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SENATE BILL 5381

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State of Washington

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By Senators T. Sheldon, Benton, Haugen, Horn, Costa and Winsley; by request of Department of Transportation

Read first time 01/21/1999. Referred to Committee on Transportation.

1 AN ACT Relating to motorist information signs; and amending RCW  
2 47.36.005, 47.36.300, 47.36.310, 47.36.320, 47.36.330, 47.36.340, and  
3 47.36.350.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 47.36.005 and 1991 c 94 s 3 are each amended to read  
6 as follows:

7 The definitions set forth in this section apply throughout this  
8 chapter.

9 (1) "Erect" means to construct, build, raise, assemble, place,  
10 affix, attach, create, paint, draw, or in any other way bring into  
11 being or establish.

12 (2) "Interstate system" means a state highway that is or becomes  
13 part of the national system of interstate and defense highways as  
14 described in section 103(d) of Title 23, United States Code.

15 (3) "Maintain" means to allow to exist.

16 (4) "Primary system" means a state highway that is or becomes part  
17 of the federal-aid primary system as described in section 103(b) of  
18 title 23, United States Code.

1 (5) "Scenic system" means (a) a state highway within a public park,  
2 federal forest area, public beach, public recreation area, or national  
3 monument, (b) a state highway or portion of a highway outside the  
4 boundaries of an incorporated city or town designated by the  
5 legislature as a part of the scenic system, or (c) a state highway or  
6 portion of a highway outside the boundaries of an incorporated city or  
7 town designated by the legislature as a part of the scenic and  
8 recreational highway system except for the sections of highways  
9 specifically excluded in RCW 47.42.025.

10 (6) "~~(Specific)~~ Motorist information sign panel" means a panel,  
11 rectangular in shape, located in the same manner as other official  
12 traffic signs readable from the main traveled ways, and consisting of:

13 (a) The words "GAS," "FOOD," ~~((or))~~ "LODGING," "CAMPING,"  
14 "RECREATION," or "TOURIST ACTIVITIES" and directional information; and

15 (b) One or more individual business signs mounted on the panel.

16 (7) "Business sign" means a separately attached sign mounted on the  
17 ~~((specific))~~ motorist information sign panel or roadside area  
18 information panel to show the brand or trademark and name, or both, of  
19 the motorist service available on the crossroad at or near the  
20 interchange. Nationally, regionally, or locally known commercial  
21 symbols or trademarks for service stations, restaurants, and motels  
22 shall be used when applicable. The brand or trademark identification  
23 symbol used on the business sign shall be reproduced with the colors  
24 and general shape consistent with customary use. Messages, trademarks,  
25 or brand symbols that interfere with, imitate, or resemble an official  
26 warning or regulatory traffic sign, signal, or device are prohibited.

27 (8) "Roadside area information panel or display" means a panel or  
28 display located so as not to be readable from the main traveled way,  
29 erected in a safety rest area, scenic overlook, or similar roadside  
30 area, for providing motorists with information in the specific interest  
31 of the traveling public.

32 (9) "Tourist-oriented directional sign" means a sign on a  
33 ~~((specific))~~ motorist information sign panel on the state highway  
34 system to provide directional information to a qualified tourist-  
35 oriented business, service, or activity.

36 (10) "Qualified tourist-oriented business" means a lawful cultural,  
37 historical, recreational, educational, or entertaining activity or a  
38 unique or unusual commercial or nonprofit activity, the major portion  
39 of whose income or visitors are derived during its normal business

1 season from motorists not residing in the immediate area of the  
2 activity.

3 (11) "Adopt-a-highway sign" means a sign on a state highway right  
4 of way referring to the departments' adopt-a-highway litter control  
5 program.

6 **Sec. 2.** RCW 47.36.300 and 1986 c 114 s 3 are each amended to read  
7 as follows:

8 (1) The legislative authority of any county, city, or town may  
9 erect, or permit the erection of, supplemental directional signs  
10 directing motorists to motorist service businesses qualified for  
11 ~~((specific))~~ motorist information sign panels pursuant to RCW 47.36.310  
12 or 47.36.320 in any location on, or adjacent to, the right of way of  
13 any roads or streets within their jurisdiction.

14 (2) Appropriate fees may be charged to cover the cost of issuing  
15 permits, installation, or maintenance of such signs.

16 (3) Supplemental signs and their locations shall comply with all  
17 applicable provisions of this chapter, ~~((sections 131 and 315 of Title~~  
18 ~~23 United States Code))~~ the Manual on Uniform Traffic Control Devices,  
19 and such rules as may be adopted by the department ~~((including the~~  
20 ~~manual on uniform traffic control devices for streets and highways))~~.

21 **Sec. 3.** RCW 47.36.310 and 1987 c 469 s 3 are each amended to read  
22 as follows:

23 The department is authorized to erect and maintain ~~((specific))~~  
24 motorist information sign panels within the right of way of the  
25 interstate highway system to give the traveling public specific  
26 information as to gas, food, ~~((or))~~ lodging, camping, or tourist-  
27 oriented business available on a crossroad at or near an interchange.  
28 ~~((Specific))~~ Motorist information sign panels shall include the words  
29 "GAS," "FOOD," ~~((or))~~ "LODGING, "CAMPING, or TOURIST ACTIVITIES" and  
30 directional information and may contain one or more individual business  
31 signs maintained on the panel. ~~((Specific))~~ Motorist information sign  
32 panels are authorized within the corporate limits of cities and towns  
33 and areas zoned for commercial or industrial uses at locations where  
34 there is adequate distance between interchanges to ensure compliance  
35 with the ~~((provisions of Title 23 C.F.R. sec. 655.307(a))~~ Manual on  
36 Uniform Traffic Control Devices. The erection and maintenance of  
37 ~~((specific))~~ motorist information sign panels shall also conform to the

1 ((national standards promulgated by the United States secretary of  
2 transportation pursuant to sections 131 and 315 of Title 23, United  
3 States Code)) Manual on Uniform Traffic Control Devices and rules  
4 adopted by the state department of transportation. A motorist service  
5 or tourist-oriented business located within one mile of ((a state)) an  
6 interstate highway shall not be permitted to display its name, brand,  
7 or trademark on a ((specific)) motorist information sign panel unless  
8 its owner has first entered into an agreement with the department  
9 limiting the height of its on-premise signs at the site of its service  
10 installation to not more than fifteen feet higher than the roof of its  
11 main building measured to the bottom of the on-premise sign. The  
12 restriction for on-premise signs does not apply if the sign is not  
13 visible from the highway. The department may, on a case-by-case basis,  
14 waive the height restriction when an on-premise sign is visible from  
15 the rural interstate system. The department shall charge reasonable  
16 fees for the display of individual business signs to defray the costs  
17 of their installation and maintenance, and may charge reasonable fees  
18 to recover costs for the erection and maintenance of the motorist  
19 information sign panels. ((The restriction for on-premise signs shall  
20 not apply if the sign is not visible from the highway. The department  
21 may, on a case-by-case basis, waive the height restriction when an on-  
22 premise sign is visible from the rural interstate system.))

23 **Sec. 4.** RCW 47.36.320 and 1986 c 114 s 2 are each amended to read  
24 as follows:

25 The department is authorized to erect and maintain ((specific))  
26 motorist information sign panels within the right of way of ((both the  
27 primary system and the scenic system)) noninterstate highways to give  
28 the traveling public specific information as to gas, food, lodging,  
29 recreation, or ((lodging available off the primary or scenic highway))  
30 tourist-oriented businesses accessible by way of highways intersecting  
31 the ((primary or scenic)) noninterstate highway. ((Such specific)) The  
32 motorist information sign panels ((and tourist-oriented directional  
33 signs shall be)) are permitted only at locations within the corporate  
34 limits of cities and towns and areas zoned for commercial or industrial  
35 uses where there is adequate distance between interchanges to ensure  
36 compliance with the ((provisions of Title 23 C.F.R. secs. 655.308(a)  
37 and 655.309(a)) Manual on Uniform Traffic Control Devices.  
38 ((Specific)) Motorist information sign panels shall include the words

1 "GAS," "FOOD," "LODGING," "RECREATION," or "~~((LODGING))~~ TOURIST  
2 ACTIVITIES" and directional information and may contain one or more  
3 individual business signs maintained on the panel. The erection and  
4 maintenance of ~~((specific))~~ motorist information sign panels along  
5 ~~((primary or scenic))~~ noninterstate highways shall also conform to the  
6 ~~((national standards promulgated by the United States secretary of~~  
7 ~~transportation pursuant to sections 131 and 315 of Title 23 United~~  
8 ~~States Code))~~ Manual on Uniform Traffic Control Devices and rules  
9 adopted by the state department of transportation ~~((including the~~  
10 ~~manual on uniform traffic control devices for streets and highways))~~.  
11 A motorist service or tourist-oriented business located within one mile  
12 of a ~~((state))~~ noninterstate highway shall not be permitted to display  
13 its name, brand, or trademark on a ~~((specific))~~ motorist information  
14 sign panel unless its owner has first entered into an agreement with  
15 the department limiting the height of its on-premise signs at the site  
16 of its service installation to not more than fifteen feet higher than  
17 the roof of its main building measured to the bottom of the on-premise  
18 sign.

19 The department shall adopt rules for the erection and maintenance  
20 of tourist-oriented directional signs with the following restrictions:

21 (1) Where installed, they shall be placed in advance of the "GAS,"  
22 "FOOD," "LODGING," or "RECREATION(~~(, " or "LODGING" specific))~~" motorist  
23 information sign panels previously described in this section;

24 (2) Signs shall not be placed to direct a motorist to an activity  
25 visible from the main traveled roadway;

26 (3) Premises on which the qualified tourist-oriented business is  
27 located must be within fifteen miles of the state highway, and  
28 necessary supplemental signing on local roads must be provided before  
29 the installation of the signs on the state highway.

30 The department shall charge reasonable fees for the display of  
31 individual business signs to defray the costs of their installation and  
32 maintenance, and may charge reasonable fees for the erection and  
33 maintenance of the motorist information sign panels.

34 **Sec. 5.** RCW 47.36.330 and 1985 c 142 s 3 are each amended to read  
35 as follows:

36 (1) Not more than six business signs may be permitted on  
37 ~~((specific))~~ motorist information sign panels authorized by RCW  
38 47.36.310 and 47.36.320.

1 (2) The maximum distance that eligible service facilities may be  
2 located on either side of an interchange or intersection to qualify for  
3 a business sign are as follows:

4 (a) On (~~fully-controlled, limited access~~) interstate highways,  
5 gas, food, or lodging activities shall be located within three miles.  
6 Camping or tourist-oriented activities shall be within five miles.

7 (b) On noninterstate highways (~~with partial access control or no~~  
8 ~~access control~~), gas, food, lodging, (~~or camping~~) recreation, or  
9 tourist-oriented activities shall be located within five miles.

10 (3) If no eligible services are located within the distance limits  
11 prescribed in subsection (2) of this section, the distance limits shall  
12 be increased until an eligible service of a type being considered is  
13 reached, up to a maximum of fifteen miles.

14 **Sec. 6.** RCW 47.36.340 and 1985 c 376 s 8 are each amended to read  
15 as follows:

16 To be eligible for placement of a business sign on a (~~specific~~)  
17 motorist information sign panel a lodging activity shall:

18 (1) Be licensed or approved by the department of social and health  
19 services or county health authority;

20 (2) Provide adequate sleeping and bathroom accommodations available  
21 for rental on a daily basis; and

22 (3) Provide public telephone facilities.

23 **Sec. 7.** RCW 47.36.350 and 1991 c 94 s 5 are each amended to read  
24 as follows:

25 The department shall ensure that (~~specific~~) motorist information  
26 sign panels are installed within nine months of receiving the request  
27 for installation.

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