fabrication.

c. Tourist-oriented directional signs shall not be installed until necessary trailblazing signs are in place.

119.6(3) *Fees.* The initial fee, payable once an application is approved, is \$100 per sign plus the cost of sign fabrication and installation. The annual renewal fee, payable on or before June 30 of each year, is \$50 per sign, which covers administrative costs and normal maintenance. These fees apply to for-profit activities or sites only.

119.6(4) *Additional services.* The department may perform additional services requested for an activity or site in connection with the modification of a tourist-oriented directional sign. If the sign is for a for-profit activity or site, the activity or site shall prepay a \$50 service charge plus the cost of any required new or renovated sign.

119.6(5) *Seasonal activity or site.* A tourist-oriented directional sign for a seasonal activity or site must either be masked or have a “closed” panel installed over the sign’s directional information when the activity or site is closed or when the hours of operation decrease below the minimum requirements during the off-season period. Either the department or the activity or site with the department’s permission shall perform the work. If the department performs the work, the approved applicant must pay the actual cost to install and remove the “closed” panel or to mask the sign.

119.6(6) *Required replacement.*

a. The department shall determine when a tourist-oriented directional sign is no longer serviceable and needs to be replaced. A for-profit activity or site must pay for the cost of a new sign and its installation prior to installation. If the activity or site is not for profit, the department shall replace the sign at no cost to the activity or site.

b. The department is not responsible for theft of tourist-oriented directional signs or damage to them caused by vandalism, vehicle accidents, or natural causes. If a sign for a for-profit activity or site requires repair or replacement due to theft or damage, the activity or site must pay the cost of a new sign and its installation. At the activity’s or site’s request, this cost may be spread over a 12-month period. If the activity or site is not for profit, the department shall repair or replace the sign at no cost to the activity or site.

119.6(7) *Removal.* The department shall remove a tourist-oriented directional sign if the activity or site no longer qualifies for tourist-oriented directional signing. As official signs, all tourist-oriented directional signs are the property of the department and shall not be given to applicants upon the signs’ removal.

These rules are intended to implement Iowa Code section 321.252.

[Filed 5/11/87, Notice 3/11/87—published 6/3/87, effective 7/8/87]

[Filed 5/3/89, Notice 3/22/89—published 5/31/89, effective 7/5/89]

[Filed 8/7/96, Notice 7/3/96—published 8/28/96, effective 10/2/96]

[Filed 11/7/02, Notice 9/4/02—published 11/27/02, effective 1/1/03]