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OREGON ADMINISTRATIVE RULES COMPILATION

CHAPTER 733

Travel Information Council



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DIVISION 1

PROCEDURAL RULES

733-001-0000

Notice of Proposed Rules

In accordance with ORS 183.341, to provide a reasonable opportunity for interested persons to be notified of proposed actions, prior to the adoption, amendment, or repeal of a permanent rule, the Travel Information Council shall give notice of the proposed adoption, amendment, or repeal:

- (1) In the Secretary of State's Bulletin referred to in ORS 183.360 and in accordance with 183.335.
- (2) By mailing a copy of the notice to persons on the Travel Information Council's mailing lists for specific interest areas established pursuant to ORS 183.335(8).
- (3) By mailing a copy of the notice to legislators as provided in ORS 183.335(15).
- (4) By mailing a copy of the notice to the following:
 - (a) Associated Press;
 - (b) Capitol Press Room; and
 - (c) Statesman-Journal newspaper.

Statutory/Other Authority: ORS 183.341

Statutes/Other Implemented: ORS 183.335, 183.341

History: TIC 1-2013, f. & cert. ef. 4-15-13; TIC 10, f. & ef. 8-19-77

733-001-0005

Model Rules of Procedure

Pursuant to ORS 183.341, the Travel Information Council adopts the Attorney General's Model Rules of Procedure under the Administrative Procedures Act as amended and effective January 1, 2008.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or the Travel Information Council.]

Statutory/Other Authority: ORS 183.341

Statutes/Other Implemented: ORS 183.341(2), 183.341(4), 183.390

History: TIC 1-2013, f. & cert. ef. 4-15-13; TIC 10, f. & ef. 8-19-77

733-001-0010

Model Rules of Public Contracting for Construction Services

Pursuant to ORS 279A.065, the Travel Information Council adopts the Attorney General's Model Rules of General Provisions Related to Public Contracts for Construction Services in OAR chapter 137, division 49.

Statutory/Other Authority: ORS 183.341

Statutes/Other Implemented: ORS 183.341, 279A.065

History: TIC 1-2013, f. & cert. ef. 4-15-13

733-001-0015

Assumed Business Name

Pursuant to ORS 377.835(5) and 648.005, the Travel Information Council adopts the Assumed Business Name of the Oregon Travel Experience to conduct or transact business in the State of Oregon.

Statutory/Other Authority: ORS 377.835(5), 648.005

Statutes/Other Implemented: ORS 648.005

History: TIC 1-2013, f. & cert. ef. 4-15-13

733-001-0025

Public Records Request Requirements and Fees

All information in the custody of the Travel Information Council (Council) will be disclosed or protected from disclosure

in accordance with Chapter 192 of the Oregon Revised Statutes.

(1) As used in this rule, the following definitions apply:

(a) "Non-Standard" means:

(A) Audio tapes;

(B) Video Tapes;

(C) Microfilm, and

(D) Machine readable formats such as computer hard drives, and magnetic tape.

(b) "Certified copies" means, photocopies, that on the date copied, are true and accurate copy of the original record. The Council cannot certify as to any subsequent changes or manipulation of the record.

(c) "Research" means the compilation of information:

(A) That is not readily and immediately available from a single source or a group of related sources; or

(B) That requires a search to locate the requested information.

(2) A request for photocopies, electronically distributed (email) copies and certifications of public records that are on file with the Council can be made verbally, in writing, by fax or by email.

(a) The request must:

(A) Include name and address of the person requesting the public record;

(B) Include telephone number of the person requesting the public record; and

(C) Adequately describe the record(s) requested including subject matter, approximate creation date(s) and name(s) of person(s) involved in creation.

(b) The request should:

(A) Be dated;

(B) Be signed by the person requesting the public record; and

(C) Indicate a date by which the records are being requested.

(3) The Council's Director or designee will respond to the request in a reasonable amount of time and acknowledge the request, identify an estimate of the expected cost of meeting the request, and the expected date and location at which the information will be provided. The regular discharge of duties of the Council will be neither interrupted nor interfered with because of time or effort required to respond to the request.

(4) Unless otherwise provided by statute or other administrative rule, the fees will be calculated as follows:

(a) \$0.25 per page for photocopies.

(b) Actual cost for use of material and equipment for producing copies of non-standard records.

(c) Upon request, copies of public records may also be provided on a computer disk or compact disk (CD) if the document(s) are stored in the Council's computer system. Disks will be provided at a cost of \$5.00 per disk and may contain as much information as the disk will hold. Due to the threat of computer viruses, the Council will not permit requestors to provide disks for electronic reproduction of computer records.

(d) Labor charges that include researching, locating, compiling, editing or otherwise processing information and records:

(A) No charge for the first 15 minutes of staff time.

(B) Beginning with the 16th minute, the charge per total request is \$25.00 per hour or \$6.25 per quarter-hour. A prorated fee is not available for less than a quarter-hour.

(e) The actual cost for delivery of records such as postage and courier fees.

(f) \$5.00 for each true copy certification.

(5) Electronic Records. Copies of requested electronic records may be provided in the format or manner maintained by the Council. The Director will perform all downloading, reproducing, formatting and manipulating of records.

(6) The Council may charge a fee for the cost of time spent by an attorney in reviewing the public records, redacting material from the public records or segregating the public records into exempt and nonexempt records. Records request fees will include actual attorney fees charged to the Council related to the request. The Director will not charge a fee greater than \$25.00 under this section unless the Director first provides the requester with a written notification of the estimated amount of the fee and the requester confirms that the requester wants the Director to proceed with making

the public record available.

(7) Pre-payment may be requested by the Director prior to record(s) being provided.

(8) A person who believes that there has been an unreasonable denial of a fee waiver or fee reduction may petition the Attorney General or the district attorney in the same manner as a person petitions when inspection of a public record is denied under ORS 192.410 to 192.505. The Attorney General, the district attorney and the court have the same authority in instances when a fee waiver or reduction is denied as it has when inspection of a public record is denied.

Statutory/Other Authority: ORS 192.430, 192.440, 377.835(5)

Statutes/Other Implemented: ORS 192.410 – 192.505

History: TIC 1-2013, f. & cert. ef. 4-15-13

733-001-0030

Confidentiality and Inadmissibility of Mediation Communications

(1) The words and phrases used in this rule have the same meaning as given to them in ORS 36.110 and 36.234.

(2) Nothing in this rule affects any confidentiality created by other law. Nothing in this rule relieves a public body from complying with the Public Meetings Law, ORS 192.610 to 192.690. Whether or not they are confidential under this or other rules of the agency, mediation communications are exempt from disclosure under the Public Records Law to the extent provided in 192.410 to 192.505.

(3) This rule applies only to mediations in which the agency is a party or is mediating a dispute as to which the agency has regulatory authority. This rule does not apply when the agency is acting as the "mediator" in a matter in which the agency also is a party as defined in ORS 36.234.

(4) To the extent mediation communications would otherwise be compromise negotiations under ORS 40.190 (OEC Rule 408), those mediation communications are not admissible as provided in 40.190 (OEC Rule 408), notwithstanding any provisions to the contrary in section (9) of this rule.

(5) Mediations Excluded. Sections (6)–(10) of this rule do not apply to:

(a) Mediation of workplace interpersonal disputes involving the interpersonal relationships between this agency's employees, officials or employees and officials, unless a formal grievance under a labor contract, a tort claim notice or a lawsuit has been filed;

(b) Mediation in which the person acting as the mediator will also act as the hearings officer in a contested case involving some or all of the same matters;

(c) Mediation in which the only parties are public bodies;

(d) Mediation involving two or more public bodies and a private party if the laws, rule or policies governing mediation confidentiality for at least one of the public bodies provide that mediation communications in the mediation are not confidential; or

(e) Mediation involving 15 or more parties if the agency has designated that another mediation confidentiality rule adopted by the agency may apply to that mediation.

(6) Disclosures by Mediator. A mediator may not disclose or be compelled to disclose mediation communications in a mediation and, if disclosed, such communications may not be introduced into evidence in any subsequent administrative, judicial or arbitration proceeding unless:

(a) All the parties to the mediation and the mediator agree in writing to the disclosure; or

(b) The mediation communication may be disclosed or introduced into evidence in a subsequent proceeding as provided in subsections (c)–(d), (j)–(l) or (o)–(p) of section (9) of this rule.

(7) Confidentiality and Inadmissibility of Mediation Communications. Except as provided in sections (8)–(9) of this rule, mediation communications are confidential and may not be disclosed to any other person, are not admissible in any subsequent administrative, judicial or arbitration proceeding and may not be disclosed during testimony in, or during any discovery conducted as part of a subsequent proceeding, or introduced as evidence by the parties or the mediator in any subsequent proceeding.

(8) Written Agreement. Section (7) of this rule does not apply to a mediation unless the parties to the mediation agree in

writing, as provided in this section, that the mediation communications in the mediation will be confidential and/or nondiscoverable and inadmissible. If the mediator is the employee of and acting on behalf of a state agency, the mediator or an authorized agency representative must also sign the agreement. The parties' agreement to participate in a confidential mediation must be in substantially the following form. This form may be used separately or incorporated into an "agreement to mediate."

Agreement to Participate in a Confidential Mediation

The agency and the parties to the mediation agree to participate in a mediation in which the mediation communications are confidential and/or nondiscoverable and inadmissible to the extent authorized by OAR 733-001-0030(7) and this agreement. This agreement relates to the following mediation:

(a) _____

(Identify the mediation to which this agreement applies)

(b) To the extent authorized by OAR 733-001-0030(7), mediation communications in this mediation are: (check one or more)

☐ confidential and may not be disclosed to any other person

☐ not admissible in any subsequent administrative proceeding and may not be disclosed during testimony in, or during any discovery conducted as part of a subsequent administrative proceeding, or introduced as evidence by the parties or the mediator in any subsequent administrative proceeding

☐ not admissible in any subsequent administrative, judicial or arbitration proceeding and may not be disclosed during testimony in, or during any discovery conducted as part of a subsequent administrative, judicial or arbitration proceeding, or introduced as evidence by the parties or the mediator in any subsequent administrative, judicial or arbitration proceeding

(c) _____

Name of Agency

Signature of Agency's authorized representative (when agency Date is a party) or Agency employee acting as the mediator (when Agency is mediating the dispute)

(d) _____

Name of party to the mediation

Signature of party's authorized representative Date

(e) _____

Name of party to the mediation

Signature of party's authorized representative Date

(9) Exceptions to confidentiality and inadmissibility:

(a) Any statements, memoranda, work products, documents and other materials, otherwise subject to discovery that were not prepared specifically for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding;

(b) Any mediation communications that are public records, as defined in ORS 192.410(4), and were not specifically prepared for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential or privileged under state or federal law;

(c) A mediation communication is not confidential and may be disclosed by any person receiving the communication to the extent that person reasonably believes that disclosing the communication is necessary to prevent the commission of a crime that is likely to result in death or bodily injury to any person. A mediation communication is not confidential and may be disclosed in a subsequent proceeding to the extent its disclosure may further the investigation or prosecution of a felony crime involving physical violence to a person.

(d) Any mediation communication related to the conduct of a licensed professional that is made to or in the presence of a

person who, as a condition of his or her professional license, is obligated to report such communication by law or court rule is not confidential and may be disclosed to the extent necessary to make such a report;

(e) The parties to the mediation may agree in writing that all or part of the mediation communications are not confidential or that all or part of the mediation communications may be disclosed and may be introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential, privileged or otherwise prohibited from disclosure under state or federal law;

(f) A party to the mediation may disclose confidential mediation communications to a person if the party's communication with that person is privileged under ORS Chapter 40 or other provision of law. A party to the mediation may disclose confidential mediation communications to a person for the purpose of obtaining advice concerning the subject matter of the mediation, if all the parties agree;

(g) An employee of the agency may disclose confidential mediation communications to another agency employee so long as the disclosure is necessary to conduct authorized activities of the agency. An employee receiving a confidential mediation communication under this subsection is bound by the same confidentiality requirements as apply to the parties to the mediation;

(h) A written mediation communication may be disclosed or introduced as evidence in a subsequent proceeding at the discretion of the party who prepared the communication so long as the communication is not otherwise confidential under state or federal law and does not contain confidential information from the mediator or another party who does not agree to the disclosure;

(i) In any proceeding to enforce, modify or set aside a mediation agreement, a party to the mediation may disclose mediation communications and such communications may be introduced as evidence to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of mediation communications or agreements to persons other than the parties to the agreement;

(j) In an action for damages or other relief between a party to the mediation and a mediator or mediation program, mediation communications are not confidential and may be disclosed and may be introduced as evidence to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of the mediation communications or agreements;

(k) When a mediation is conducted as part of the negotiation of a collective bargaining agreement, the following mediation communications are not confidential and such communications may be introduced into evidence in a subsequent administrative, judicial or arbitration proceeding:

(A) A request for mediation; or

(B) A communication from the Employment Relations Board Conciliation Service establishing the time and place of mediation; or

(C) A final offer submitted by the parties to the mediator pursuant to ORS 243.712; or

(D) A strike notice submitted to the Employment Relations Board.

(l) To the extent a mediation communication contains information the substance of which is required to be disclosed by Oregon statute, other than ORS 192.410 to 192.505, that portion of the communication may be disclosed as required by statute;

(m) Written mediation communications prepared by or for the agency or its attorney are not confidential and may be disclosed and may be introduced as evidence in any subsequent administrative, judicial or arbitration proceeding to the extent the communication does not contain confidential information from the mediator or another party, except for those written mediation communications that are:

(A) Attorney-client privileged communications so long as they have been disclosed to no one other than the mediator in the course of the mediation or to persons as to whom disclosure of the communication would not waive the privilege; or

(B) Attorney work product prepared in anticipation of litigation or for trial; or

(C) Prepared exclusively for the mediator or in a caucus session and not given to another party in the mediation other than a state agency; or

- (D) Prepared in response to the written request of the mediator for specific documents or information and given to another party in the mediation; or
- (E) Settlement concepts or proposals, shared with the mediator or other parties.
- (n) A mediation communication made to the agency may be disclosed and may be admitted into evidence to the extent the Travel Information Council Director determines that disclosure of the communication is necessary to prevent or mitigate a serious danger to the public's health or safety, and the communication is not otherwise confidential or privileged under state or federal law;
- (o) The terms of any mediation agreement are not confidential and may be introduced as evidence in a subsequent proceeding, except to the extent the terms of the agreement are exempt from disclosure under ORS 192.410 to 192.505, a court has ordered the terms to be confidential under 17.095 or state or federal law requires the terms to be confidential;
- (p) The mediator may report the disposition of a mediation to the agency at the conclusion of the mediation so long as the report does not disclose specific confidential mediation communications. The agency or the mediator may use or disclose confidential mediation communications for research, training or educational purposes, subject to the provisions of ORS 36.232(4).
- (10) When a mediation is subject to section (7) of this rule, the agency will provide to all parties to the mediation and the mediator a copy of this rule or a citation to the rule and an explanation of where a copy of the rule may be obtained. Violation of this provision does not waive confidentiality or inadmissibility.
- Statutory/Other Authority: ORS 36.224, 377.835(5)
- Statutes/Other Implemented: ORS 36.224, 36.228, 36.230, 36.232
- History: TIC 1-2013, f. & cert. ef. 4-15-13

733-001-0035

Confidentiality and Inadmissibility of Workplace Interpersonal Dispute Mediation Communications

- (1) This rule applies to workplace interpersonal disputes, which are disputes involving the interpersonal relationships between this agency's employees, officials or employees and officials. This rule does not apply to disputes involving the negotiation of labor contracts or matters about which a formal grievance under a labor contract, a tort claim notice or a lawsuit has been filed.
- (2) The words and phrases used in this rule have the same meaning as given to them in ORS 36.110 and 36.234.
- (3) Nothing in this rule affects any confidentiality created by other law.
- (4) To the extent mediation communications would otherwise be compromise negotiations under ORS 40.190 (OEC Rule 408), those mediation communications are not admissible as provided in 40.190 (OEC Rule 408), notwithstanding any provisions to the contrary in section (9) of this rule.
- (5) Disclosures by Mediator. A mediator may not disclose or be compelled to disclose mediation communications in a mediation and, if disclosed, such communications may not be introduced into evidence in any subsequent administrative, judicial or arbitration proceeding unless:
- (a) All the parties to the mediation and the mediator agree in writing to the disclosure; or
- (b) The mediation communication may be disclosed or introduced into evidence in a subsequent proceeding as provided in subsections (c) or (h)–(j) of section (7) of this rule.
- (6) Confidentiality and Inadmissibility of Mediation Communications. Except as provided in section (7) of this rule, mediation communications in mediations involving workplace interpersonal disputes are confidential and may not be disclosed to any other person, are not admissible in any subsequent administrative, judicial or arbitration proceeding and may not be disclosed during testimony in, or during any discovery conducted as part of a subsequent proceeding, or introduced into evidence by the parties or the mediator in any subsequent proceeding so long as:
- (a) The parties to the mediation and the agency have agreed in writing to the confidentiality of the mediation; and
- (b) The person agreeing to the confidentiality of the mediation on behalf of the agency:
- (A) Is neither a party to the dispute nor the mediator; and

(B) Is designated by the agency to authorize confidentiality for the mediation; and

(C) Is at the same or higher level in the agency than any of the parties to the mediation or who is a person with responsibility for human resources or personnel matters in the agency, unless the agency head or member of the governing board is one of the persons involved in the interpersonal dispute, in which case the Governor or the Governor's designee.

(7) Exceptions to confidentiality and inadmissibility.

(a) Any statements, memoranda, work products, documents and other materials, otherwise subject to discovery that were not prepared specifically for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding;

(b) Any mediation communications that are public records, as defined in ORS 192.410(4), and were not specifically prepared for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential or privileged under state or federal law;

(c) A mediation communication is not confidential and may be disclosed by any person receiving the communication to the extent that person reasonably believes that disclosing the communication is necessary to prevent the commission of a crime that is likely to result in death or bodily injury to any person. A mediation communication is not confidential and may be disclosed in a subsequent proceeding to the extent its disclosure may further the investigation or prosecution of a felony crime involving physical violence to a person;

(d) The parties to the mediation may agree in writing that all or part of the mediation communications are not confidential or that all or part of the mediation communications may be disclosed and may be introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential, privileged or otherwise prohibited from disclosure under state or federal law;

(e) A party to the mediation may disclose confidential mediation communications to a person if the party's communication with that person is privileged under ORS Chapter 40 or other provision of law. A party to the mediation may disclose confidential mediation communications to a person for the purpose of obtaining advice concerning the subject matter of the mediation, if all the parties agree;

(f) A written mediation communication may be disclosed or introduced as evidence in a subsequent proceeding at the discretion of the party who prepared the communication so long as the communication is not otherwise confidential under state or federal law and does not contain confidential information from the mediator or another party who does not agree to the disclosure;

(g) In any proceeding to enforce, modify or set aside a mediation agreement, a party to the mediation may disclose mediation communications and such communications may be introduced as evidence to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of mediation communications or agreements to persons other than the parties to the agreement;

(h) In an action for damages or other relief between a party to the mediation and a mediator or mediation program, mediation communications are not confidential and may be disclosed and may be introduced as evidence to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of the mediation communications or agreements;

(i) To the extent a mediation communication contains information the substance of which is required to be disclosed by Oregon statute, other than ORS 192.410 to 192.505, that portion of the communication may be disclosed as required by statute;

(j) The mediator may report the disposition of a mediation to the agency at the conclusion of the mediation so long as the report does not disclose specific confidential mediation communications. The agency or the mediator may use or disclose confidential mediation communications for research, training or educational purposes, subject to the provisions of ORS 36.232(4).

(8) The terms of any agreement arising out of the mediation of a workplace interpersonal dispute are confidential so long as the parties and the agency so agree in writing. Any term of an agreement that requires an expenditure of public funds,

other than expenditures of \$1,000 or less for employee training, employee counseling or purchases of equipment that remain the property of the agency, may not be made confidential.

(9) When a mediation is subject to section (6) of this rule, the agency will provide to all parties to the mediation and to the mediator a copy of this rule or an explanation of where a copy of the rule may be obtained. Violation of this provision does not waive confidentiality or inadmissibility.

Statutory/Other Authority: ORS 36.224, 377.835(5)

Statutes/Other Implemented: ORS 36.230(4)

History: TIC 1-2013, f. & cert. ef. 4-15-13

DIVISION 30

STANDARDS FOR LOGO SIGNS, TOURIST ORIENTED DIRECTIONAL (TOD) SIGNS, MUSEUM SIGNS, STATE HISTORICAL MARKER SIGNS, AND INTERSTATE OASIS SIGNS

733-030-0006

Applicability and Purpose

- (1) The purpose of these rules is to establish standards for Logo, TOD, Museum, Historical Marker and Interstate Oasis signs erected within highway rights-of-way to provide directional information to qualified Businesses. Eligible service categories are limited to Gas, Food, Lodging, Camping, Attraction, TOD, Museum, Historical Marker and Interstate Oasis.
- (2) These rules are applicable to the Interstate, Expressway, Freeway, and Conventional State Highway systems.
- (3) The authority for the issuance of these rules is Oregon Laws 1979, Chapter 478, Section 5, 7; 2007 Chapter 199, Section 20.

Statutory/Other Authority: ORS 377.787

Statutes/Other Implemented: ORS 377.710, 377.790-377.830, 377.833-377.836, 377.838 – 377.845

History: TIC 2-2018, amend filed 09/20/2018, effective 10/01/2018; TIC 1-2014, f. & cert. ef. 11-5-14; TIC 1-2009, f. & cert. ef. 4-3-09; TIC 1-2000, f. 4-14-00, cert. ef. 5-1-00; TIC 1-1980, f. & ef. 5-5-80; TIC 2-1979, f. & ef. 9-28-79; TIC 1-1979(Temp), f. & ef. 7-26-79

733-030-0011

Definitions

733-030-0011

Definitions

As used in these rules, the following definitions apply unless the context clearly indicates otherwise:

- (1) "Advance Logo Plaque" means a separately attached plaque mounted on the Advance Logo Sign showing the brand, symbol, trademark, name, or combination of these, for a Business on a Conventional State Highway.
- (2) "Advance Logo Sign" means a sign bearing separately affixed individual Advance Logo Plaques for eligible Businesses erected in advance of Intersections on a Conventional State Highway.
- (3) "Advance Museum Sign" means a sign with the registered business name of a qualified Museum or Historic Site erected in advance of Intersections on a Conventional State Highway.
- (4) "Advance TOD Sign" means a sign with the registered business name of a qualified TOD erected in advance of Intersections on a Conventional State Highway.
- (5) "Attraction" means any Business of Regional Significance that provides the general public with an Agricultural, Cultural, Historical, or recreational activity. The following terms must be used to further define Attraction:
 - (a) "Agricultural" means an activity or Business illustrating local and/or Oregon specialized livestock or agricultural products and processes, production and sale of freshly harvested produce, or cultivation and sale of seasonal agricultural products.
 - (b) "Cultural" means an activity or Business relating to local and/or Oregon artistic pursuits, events, handicrafts, artisan demonstrations, or local gift/souvenir shops.

- (c) "Historical" means a Business or activity based on history reflecting the past events of the area where the Business or activity is signed.
- (d) "Recreational" means any Business or activity that people engage in during their free time as by means of agreeable exercise offering a form of leisure, amusement or relaxation.
- (e) "Regional significance" means a travel experience that is important to Oregon visitor interests and the state of Oregon tourism industry.
- (6) "Brewery District" means a cluster of like breweries, tap rooms, or tasting rooms in a concentrated area of no less than six city blocks in size and with no less than four like Businesses.
- (7) "Building" means any permanent structure used or intended for supporting or sheltering any use or occupancy.
- (8) "Business" means a facility which has met the qualifications for the placement of a Logo, TOD or Museum Sign.
- (9) "Conventional State Highway" means any highway that is classified by ODOT as either a State, Regional, or District highway that is not an Expressway, Freeway or Interstate as defined in sections (14), (16), and (27) of this rule.
- (10) "Council" means the Travel Information Council created by ORS 377.835.
- (11) "Cultural District" means a cluster of like Businesses in a concentrated area of no less than six city blocks in size and with no less than four like Businesses.
- (12) "Directional Legend" means a word message relating to or showing direction such as the Exit number, Next Right, or Left 1/4 Mile.
- (13) "Dual Logo Plaque" means an Advance, Intersection, Mainline or Ramp Logo Plaque with two distinctive brand symbols displayed on one plaque on a Gas or Food Advance, Intersection, Mainline or Ramp Logo Sign where the two Businesses are located in the same Business.
- (14) "Engineer" means the State Traffic-Roadway Engineer.
- (15) "Expressway" means a divided highway usually having two or more lanes for exclusive use of traffic in each direction and incorporating partial control of access.
- (16) "Fee Schedule" means a posted schedule of the Permit fees that will be paid by Businesses for Logo, TOD and Museum Signs on a yearly basis, the replacement fees assessed when a logo customer changes their plaque design or a TOD or Museum customer changes their registered business name, or the reinstallation fees that will be paid by a Business that had their plaques or signs removed due to non-payment of fees or the late payment fee assessed after the 45 day invoice renewal grace period has lapsed.
- (17) "Freeway" means a divided highway with full control of access.
- (18) "General Service Sign" means a single word legend or approved symbol as an alternative to the word legend located in advance of an exit or Interchange to be used when Logo Signs are not available.
- (19) "Historic District" means a cluster of like Businesses in a concentrated area of no less than six city blocks in size and with no less than four like Businesses.
- (20) "Historic Site" means a property currently listed in the National Register of Historic Places or designated as nationally significant by the United States Department of the Interior.
- (21) "Immediate Area" means the region around a Business to a distance of 50 miles.
- (22) "Indoor" means located or used inside a building.
- (23) "Interchange" means a major road junction where vehicles can by means of access roads, bridges and underpasses, change from one road to another.
- (24) "Intersection" means the area where two or more roadways join or cross at the same elevation.
- (25) "Intersection Logo Plaque" means a separately attached plaque mounted on the Intersection Logo Sign showing the brand, symbol, trademark, name, or combination of these, for a Business on a Conventional State Highway.
- (26) "Intersection Logo Sign" means a sign bearing separately affixed individual Intersection Logo Plaques for eligible Businesses erected on, opposite, or at the intersection of a Conventional State Highway.
- (27) "Intersection Museum Sign" means a sign with the registered business name of a qualified Museum or historic site erected on, opposite, or at the Intersection of a Conventional State Highway.
- (28) "Intersection TOD Sign" means a sign with the registered business name of a qualified TOD erected on, opposite, or

at the Intersection of a Conventional State Highway.

(29) "Interstate" means the part of the federally funded system of highways connecting the major cities, regions of the state and other states and is the highest level of mobility at the highest speed for a long uninterrupted distance for through traffic, has full access control and grade separations at major Intersections.

(30) "Interstate Oasis" means a Business near an Interstate, Expressway, and Freeway but not within the Interstate right-of-way, designated by the Council after meeting the eligibility criteria of these rules, that provides products and services to the public, 24-hour access to public restrooms, and parking for automobiles and heavy trucks.

(31) "Logo Sign" means a sign located on highway right of way and includes Advance Logo Sign, Intersection Logo Sign, Mainline Logo Sign, and Ramp Logo Sign.

(32) "Mainline Logo Plaque" means a separately attached plaque mounted on the Mainline Logo Sign showing the brand, symbol, trademark, name, or combination of these, for a Business on an Interstate, Expressway or Freeway.

(33) "Mainline Logo Sign" means a sign bearing separately affixed individual Mainline Logo Plaques for eligible Businesses erected in advance of exit ramps and Interchanges on an Interstate, Expressway or Freeway.

(34) "Meal" means a combination of food items that are prepared and cooked on the licensed premises that includes one principal item and one side dish. Examples of principal items are fish, steak, chicken, pasta, and sandwich. Examples of side dishes are potatoes, potato salad, rice, french fries, beans and vegetables.

(35) "Museum" means a Business applying for Museum Signs on a Conventional State Highway. A Museum must be a building, place, or institution devoted to the acquisition, conservation, study, exhibition, and educational interpretation of objects having scientific, historical, or artistic value.

(36) "ODOT" means the Oregon Department of Transportation.

(37) "Owner" means a holder of fee title.

(38) "Permit" means a signed agreement between an approved Business and the Travel Information Council for each Logo, TOD and/or Museum Sign.

(39) "Ramp Logo Plaque" means a separately attached plaque mounted on the Ramp Logo Sign showing the brand, symbol, trademark, name, or combination of these, for a Business on an Interstate, Expressway or Freeway.

(40) "Ramp Logo Sign" means a sign bearing separately affixed individual Ramp Logo Plaques for eligible Businesses erected on, opposite, or at the terminus of an exit ramp of the Interstate, Expressway or Freeway.

(41) "Responsible Operator" means a person or entity other than an Owner who operates a Business and who has authority to enter into an agreement relative to matters covered by these rules.

(42) "RV" means recreational vehicle.

(43) "Service Legend" means the words displayed in reflective white on the Mainline Logo or Ramp Logo sign that are limited to Gas, Food, Lodging, Camping or Attraction and on the Advance Logo or Intersection Logo Sign that are limited to Gas, Food, Lodging or Camping.

(44) "Simultaneous" means occurring, operating, or done at the same time or within one month.

(45) "Supplemental Message" means an approved word message displayed horizontally along the bottom of an Advance, Intersection, Mainline and/or Ramp Logo Plaque presenting approved essential motorist information.

(46) "Tourist Oriented Directional or TOD" means an Attraction Business applying for signs on a Conventional State Highway.

(47) "Traffic Control Devices" means any sign, signal, marking or device placed, operated or erected by authority under ORS 810.210, for the purpose of guiding, directing, warning or regulating traffic.

(48) "Trailblazer" means a small sign with a Service Legend, or the name, direction and distance to the Business. Trailblazers are used when larger signs cannot be used due to sign space limitations.

(49) "Urban" means the area within the urban growth boundary, within a Special Transportation Area of an unincorporated community, or within an Urban Unincorporated Community defined in OAR 660-022-0010.

(50) "Winery District" means a cluster of like wineries, vineyards, or tasting rooms in a concentrated area of no less than six city blocks in size and with no less than four like Businesses.

Statutory/Other Authority: ORS 377.787

Statutes/Other Implemented: ORS 377.710, 377.790-377.830, 377.833-377.836, 377.838 – 377.845

History: TIC 1-2019, amend filed 11/13/2019, effective 11/13/2019; TIC 2-2018, amend filed 09/20/2018, effective 10/01/2018; TIC 1-2014, f. & cert. ef. 11-5-14; TIC 2-2010, f. & cert. ef. 6-11-10; TIC 1-2009, f. & cert. ef. 4-3-09; TIC 1-2007, f. & cert. ef. 3-1-07; TIC 1-2000, f. 4-14-00, cert. ef. 5-1-00; TIC 3-1995, f. & cert. ef. 11-8-95; TIC 1-1980, f. & ef. 5-5-80; TIC 2-1979, f. & ef. 9-28-79; TIC 1-1979(Temp), f. & ef. 7-26-79

733-030-0016

Location

(1) The location of other Traffic Control Devices must take precedence over the location of Logo Signs, TOD Signs and Museum Signs.

(2) The use of Logo Signs, TOD Signs and Museum Signs must be limited to areas primarily rural in character or to areas where adequate sign spacing can be maintained. Urban areas should be avoided but existing signs may be maintained in Urban areas with agreement by the local jurisdiction.

(3) All signs must substantially conform to applicable portions of the Manual on Uniform Traffic Control Devices including but not limited to size, location and spacing.

(4) Logo Signs, TOD Signs and Museum Signs must be located so as to take advantage of natural terrain, to have the least impact on the scenic environment, and to avoid visual conflict with other signs within the highway right of way.

Unprotected Logo Sign, TOD Sign and Museum Sign supports located within the clear zone must be of a breakaway design.

(5) In the direction of traffic on the Interstate, Freeway and Expressway, the preferred order of successive Logo Signs must be those for Attraction, Camping, Lodging, Food and Gas.

(6) In the direction of traffic on a Conventional State Highway, the preferred order of Advance Logo, Advance TOD and/or Advance Museum Sign placement must be to show the Business first to the left, then to the right, and last, the Business straight ahead.

(7) Mainline Logo Signs on Interstates, Freeways and Expressways must be installed between the preceding Interchange and at least 800 feet in advance of the exit direction sign and from each other at the Interchange from which the services are available. Signs installed prior to the revision of this rule in September 2014 that are not between the preceding Interchange and at least 800 feet in advance of the exit direction sign and from each other at the Interchange may be maintained.

(8) Ramp Logo Signs on exit ramps must be spaced at least 100 feet from the exit gore sign, from each other and from the ramp terminal.

(9) Advance Logo Signs, Advance TOD Signs and Advance Museum Signs on the Conventional State Highway must be installed between the previous Intersection and at least 300 feet in advance of the Intersection from which the services are available.

(10) Intersection Logo Signs, Intersection TOD Signs and Intersection Museum Signs may be provided on the Intersection of a Conventional State Highway and must be located at least 200 feet in advance of the Intersection. Signs installed prior to the revision of this rule in September 2014 that are not between the preceding Interchange and at least 200 feet in advance of the exit direction sign and from each other at the Interchange may be maintained.

(11) All spacing between signs must be determined on the basis of an engineering study.

(12) Signs may not be installed where the road user cannot conveniently re-enter the highway and continue in the same direction of travel, or at Interchanges between an Interstate highway and a fully access controlled Freeway, or an Interchange between Interstate highways.

(13) TOD signs and Museum Signs may not be used on Interstate, Freeway or Expressway highways or at the ramp or the ramp terminal.

Statutory/Other Authority: ORS 377.787

Statutes/Other Implemented: ORS 377.710, 377.790-377.830, 377.833-377.836, 377.838 – 377.845

History: TIC 2-2018, amend filed 09/20/2018, effective 10/01/2018; TIC 1-2014, f. & cert. ef. 11-5-14; TIC 1-2009, f. &

cert. ef. 4-3-09; TIC 1-2007, f. & cert. ef. 3-1-07; TIC 1-2000, f. 4-14-00, cert. ef. 5-1-00; TIC 1-1980, f. & ef. 5-5-80; TIC 2-1979, f. & ef. 9-28-79; TIC 1-1979(Temp), f. & ef. 7-26-79

733-030-0021

Criteria for Specific Information Permitted

733-030-0021

Criteria for Specific Information Permitted

(1) Each Business identified on a Logo Sign, TOD Sign or Museum Sign must give written assurance to the Council of its conformity with all applicable laws concerning the provision of public accommodations without regard to race, religion, color, age, sex, or national origin and meet all applicable Federal and State Americans for Disabilities Act (ADA) guidelines.

(2)(a) Distances to eligible Businesses may not exceed 3 miles in any direction of an Interchange or Intersection. The limit of eligibility may be extended in 3-mile increments until one or more Businesses choose to participate, or until 15 miles is reached, whichever comes first.

(b) If a Business that is within one mile of an Interstate or Expressway exit applies for a sign that is holding the maximum number of spaces available or has a wait list, the new Business may bump an existing Business off a sign based on the Business that is the farthest from the exit. The existing Business will be informed that they will lose their space at the end of their permitted fee period. The bumped Business will be placed on the wait list for the next available space. Bumping does not pertain to Conventional State Highways.

(3) The Service Legends permitted must be limited to Gas, Food, Lodging, Camping and Attraction on Interstate, Freeway and Expressway Highways and Gas, Food, Lodging, Camping, TOD and Museum on Conventional State Highways. To qualify all Businesses must display permanent on-premise signing which is visible from the roadway and sufficient to direct motorists to the appropriate entrance or ingress. The on-premise signing must display all or part of the registered business name.

(4) Gas Businesses must include:

(a) Vehicle services, including gas or alternative fuels, oil, and water;

(b) Restroom facilities and drinking water;

(c) Continuous operation at least 16 hours per day, seven days a week for Businesses located on the Interstate, Freeway and Expressways and continuous operation at least 12 hours per day, seven days a week on Conventional State Highways.

(5) Food Businesses located within Gas Businesses may display their distinctive brand name on a Dual Logo Plaque for the Gas Business in which they are located. Each Gas Logo Plaque must be limited to the addition of only one Food Business.

(6) Gas Businesses that have two distinct brand names in one location may display the brand of both Gas Businesses on one Gas Dual Logo Plaque.

(7) Food Businesses must include:

(a) A valid health permit or food license with a seating capacity of at least 20 seats;

(b) Continuous operation to serve at least two Meals per day, at least six days per week;

(c) Restroom facilities;

(d) The primary business operation is the providing of Meals; and

(e) Indoor Seating for at least 20 people or 10 drive-in service stalls for car-hop service.

(8) Food Businesses that have two distinct brand names in one building may display the brand of both Food Businesses on one Dual Logo Plaque.

(9) Lodging must include:

(a) Licensing where required;

(b) Sleeping accommodations; and

(c) Restroom facilities.

- (10) Bed & Breakfast Businesses, provided they maintain valid food and lodging health department licenses.
- (11) Camping must include:
- (a) Licensing where required;
 - (b) Parking accommodations; and
 - (c) Sanitary facilities and drinking water.
- (12) Attraction Businesses that are Agricultural, Cultural, Historical, or Recreation must include:
- (a) Parking;
 - (b) Restrooms provided;
 - (c) Drinking water required;
 - (d) Open at least six hours a day; six days a week of continuous operation during its normal business season; and
 - (e) Attendant, docent, or guide on duty during all operating hours.
- (13) The following types of Attraction must include with their application:
- (a) Brewery: Copy of license to offer tasting and to sell malt beverages at retail directly to the consumer.
 - (b) Coffee Roasting or Tasting: Copy of license to offer tasting and to sell locally roasted beans at retail directly to the consumer.
 - (c) Distillery: Copy of license to offer tasting and to sell spirits at retail directly to the consumer.
 - (d) Tasting Room: Copy of license to offer tasting and to sell wines, cider, and/or spirits at retail directly to the consumer.
 - (e) Tours and Trails: One qualifying Business acting as a starting point and must provide a regular and reasonable tour or trail fully described in a brochure with a map.
 - (f) Vineyard: Proof of onsite vineyard of at least 15 acres.
 - (g) Winery: Copy of license to offer tasting and to sell wines or cider at retail directly to the consumer.
- (14) Like Businesses creating a Cultural, Brewery, or Winery District must individually meet all conditions under (12).
- (15) Museums must include:
- (a) Restroom facilities and drinking water;
 - (b) Open to the public at least 1,040 hours per year which is four hours per day, five days a week;
 - (c) Licensing where required;
 - (d) Adequate parking accommodations; and
 - (e) Museum offerings must be the primary source of business.
- (16) A Museum that is an Historic Site must include:
- (a) Parking accommodations;
 - (b) An informational device to provide public knowledge of the feature; and
 - (c) A copy of the listing on the National Register of Historic Places.
- (17) Like businesses creating an Historic District must individually meet all conditions under (16)-(17).

Statutory/Other Authority: ORS 377.787

Statutes/Other Implemented: ORS 377.710, 377.790-377.830, 377.833-377.836, 377.838 – 377.845

History: TIC 1-2019, amend filed 11/13/2019, effective 11/13/2019; TIC 2-2018, amend filed 09/20/2018, effective 10/01/2018; TIC 1-2014, f. & cert. ef. 11-5-14; TIC 2-2010, f. & cert. ef. 6-11-10; TIC 3-2009, f. & cert. ef. 9-29-09; TIC 1-2009, f. & cert. ef. 4-3-09; TIC 1-2007, f. & cert. ef. 3-1-07; TIC 2-2006, f. & cert. ef. 6-21-06; TIC 2-2004, f. & cert. ef. 11-12-04; TIC 1-2004(Temp), f. & cert. ef. 7-20-04 thru 1-15-05; TIC 2-2000, f. 10-13-00, cert. ef. 11-1-00; TIC 1-2000, f. 4-14-00, cert. ef. 5-1-00; TIC 1-1997, f. & cert. ef. 2-13-97; TIC 2-1996, f. & cert. ef. 7-12-96; TIC 3-1995, f. & cert. ef. 11-8-95; TIC 1-1994, f. & cert. ef. 6-1-94; TIC 3-1985, f. & ef. 6-4-85; TIC 1-1984, f. & ef. 1-13-84; TIC 1-1980, f. & ef. 5-5-80; TIC 2-1979, f. & ef. 9-28-79; TIC 1-1979(Temp), f. & ef. 7-26-79

733-030-0026

Composition

- (1) Logo Signs must display the appropriate Directional Legend, the Service Legend, directional arrows and have a blue reflective background with a white reflective border. The size of the Logo Sign must be determined by the amount and

height of the Directional Legend and the number and size of logo plaques attached to the sign.

(2) All arrows, upper case letters and numbers used in the Service Legend and Directional Legend must be white and reflective.

(3) Upper case letters and numbers on Logo Signs on the Interstate, Freeway or Expressway must be a minimum of 10 inches in height. Upper case letters and numbers on Logo Signs, TOD Signs and Museum Signs on Conventional State Highways must be a minimum of 6 inches in height.

(4) Directions to the Business must be indicated by arrows on the Ramp Signs or Intersection Signs. Ramp Signs and Intersection Signs may also include distances to the Business displayed beneath the arrow in ¼-mile increments. Arrows pointing to the left or up must be at the extreme left of the sign. Arrows pointing to the right must be at the extreme right of the sign.

(5) TOD Signs must be rectangular in shape and have a blue reflective background with a white reflective legend and border. All arrows, upper case letters and numbers must be white and reflective.

(6) Museum Signs must be rectangular in shape and have a brown reflective background with a white reflective legend and border. All arrows, upper case letters and numbers must be white and reflective.

(7) Advance TOD and Advance Museum Signs must have a maximum of two lines of Directional Legend and two lines of business identification.

(8) Intersection TODS and Intersection Museum Signs must be limited to two lines of business identification, an arrow and mileage to the Business.

(9) Existing Museum Signs that have a blue background must be changed to brown when the life of the sign expires or the Museum requests a change in name.

[ED. NOTE: Exhibits & Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 377.787

Statutes/Other Implemented: ORS 377.710, 377.790-377.830, 377.833-377.836, 377.838 – 377.845

History: TIC 2-2018, amend filed 09/20/2018, effective 10/01/2018; TIC 1-2014, f. & cert. ef. 11-5-14; TIC 1-2009, f. & cert. ef. 4-3-09; TIC 1-2007, f. & cert. ef. 3-1-07; TIC 1-1996, f. & cert. ef. 1-8-96; TIC 1-1980, f. & ef. 5-5-80; TIC 2-1979, f. & ef. 9-28-79; TIC 1-1979(Temp), f. & ef. 7-26-79

733-030-0036

Special Requirements — Interstate Highways and Expressways

(1) Logo plaques:

(a) Logo plaques must be separate panels that are attached to a Logo Sign.

(b) A logo plaque must display either an identification symbol/trademark or a word message reproduced in the colors and general shape consistent with on-premise signing, and any integral letters must be in proportionate size. The registered business name, in whole or in part, and a Supplemental Message is the only wording allowed on the logo plaque. Messages, symbols, and trademarks which resemble any official Traffic Control Device are prohibited.

(c) The vertical and horizontal spacing between logo plaques on Logo Signs may not exceed eight inches and 12 inches, respectively.

(d) Logo plaques that use a blue background must also have a white reflective border to provide contrast to the blue Logo Sign. Logo plaques that use a contrasting color background to the blue Logo Sign may omit the need for a white border.

(e) Word messages on logo plaques on Interstates, Freeways and Expressways must have a minimum letter height of 8 inches and the identification symbol or trademark must be proportional to that height. Word messages on Ramp Logo Plaques on exits and Advance and Intersection Logo Plaques on Conventional State Highways must have a minimum letter height of 4 inches and the identification symbol or trademark must be proportional to that height.

(f) Logo plaques on the Interstates, Freeways and Expressways may not exceed 60 inches in width and 36 inches in height, including border;

(g) Ramp Logo Plaques on the exits may not exceed 16 inches in width and 10 inches in height, including border;

(h) Logo plaques on the Conventional State Highway may not exceed 24 inches in width and 18 inches in height, including

border.

(2) Limitations:

- (a) The number of Logo Signs, TOD Signs and Museum Signs along an approach to an Interchange or Intersection, regardless of the number of Service Legends displayed, must be limited to a maximum of four.
- (b) A maximum of four TOD and Museum Signs per post may be displayed in advance of each Intersection and at each Intersection. TOD and Museum Signs may be displayed in combination with Logo Signs on Conventional State Highways, not to exceed the maximum square footage of total sign available per post.
- (c) The number of Service Legends represented on any one Logo Sign must be limited to three. If three Service Legends are displayed on one Sign, then the Logo plaques must be limited to three for each Service Legend (for a total of nine logo plaques). If two Service Legends are displayed on one sign, then the logo plaques must be limited to three and six per Service Legend (for a total of nine logo plaques). The Service Legend and logo plaques must be displayed such that the road user will not associate them with another Service Legend on the same sign.
- (d) The same Service Legend may not be displayed on more than two signs. Where more than six Businesses of a specific Service Legend are eligible for logo plaques at the same Interchange or Intersection, additional Logo Signs of that same Service Legend may be displayed. The additional logo plaques may be displayed either by placing more than one Service Legend on the same sign or by using a second sign of that same Service Legend (if the additional sign can be added without exceeding the limit of four total signs at an Interchange or Intersection approach). No more than 12 logo plaques of a specific Service Legend may be displayed at the same Interchange or Intersection approach.
- (e) At single exit Interchanges the Service Legend followed by the exit number must be displayed on one line above the logo plaques. This does not apply to Logo Signs already erected before December 15, 2000. At unnumbered Interchanges the Directional Legend NEXT RIGHT (LEFT) may be used.
- (f) At double exit Interchanges, Logo Signs must consist of two sections, one for each exit. The top section must display the logo plaques for the first exit and the lower section must display the logo plaques for the second exit. The Service Legend and the exit number must be displayed in a line above the logo plaques in each section. The exit number requirements of this section do not apply to Logo Signs erected before December 15, 2000. At unnumbered Interchanges, the Directional Legends NEXT RIGHT (LEFT) and SECOND RIGHT (LEFT) must be used. Where a Service Legend is signed for at only one exit, one section of the Logo Sign may be omitted or a single exit Interchange Logo Sign may be used. Where a Service Legend is displayed on two Logo Signs, one of the Signs must display the logo plaques to the Businesses that are accessible from one of the two exits and the other sign must display the logo plaques for the Businesses that are accessible from the other exit.
- (g) Where Businesses are not visible from an Interchange or Intersection, Ramp and Intersection Signs must be installed along the ramp, at the ramp terminal, along the crossroad or at the Intersection. These Ramp and Intersection Signs must be similar to the corresponding Mainline and Advance Logo Signs but reduced in size. A maximum of 24 Ramp and Intersection Logo Plaques may be displayed along any one ramp, at the ramp terminal, along the crossroad or at the Intersection. Maximum Ramp Sign size must be limited to eight plaque spaces. Maximum Intersection Sign must be limited to six plaque spaces. On channelized off-ramps, Ramp Signs must be placed in advance of the channelized markings. Separate Ramp Signs, for the same Service Legend, may be installed on opposite sides of the ramp to direct motorists into the proper lane for those Businesses.

[ED. NOTE: Exhibits referenced are available from the agency.]

Statutory/Other Authority: ORS 377.787

Statutes/Other Implemented: ORS 377.710, 377.790-377.830, 377.833-377.836, 377.838 – 377.845

History: TIC 2-2018, amend filed 09/20/2018, effective 10/01/2018; TIC 1-2014, f. & cert. ef. 11-5-14; TIC 2-2010, f. & cert. ef. 6-11-10; TIC 1-2009, f. & cert. ef. 4-3-09; TIC 1-2007, f. & cert. ef. 3-1-07; TIC 2-2006, f. & cert. ef. 6-21-06; TIC 3-2004, f. & cert. ef. 11-15-04; TIC 1-2000, f. 4-14-00, cert. ef. 5-1-00; TIC 1-1997, f. & cert. ef. 2-13-97; TIC 1-1991, f. & cert. ef. 12-23-91; TIC 1-1980, f. & ef. 5-5-80; TIC 2-1979, f. & ef. 9-28-79; TIC 1-1979(Temp), f. & ef. 7-26-79

733-030-0045

Special Requirements — Conventional Highways

(1) Logo signs may not be displayed for any Business if its building or on-premise signing is visible and recognizable on the traveled way for a distance of 300 feet or more from the ramp, at the ramp terminal, along the crossroad or at the Intersection. Increased distances may be allowed for Businesses providing Camping where issues of safety and RV maneuvering are concerned or in order to direct the traveling public to the Business in order to avoid a traffic hazard or misdirection because of the complexity of the particular Interchange or Intersection. Visibility and recognition are determined by being able to recognize the Business by observing the building or existing signing adjacent to or attached to the Business, as to the Service Legend for which it has applied. A Business that is visible within 300 feet or more, but is not recognizable, may qualify for signing if a favorable determination is made by the Council. However, in rural towns with a population of 500 persons or less, where there are minimal Services Legends meeting qualifications, and where the nearest available Services Legends are at least 25 miles from that town, the Council, upon consultation with the Engineer, may consider installing Logo Signs in cases where the Business is visible on the traveled way the last 300 feet from the ramp, at the ramp terminal, along the crossroad or at the Intersection.

(2) Combination legend signing (i.e., legend reading FOOD/LODGING, and displaying one Businesses logo plaque) will be allowed in rural locations only. The Business must be the only one available in the geographical area. Approval for combination legend signing will be under an agreement between the Council and the Business. If another Business is built in the area, the Business with the combination legend signing will be required to display their logo plaques on two Logo Signs, one for each Service Legend. Businesses approved for combination legend signing will be required to pay 1-1/3 the annual fee for a Business in their area.

Statutory/Other Authority: ORS 377.787

Statutes/Other Implemented: ORS 377.710, 377.790-377.830, 377.833-377.836, 377.838 – 377.845

History: TIC 2-2018, amend filed 09/20/2018, effective 10/01/2018; TIC 1-2014, f. & cert. ef. 11-5-14; TIC 1-2009, f. & cert. ef. 4-3-09; TIC 1-2007, f. & cert. ef. 3-1-07; TIC 2-2006, f. & cert. ef. 6-21-06; TIC 2-2005, f. & cert. ef. 6-16-05; TIC 1-2005(Temp), f. & cert. ef. 3-14-05 thru 9-9-05; TIC 3-2004, f. & cert. ef. 11-15-04; TIC 2-1998, f. & cert. ef. 11-13-98; TIC 1-1997, f. & cert. ef. 2-13-97; TIC 2-1996, f. & cert. ef. 7-12-96; TIC 1-1980, f. & ef. 5-5-80; TIC 2-1979, f. & ef. 9-28-79; TIC 1-1979(Temp), f. & ef. 7-26-79

733-030-0055

State Sign Policy

(1) General Service Signs for Gas, Food, Lodging and Camping may be used in conjunction with Logo Signs for eligible Services Legends that are not represented by a Logo Sign.

(2) A Trailblazer may be installed upon the recommendations of the Council and approval of the Engineer at Intersections of Conventional State Highways, or Intersections of Conventional State Highways and county roads or city streets if it can be placed on Conventional State Highway right of way. Trailblazers may also be installed on county roads and city streets with the approval of authorities for the local jurisdiction. The text for Trailblazers must have a minimum letter height of 4 inches. Standards for Trailblazers must be adopted by the Engineer.

(3) Subject to the approval of the Council, and if spaces are available, the logo plaque of a Business may be placed on a Ramp or Intersection Sign, although its logo plaque cannot be placed on a Mainline or Advance Logo Sign because permits have already been issued for the maximum number of logo plaques for the particular Logo Sign. If the Logo Sign is not available due to lack of space on an Interstate, Freeway or Expressway, a General Service Sign for that Service Legend must first be installed.

(4) If applications are received for any one Interchange or Intersection for more than the maximum allowable logo plaques to be placed on any one Logo Sign, the order of priority for the wait list must be based on the date of the properly completed application received by the Council.

(5) A Business may apply for Logo Signs, TOD Signs and Museum Signs on more than one adjacent or intersecting highway to that Business.

(6) Any Business may be allowed one logo plaque on one Mainline or Advance Logo Sign in each direction of travel for

each Service Legend on any Interstate, Freeway, Expressway or Conventional State Highway.

(7) Any TOD or Museum Business may be allowed one Advance TOD or Museum Sign in each direction of travel on any Conventional State Highway.

(8) The Owner or Responsible Operator of a Business must file an application for placement of its logo plaque on a Logo Sign. After criteria have been met and Permits issued, must tender the permit fee for the first year. The Business must also agree to furnish the necessary logo plaques to be affixed to the Logo Signs.

(9) The Owner or Responsible Operator of a Business must file an application for placement of a TOD Sign or Museum Sign. After criteria have been met and Permits issued, must tender the permit fee for the first year.

(10) Eligibility of Businesses for continued placement of their logo plaque on a Logo Sign or TOD Sign or Museum Sign may be reviewed by the Council at any time to assess whether the Business or the Logo Sign, TOD Sign or Museum Sign location meets present guidelines. If the review finds that the Business or the sign location does not meet all applicable rules and laws, the sign or logo plaque may be removed. If the sign or logo plaque is removed, the remaining permit fees will be refunded.

(11) If payment is not received for a renewal permit on or before the payment due date stated in the Council's invoice, the logo plaque or sign may be removed. The space made available after the removal of a logo plaque or sign due to nonpayment of fees may be offered to the next qualified Business on a wait list for that Sign. Should space continue to be available and the removed Business desire to have its logo plaque or sign reinstalled, the Council may require a new review to be performed prior to approving the reinstallation. If approved for reinstallation, the Business must pay the permit fees due and reinstallation fee prior to reinstallation of their logo plaque or sign.

(12) Notwithstanding section (10) of this rule, a Business is entitled to the installation of a logo plaque or sign for one year following the remittance of their permit or invoice.

(13) Notwithstanding section (10) of this rule, the logo plaque or sign of a Business may be removed and replaced by another qualified Business for failure to comply with subsections (a)-(c) of this section as hereafter set out:

(a) If the Business fails to correct and provide all of the services required for its specific type pursuant to 733-030-0021 within 30 days after written notice thereof is mailed to the Business;

(b) If the Business fails to open for business for more than seven consecutive days or for more than 10 days cumulatively, during any one-year period, unless the Council finds that closure for such period was beyond the control of the Owner or Responsible Operator, or that the closure was justified by extenuating circumstances;

(c) The logo plaque is not kept in a proper state of repair; is non-reflective, peeling, fading, chipping or otherwise unattractive; or does not meet requirements for size or Supplemental Messages.

(14) If due to fire, accident or similar causes, a Business becomes inoperable for an extended period of time, exceeding seven days, but not more than 90 days, its logo plaque or sign must be temporarily removed, but the Business will not lose its priority, nor be required to reapply prior to the permit renewal date. Further extension may be granted for good cause shown. However, failure of the Owner or Responsible Operator to proceed with necessary repairs as rapidly as possible may cause loss of the right to continued placement of the logo plaque or sign and require a new application.

(15) Notwithstanding the fact that a Business meets all of the other eligibility qualifications of these rules, an application may be denied if it is determined by the Council after investigation by the Engineer that adequate direction to the Business cannot be given by a reasonable number of allowable Ramp Signs, Intersection Signs or Trailblazers.

(16) If a sign is removed due to reconstruction at any given Interchange, and only one Service Legend may be retained, the Council shall survey the Immediate Area of that Interchange to assess availability of specific Services Legends. The Service Legends not available within the Immediate Area, but located at the Interchange to be removed, will have legends retained to meet business needs. If all legends are represented in the Immediate Area, legends at that Interchange will be retained by giving priority to the date of application of the first Business of all legends installed.

(17) In the case of removal, relocation, displacement, destruction of or damage to the sign or logo plaque from any act of the Business, its officers, employees or agents, a claim for a refund of the Permit fee will not be valid.

(18) Any Business that Simultaneously changes ownership and the registered business name on a logo plaque or sign with a waiting list forfeits the right to the space and the logo plaques or sign will be removed. The next Business on the

wait list may be notified of the available space.

(19) Seasonal Businesses must notify the Council of their seasonal dates at the time of application and of any changes in seasonal dates during the duration of the Permit period. Logo plaques for seasonal Businesses must be removed or covered during the period of seasonal closure. TOD and Museum Signs must be covered or removed during the period of seasonal closure.

(20) If a Business qualifies for a Gas, Food, Lodging or Camping Logo Sign, it does not also qualify for an Historical Attraction Logo Sign on the Interstate, Freeway or Expressway. If a Business qualifies as an ODOT Cultural and Historical Feature and receives Cultural and Historical signs from ODOT, it does not qualify for any Logo Signs. If a Business qualifies for a Gas, Food, Lodging or Camping Logo Sign, it does not qualify for a TOD or Museum Sign on the Conventional State Highway.

(21) Any Intersection TOD or Museum Sign erected as the Advance TOD or Museum Sign before September 19, 1988, may be maintained.

(22) Those TOD or Museum Businesses that had CLOSED riders installed prior to November 15, 1996, will continue to use the CLOSED riders as long as it is determined by the Council and ODOT that they can be easily accessed and safely operated.

[Publications: Publications & forms referenced are available from the agency.]

Statutory/Other Authority: ORS 377.787

Statutes/Other Implemented: ORS 377.710, 377.790-377.830, 377.833-377.836, 377.838 – 377.845

History: TIC 2-2018, amend filed 09/20/2018, effective 10/01/2018; TIC 1-2014, f. & cert. ef. 11-5-14; TIC 2-2010, f. & cert. ef. 6-11-10; TIC 1-2009, f. & cert. ef. 4-3-09; TIC 1-2007, f. & cert. ef. 3-1-07; TIC 2-2002, f. & cert. ef. 10-30-02; TIC 1-2002, f. & cert. ef. 4-19-02; TIC 3-2000, f. 12-14-00, cert. ef. 12-15-00; TIC 1-2000, f. 4-14-00, cert. ef. 5-1-00; TIC 2-1996, f. & cert. ef. 7-12-96; TIC 1-1996, f. & cert. ef. 1-8-96; TIC 1-1995, f. & cert. ef. 5-17-95; TIC 1-1994, f. & cert. ef. 6-1-94; TIC 1-1991, f. & cert. ef. 12-23-91; TIC 2-1989, f. & cert. ef. 10-27-89; TIC 1-1989, f. & cert. ef. 6-9-89; TIC 3-1988, f. & cert. ef. 12-23-88; Reverted to TIC 5-1983, f. & ef. 8-26-83; TIC 2-1987(Temp), f. & cert. ef. 8-4-87; TIC 5-1983, f. & ef. 8-26-83; TIC 3-1983(Temp), f. & ef. 7-21-83; TIC 1-1980, f. & ef. 5-5-80; TIC 2-1979, f. & ef. 9-28-79; TIC 1-1979(Temp), f. & ef. 7-26-79

733-030-0060

Waiver

(1) Upon petition by a Business, the Council may authorize a waiver of the appropriate requirements of 733-030-0021(4)-(17). The Business must list the particular requirements it seeks to have waived, the Business must show that the waiver will benefit the motoring public and not violate the overall intent of the rules, that no traffic hazard or reduction in traffic safety will occur, and that the motoring public can be advised of the waived condition on the logo plaque through a Supplemental Message or on the Advance TOD or Museum Sign through a rider.

(2) Riders may be installed for seasonal TOD and Museum Businesses which qualify only with an approved waiver and are the only Business installed on a post. The rider must be a concise, one-line description of the waived issue.

(3) Waivers may not be granted to a Business applying for a Logo Sign, TOD Sign or Museum Sign that has a wait list.

(4) Riders required as part of an open hours or open days criteria waiver or seasonal closure for TOD or Museum Businesses must be assessed a fee prior to installation. Sign revision fees must be assessed when the Business changes the days or hours of operation or takes other waiver related action that requires a change in the rider message and therefore requires the manufacture and installation of new riders.

(5) The Council shall notify Businesses promptly on of any Permit or waiver denial or decision to remove a logo plaque or sign under these rules. ODOT is the final authority on the placement, denial or removal of any logo plaque or sign. ODOT is the final authority on the denial of any application due to criteria.

Statutory/Other Authority: ORS 377.787

Statutes/Other Implemented: ORS 377.710, 377.790-377.830, 377.833-377.836, 377.838 – 377.845

History: TIC 2-2018, amend filed 09/20/2018, effective 10/01/2018; TIC 1-2014, f. & cert. ef. 11-5-14; TIC 1-2009, f. &

cert. ef. 4-3-09; TIC 1-2000, f. 4-14-00, cert. ef. 5-1-00; TIC 1-1996, f. & cert. ef. 1-8-96; TIC 3-1985, f. & ef. 6-4-85; TIC 6-1983, f. & ef. 8-26-83; TIC 1-1980, f. & ef. 5-5-80; TIC 2-1979, f. & ef. 9-28-79; TIC 1-1979(Temp), f. & ef. 7-26-79

733-030-0065

Permit Fees and Installation

- (1) Upon the approval of a Permit for a logo plaque or sign, the Council shall request installation of the logo plaque or sign from ODOT, the Council sign crew or the Council contractor as determined appropriate by the Council staff. The Council shall provide the installer with all necessary information to install the logo plaque or sign.
- (2) The Council shall notify a Business promptly when a Permit has been approved to allow the sufficient time to furnish the necessary number of logo plaques. If the Council is notified that a Business has failed to furnish its logo plaques by the specified date given by the Council, or that the logo plaques furnished are not in compliance with specifications provided by the Council, it may cancel the Permit and refund the amount paid in advance by the Business.
- (3) The annual Permit fee for each logo plaque or sign must be based on the traffic volume and population density of the area where the highway is located. Permit fees will be reviewed and established annually by the Council pursuant to ORS 377.825.
- (4) Permit fees will be charged according to the Council's current Fee Schedule. When Permit fees are reviewed for potential changes, the Council shall send a notice of Permit fee changes to each business with a Permit and to all interested parties requesting the information. Businesses and interested parties will have 30 days to respond in writing or attend a public hearing scheduled after the 30-day time period. The Fee Schedule will also be available on the Council web site for personal download or by mail upon request.
- (5) In accordance with OAR 733-030-0055(10)-(12), Permit fees are due with the contract and the Permit automatically renewed upon receipt of the annual payment of invoice to the Council on or before the payment due date stated in the Council's invoice.
- (6) A late fee will be assessed on those Businesses that pay the annual payment of invoice after the 45-day payment due date has expired.
- (7) Permit fees for Food Businesses that display the name of two distinct brand of Food on one food logo plaque will be charged 1-1/3 the Permit fee of a regular Food Business Permit fee in that area. Permit fees for Gas Businesses that include a Food name on their logo plaque will be charged 1-1/3 the Permit fee of a regular Gas Business Permit fee in that area. Payment of Permit fees is the responsibility of the Gas Business, which will be designated as the primary Business.
- (8) Permit fees for combination legend signing will be charged 1-1/3 the fee for one Service Legend charged in that area.
- (9) The Council may charge a fee when a Business desires to replace their logo plaques due to a redesign of the logo plaque, color or a change in the registered business name.
- (10) If a Business desires to move their logo plaque from their current position on a Mainline or Advance Logo Sign to a vacant position on the same Mainline or Advance Logo Sign, the Council will charge a relocation fee.
- (11) When a vacancy occurs on a Mainline or Advance Logo Sign, the Council will give written notification to all Businesses with logo plaques on that Mainline or Advance Logo Sign to respond within seven (7) days of any preference they may have for relocating their logo plaque to a vacant position on that Mainline or Advance Logo Sign.
- (12) If two or more Businesses indicate preference for the same vacant space, the Business with longest seniority on that Mainline or Advance Logo Sign will be offered the first option to relocate their logo plaque.
- (13) The Council will charge a fee when a TOD or Museum Business desires to change their registered business name resulting in the manufacture and installation of new TOD or Museum signs.
- (14) Nonpayment of Permit fees will result in the removal of logo plaques or signs, and the logo plaque or sign space will be offered to the next Business desiring that space. Should the logo plaque or sign be reinstalled after removal due to nonpayment of Permit fees, the Council will charge a maintenance fee per logo plaque or sign to be reinstalled, along with their Permit fees due.
- (15) If any Business is publicly owned and operated or not-for profit as determined by the Federal Internal Revenue

Service, the Permit fee will be set at the non-profit sign fee rate. Proof of not-for profit status must be submitted with the application.

Statutory/Other Authority: ORS 377.787

Statutes/Other Implemented: ORS 377.710, 377.790-377.830, 377.833-377.836, 377.838 – 377.845

History: TIC 2-2018, amend filed 09/20/2018, effective 10/01/2018; TIC 1-2018, amend filed 03/23/2018, effective 03/23/2018; TIC 1-2014, f. & cert. ef. 11-5-14; TIC 1-2009, f. & cert. ef. 4-3-09

TIC 3-2006, f. & cert. ef. 11-24-06

TIC 1-2006, f. & cert. ef. 3-2-06

TIC 2-2004, f. & cert. ef. 11-12-04

TIC 1-2004(Temp), f. & cert. ef. 7-20-04 thru 1-15-05

TIC 2-2002, f. & cert. ef. 10-30-02

TIC 1-2001, f. 5-11-01, cert. ef. 5-15-01

TIC 3-2000, f. 12-14-00, cert. ef. 12-15-00

TIC 1-2000, f. 4-14-00, cert. ef. 5-1-00

TIC 2-1998, f. & cert. ef. 11-13-98

TIC 1-1998, f. 6-8-98, cert. ef. 7-1-98

TIC 1-1997, f. & cert. ef. 2-13-97

TIC 3-1996, f. & cert. ef. 10-16-96

TIC 2-1996, f. & cert. ef. 7-12-96

TIC 1-1996, f. & cert. ef. 1-8-96

TIC 2-1986, f. & cert. ef. 9-19-86

TIC 1-1986, f. & cert. ef. 5-28-86

TIC 2-1985, f. & cert. ef. 6-4-85

TIC 3-1984(Temp), f. & cert. ef. 10-29-84

TIC 1-1980, f. & cert. ef. 5-5-80

TIC 2-1979, f. & cert. ef. 9-28-79

TIC 1-1979(Temp), f. & cert. ef. 7-26-79

733-030-0080

Requirements for Supplemental Messages on Logo Plaques

733-030-0080

Requirements for Supplemental Messages on Logo Plaques

(1) All Supplemental Messages must be displayed within the logo plaque in one horizontal line along the bottom of the plaque. The Supplemental Message must be reflective, displayed in a color to contrast effectively with the background of the logo plaque or be separated by a divider bar.

(2) On Interstate, Freeways and Expressways the Supplemental Message must have a minimum letter height of six inches and be proportional in size on all Ramp Logo Signs. On Conventional State Highways the Supplemental Message must have a minimum letter height of four inches.

(3) Gas Businesses that are exclusively card-lock stations must display the Supplemental Message CARD LOCK ONLY on Interstate, Freeway and Expressway logo plaques and CARD LOCK on Conventional State Highway logo plaques.

(4) Seasonal Businesses or Businesses that only qualify with an approved waiver must display a concise description of the waived issue as a Supplemental Message.

(5) Supplemental Messages with the words DIESEL, PROPANE, 24 HOUR, RV DUMP, RV PARKING, RV ACCESS, ALT FUELS, BIODIESEL, CLEAN DIESEL, B5 DIESEL, CLEAR PREMIUM or Wi-Fi, and/or the abbreviations CNG, EV, E85, LNG or DEF or a combination of two messages may be used by any Business that offers those products or services. If a Business elects to display the circular RV symbol, it must be the only Supplemental Message allowed. If a Business designated as an Interstate Oasis is displayed on a Logo Sign, the word OASIS may be used as a Supplemental Message

on its logo plaque.

(6) All Supplemental Messages and their design on logo plaques must be approved by the Council.

(7) Logo plaques using separate logo riders must comply with Supplemental Message rules when those plaques are replaced with new plaques. All logo plaques must comply with Supplemental Message rules by March 27, 2019.

Statutory/Other Authority: ORS 377.787

Statutes/Other Implemented: ORS 377.710, 377.790-377.830, 377.833-377.836, 377.838 – 377.845

History: TIC 1-2019, amend filed 11/13/2019, effective 11/13/2019; TIC 2-2018, amend filed 09/20/2018, effective 10/01/2018; TIC 1-2014, f. & cert. ef. 11-5-14; TIC 1-2011, f. & cert. ef. 9-22-11; TIC 2-2010, f. & cert. ef. 6-11-10; TIC 1-2009, f. & cert. ef. 4-3-09; TIC 2-2006, f. & cert. ef. 6-21-06; TIC 1-2002, f. & cert. ef. 4-19-02; TIC 1-2000, f. 4-14-00, cert. ef. 5-1-00; TIC 2-1998, f. & cert. ef. 11-13-98; TIC 1-1997, f. & cert. ef. 2-13-97; TIC 1-1996, f. & cert. ef. 1-8-96; TIC 1-1991, f. & cert. ef. 12-23-91; TIC 3-1989, f. & cert. ef. 10-27-89; TIC 5-1988, f. & cert. ef. 12-23-88; Reverted to TIC 5-1985, f. & ef. 12-13-85; TIC 1-1987(Temp), f. & ef. 3-6-87; TIC 5-1985, f. & ef. 12-13-85; TIC 4-1985, f. & ef. 6-4-85; TIC 3-1982, f. & ef. 6-1-82

733-030-0150

Applicability and Purpose

(1) The purpose of these administrative rules is to establish standards for Oregon's historical marker signs erected within Conventional Highway right-of-way to provide the motorist with signing of historical or geological points of interest to the traveling public.

(2) These administrative rules are applicable to the Conventional Highway system. These rules are also applicable to Interstate Highway rest areas.

(3) The authority for the issuance of these administrative rules is ORS 377.787.

Statutory/Other Authority: ORS 377.787

Statutes/Other Implemented: ORS 377.710, 377.790-377.830, 377.833-377.836, 377.838 – 377.845

History: TIC 1-2014, f. & cert. ef. 11-5-14; TIC 1-2009, f. & cert. ef. 4-3-09; TIC 4-1995, f. & cert. ef. 11-8-95

733-030-0155

Definitions

In addition to the definitions described in OAR 733-030-011, the following definitions apply unless the context indicates otherwise:

(1) "Applicant" means an entity, group or individual applying for the placement of a new or replacement historical marker.

(2) "Committee" means the Historical Marker Committee acting as an advisory board. The Committee meets quarterly, and consists of volunteer representatives from various governmental and historical organizations statewide. The Committee is comprised of voting members, and advisors representing six geographic sections of the state.

(3) "Defined Geological Feature" means a geological site of state or regional significance, as defined in Oregon Historical Marker guidelines.

(4) "Defined Historical Feature" means a site designated by the State Historical Marker Committee to commemorate an event, person or place of statewide or national significance, as defined in Oregon Historical Marker guidelines.

(5) "Directional Information" means an advance sign stating "historical marker ahead," or "geological marker ahead" or other necessary information to direct the motoring public to defined historical feature or defined geological feature placed on a marker.

(6) "Marker" means an historical sign panel and support structure.

(7) "Sponsor" means an entity, group or individual that is responsible for a financial contribution to the cost of the new marker, and future maintenance of the new marker. The sponsor and the Council have authority to enter into an agreement relative to matters covered by these administrative rules.

Statutory/Other Authority: ORS 377.787

Statutes/Other Implemented: ORS 377.710, 377.790-377.830, 377.833-377.836, 377.838 – 377.845

History: TIC 1-2014, f. & cert. ef. 11-5-14; TIC 1-2009, f. & cert. ef. 4-3-09; TIC 4-1995, f. & cert. ef. 11-8-95

733-030-0160

Location

- (1) Marker panels must be located so as to take advantage of natural terrain, to have the least impact on the scenic environment, and to avoid visual conflict with other signs within the Conventional Highway right-of-way and at Interstate rest areas.
- (2) Marker panels must be located as close as possible to the historical or geological occurrence within the Conventional Highway right-of-way and at Interstate rest areas.
- (3) The proposed location must be reviewed and approved by ODOT.

Statutory/Other Authority: ORS 377.787

Statutes/Other Implemented: ORS 377.710, 377.790-377.830, 377.833-377.836, 377.838 – 377.845

History: TIC 1-2014, f. & cert. ef. 11-5-14; TIC 1-2009, f. & cert. ef. 4-3-09; TIC 4-1995, f. & cert. ef. 11-8-95

733-030-0170

Eligibility

- (1) New marker applications are limited to two applications per biennium per organization, entity or individual.
- (2) New marker applications are subject to a non-refundable fee \$50.00. If approved, the fee will apply toward the total cost of the marker.
- (3) Acceptance of responsibility for financial partnership for cost of new marker including design, production, installation, delivery, and maintenance will be that of the sponsoring group.

Statutory/Other Authority: ORS 377.787

Statutes/Other Implemented: ORS 377.710, 377.790-377.830, 377.833-377.836, 377.838 – 377.845

History: TIC 1-2014, f. & cert. ef. 11-5-14; TIC 4-1995, f. & cert. ef. 11-8-95

733-030-0180

Criteria

- (1) The Council shall establish a program for marking historical and geological sites in Oregon.
- (2) The Council shall approve design(s) for historical markers. A person may not erect a historical marker within the Conventional Highway right-of-way and at Interstate rest areas in the state format without the approval of the Council and ODOT.
- (3) Markers may be erected to commemorate a person, events, places, or geological features that are judged of statewide or national significance as stated in the State historical markers program guidelines.
- (4) Sponsoring groups have six months following the application approval in which to complete the text approval process, and to submit appropriate graphics to the Council to produce the panels.
- (5) The Historical Marker Committee may issue a waiver for location of markers off Conventional Highway right-of-way, or not visible from the Conventional Highway. ODOT is not responsible for markers located off Conventional Highway right-of-way.
- (6) If Council funds allocated for funding the markers have been exhausted for the biennium, markers may be privately funded. A privately funded marker must follow state approved design when located on Conventional Highway right-of-way or located on private land. A privately funded marker becomes the property of the Council.

Statutory/Other Authority: ORS 377.787

Statutes/Other Implemented: ORS 377.710, 377.790-377.830, 377.833-377.836, 377.838 – 377.845

History: TIC 1-2014, f. & cert. ef. 11-5-14; TIC 1-2009, f. & cert. ef. 4-3-09; TIC 4-1995, f. & cert. ef. 11-8-95

733-030-0190

Composition

- (1) New historical markers must have a wooden support structure and a fiberglass embedded interpretive panel following approved program format(s).

- (2) The words "Oregon History" or "Oregon Geology" must be at the top of the marker.
 - (3) The Council and the Historical Marker Committee shall have authorization to augment the single design format with other design formats as requested.
 - (4) The sponsoring group may place as a credit line their organizational symbol in the bottom color band, lower right. Commercial sponsors will be allowed corporate logos or trademarks in black and white only and in accordance with the marker design.
 - (5) Initial text must be submitted by the sponsoring group, and may be edited by the Council. Text may be from 150-300 words, partially dependent on the graphics submitted to accompany the text. Text must be factual, stressing statewide or national significance, and be accompanied by a source bibliography.
 - (6) Graphics such as photographs, maps and illustrations that augment the proposed text are to be submitted by the sponsoring group. If not available, the sponsoring group or appropriate agency is responsible for working with a design firm or appropriate agency to procure such graphics.
 - (7) Advance signs must be installed for all markers placed on Conventional Highway right-of-way excluding Interstate Highway rest areas. See ODOT's Sign Policy Guidelines (see current drawings D-424 and D-424A) for specifications.
- Statutory/Other Authority: ORS 377.787
- Statutes/Other Implemented: ORS 377.710, 377.790-377.830, 377.833-377.836, 377.838 – 377.845
- History: TIC 1-2014, f. & cert. ef. 11-5-14; TIC 1-2009, f. & cert. ef. 4-3-09; TIC 4-1995, f. & cert. ef. 11-8-95

733-030-0200

Fees and Installation

- (1) The Council shall furnish, erect and maintain state historical markers, as required.
 - (2) Upon the approval of an application for a marker the Council shall direct the installation of the marker.
 - (3) Fees are determined by the total cost of the marker. Fees are payable within 30 days following the installation date.
 - (4) The applicant shall be notified when the marker is erected.
 - (5) Limited Council funds available for historical markers will be used in combination with local sponsorship funding.
 - (6) If Council funds have been exhausted for the biennium or indefinitely, the sponsor or applicant may fund the entire cost of a marker, although following state guidelines.
 - (7) Agencies, organizations or entities may elect to co-sponsor historical markers while following state guidelines.
- Statutory/Other Authority: ORS 377.787
- Statutes/Other Implemented: ORS 377.710, 377.790-377.830, 377.833-377.836, 377.838 – 377.845
- History: TIC 1-2014, f. & cert. ef. 11-5-14; TIC 4-1995, f. & cert. ef. 11-8-95

733-030-0210

Temporary Removal and Reinstallation

- (1) Upon request the Council and Committee may authorize a relocation of an existing or new historical marker upon a showing by the applicant that the granting of such a relocation will benefit the motoring public and not violate the overall intent of these administrative rules. Relocation may only occur with the written permission of the Council and ODOT.
 - (2) All costs including site preparation and advance signing, associated with moving the marker must be borne by the party desiring the relocation.
- Statutory/Other Authority: ORS 377.787
- Statutes/Other Implemented: ORS 377.710, 377.790-377.830, 377.833-377.836, 377.838 – 377.845
- History: TIC 1-2014, f. & cert. ef. 11-5-14; TIC 4-1995, f. & cert. ef. 11-8-95

733-030-0220

Maintenance

- (1) New Historical markers and those refurbished by the Council are the property of the Council, which is responsible for their maintenance, but the Council encourages cooperative maintenance agreements with the sponsoring group.
- (2) If the sponsoring group elects not to maintain the marker and immediate grounds on which the marker is erected, an

annual fee must be paid by the sponsoring group.

(3) Any significant physical changes by the sponsor to the marker or grounds must be approved in advance by the Council and ODOT.

Statutory/Other Authority: ORS 377.787

Statutes/Other Implemented: ORS 377.710, 377.790-377.830, 377.833-377.836, 377.838 – 377.845

History: TIC 1-2014, f. & cert. ef. 11-5-14; TIC 4-1995, f. & cert. ef. 11-8-95

733-030-0400

Applicability and Purpose

(1) The purpose of these rules is to establish standards for Interstate Oasis signing erected within highway rights-of-way to provide directional information to qualified businesses that provide products and services to the public.

(2) These rules are applicable to the Interstate, Freeway and Expressway systems.

(3) The authority for the issuance of these rules is Oregon Laws 1979, Chapter 478, Section 7 and 23 U.S.C. 109(d), 131(f), 315 and 49 CFR 1.48(b).

Statutory/Other Authority: ORS 377.787

Statutes/Other Implemented: ORS 377.710, 377.790-377.830, 377.833-377.836, 377.838 – 377.845

History: TIC 1-2014, f. & cert. ef. 11-5-14; TIC 2-2009, f. & cert. ef. 6-1-09

733-030-0410

Definitions

In addition to the definitions described in OAR 733-030-0011, the following definitions will apply unless the context clearly indicates otherwise:

(1) "Guide sign" means a sign that shows route designations, destinations, directions, distances, services, points of interest, or other geographical, recreational, or cultural information.

(2) "Interstate Oasis Supplemental Plaque" means a traffic control device intended to communicate Interstate Oasis to road users through a word legend that is placed immediately above or below an existing Guide sign to supplement the message on the sign. The difference between a plaque and a sign is that a plaque cannot be used alone.

Statutory/Other Authority: ORS 377.787

Statutes/Other Implemented: ORS 377.710, 377.790-377.830, 377.833-377.836, 377.838 – 377.845

History: TIC 1-2014, f. & cert. ef. 11-5-14; TIC 2-2009, f. & cert. ef. 6-1-09

733-030-0420

Location

(1) Interstate Oasis signs are intended for use primarily in rural areas. Urban areas may be considered if a suitable location is available and approved by ODOT.

(2) Interstate Oasis signs must be located so as to take advantage of natural terrain, to have the least impact on the scenic environment, and to avoid visual conflict with other signs within the highway right of way. Unprotected sign supports located within the clear zone must be of a breakaway design.

(3) If adequate sign spacing allows, a separate Interstate Oasis sign may be installed in an effective location with spacing of at least 800 feet from other adjacent guide signs, including any Logo Signs. This sign must be located in advance of the advance guide sign or between the advance guide sign and the exit direction sign for the exit leading to the Oasis.

(4) If the spacing of other Guide signs precludes use of a separate Interstate Oasis sign, a Supplemental Plaque with a white legend and border on a blue background may be appended above or below an existing Logo Sign or Guide Sign for the interchange.

(5) A limit of one Interstate Oasis sign may be erected in advance of an interchange in each direction of travel.

(6) The proposed locations of Interstate Oasis signs must be reviewed and approved by the Engineer to determine that no conflicts resulting in unsafe driving conditions will exist with other traffic control devices.

Statutory/Other Authority: ORS 377.787

Statutes/Other Implemented: ORS 377.710, 377.790-377.830, 377.833-377.836, 377.838 – 377.845

History: TIC 1-2014, f. & cert. ef. 11-5-14; TIC 2-2009, f. & cert. ef. 6-1-09

733-030-0430

Eligibility Criteria

- (1) Each qualified Interstate Oasis business identified on a sign must give written assurance to the Council of its conformity with all applicable laws concerning the provision of public accommodations without regard to race, religion, color, age, sex, or national origin and meet all applicable Federal and State Americans with Disabilities Act (ADA) guidelines.
- (2) Each qualified Interstate Oasis business must have an appropriate business and health department licensing where required.
- (3) Each qualified Interstate Oasis business may not be located more than 3 miles from an interchange with an Interstate, Freeway and Expressway. Greater distances, in 3-mile increments up to a maximum of 15 miles may be considered for interchanges in very sparsely developed rural areas where eligible businesses are not available within the 3-mile limit.
- (4) Each qualified Interstate Oasis business must be accessible via a route that can safely and conveniently accommodate vehicles of the types, sizes, and weights that would be traveling to the business, entering and leaving the business, returning to the Interstate, Freeway and Expressway, and continuing in the original direction of travel.
- (5) Each qualified Interstate Oasis business must have physical geometry of site layout, including parking areas and ingress/egress points, that can safely and efficiently accommodate movements into and out of the site, onsite circulation, and parking by all vehicles, including heavy trucks of the types, sizes, and weights anticipated to use the business.
- (6) Each qualified Interstate Oasis business must have restrooms available to the public at all times (24 hours per day, 365 days per year). Restrooms must be modern and sanitary and must have drinking water. The restrooms and drinking water must be available at no charge or obligation.
- (7) Each qualified Interstate Oasis business must have parking spaces available to the public for 50 automobiles and 50 heavy trucks. The parking spaces must be well lit and must be available at no charge or obligation for parking durations of up to 10 hours or more, in sufficient numbers for the various vehicle types, including heavy trucks.
- (8) Each qualified Interstate Oasis business must provide products and services to the public. These products and services must include: public telephone; food (vending, snacks, fast food, and/or full service); and fuel, oil, and water for automobiles, trucks, and other motor vehicles.
- (9) Each qualified Interstate Oasis business must be staffed by at least one person on duty at all times (24 hours per day, 365 days per year).
- (10) In cases where no single business near an interchange meets all the eligibility criteria, the Council may allow the criteria to be satisfied by a combination of two or more businesses located immediately adjacent to each other and easily accessible on foot from each other's parking lots via pedestrian walkways compliant with ADA and that do not require crossing a public highway.

Statutory/Other Authority: ORS 377.787

Statutes/Other Implemented: ORS 377.710, 377.790-377.830, 377.833-377.836, 377.838 – 377.845

History: TIC 1-2014, f. & cert. ef. 11-5-14; TIC 2-2009, f. & cert. ef. 6-1-09

733-030-0440

Composition

- (1) A separate Interstate Oasis sign must have a blue reflective background with a white reflective border and white reflective legends. The directional legend must consist of the exit number, or an action message such as "NEXT RIGHT," and the service legend must read "INTERSTATE OASIS." All numbers must be 10 inches in height and all words must be in 10-inch capital letters.
- (2) A ramp Interstate Oasis sign must have the legend "OASIS" in white reflective 6-inch capital letters on a blue reflective background with white reflective border.
- (3) If Logo signing is provided at the interchange, a business designated as an Interstate Oasis and having a Logo Plaque

on a Logo Sign may use the bottom portion of the Plaque to display the word "OASIS" as a Supplemental Message.

Statutory/Other Authority: ORS 377.787

Statutes/Other Implemented: ORS 377.710, 377.790-377.830, 377.833-377.836, 377.838 – 377.845

History: TIC 1-2014, f. & cert. ef. 11-5-14; TIC 2-2009, f. & cert. ef. 6-1-09

733-030-0450

Special Requirements — Interstate Highways and Expressways

If Ramp Logo Plaques containing the Supplemental Message "OASIS" are not used on the exit ramp, a Trailblazer with a white reflective legend (minimum 6 inch letters) and border on a blue reflective background may be provided on the exit ramp to indicate the direction and distance to the Interstate Oasis, unless the Interstate Oasis is clearly visible and identifiable from the exit ramp. Additional Trailblazers may be used, if determined to be necessary, along the cross road to guide motorists to the Oasis.

Statutory/Other Authority: ORS 377.787

Statutes/Other Implemented: ORS 377.710, 377.790-377.830, 377.833-377.836, 377.838 – 377.845

History: TIC 1-2014, f. & cert. ef. 11-5-14; TIC 1-2011, f. & cert. ef. 9-22-11; TIC 2-2009, f. & cert. ef. 6-1-09

733-030-0460

State Sign Policy

(1) If an eligible Interstate Oasis business existing within three miles of an interchange has not applied for a permit for Interstate Oasis signing, then an otherwise eligible Interstate Oasis business that is located farther than three miles from the interchange may apply for a permit.

(2) If applications are received for any one interchange from more than one eligible Interstate Oasis business, the order of priority must be based on the date of the properly completed application received by Council.

(3) The owner or responsible operator of an Interstate Oasis business must file an application for Interstate Oasis signing on a form specified by the Council.

(4) Eligibility of Interstate Oasis businesses for continued placement of their Interstate Oasis signing may be reviewed by the Travel Information Council at any time to assess whether the businesses and sign locations meet present guidelines. If the review finds that the business or the signing location does not meet all applicable rules and laws, the signing may be removed.

Statutory/Other Authority: ORS 377.787

Statutes/Other Implemented: ORS 377.710, 377.790-377.830, 377.833-377.836, 377.838 – 377.845

History: TIC 1-2014, f. & cert. ef. 11-5-14; TIC 2-2009, f. & cert. ef. 6-1-09

733-030-0470

Waiver

Procedures. Administrative Procedure Act. Any order of the Council denying a permit under these rules, or for removal of a sign under these rules, may be entered administratively without hearing, subject to requirements of ORS Chapter 183 and the administrative and judicial review as provided therein. The Council shall notify businesses promptly on any permit denial or waiver denial or decision to remove a sign under these rules.

Statutory/Other Authority: ORS 377.787

Statutes/Other Implemented: ORS 377.710, 377.790-377.830, 377.833-377.836, 377.838 – 377.845

History: TIC 1-2014, f. & cert. ef. 11-5-14; TIC 2-2009, f. & cert. ef. 6-1-09

733-030-0480

Installation and Permit Fees

(1) Upon approval of a permit, the Council may furnish, erect and maintain Interstate Oasis signs as required and shall notify the business applying for those signs when a permit has been approved.

(2) Upon the approval of a permit for Interstate Oasis signs, the Council shall issue a Request for Quotation (RFQ) from qualified contractors and suppliers to determine the total construction and fabrication costs to install the Interstate

Oasis signs.

(3) All costs to install the Interstate Oasis signs must be paid for by the business applying for those signs.

(4) Installation fees are determined by the total cost of the Interstate Oasis signs. Fees are payable within 30 days following the installation date.

(5) Permit fees will be reviewed and established annually by the Council pursuant to ORS 377.825 and will be charged according to the Council's current Schedule of Fees. When permit fees are reviewed for potential changes, the Council shall send a notice of permit fee changes to the business with an Interstate Oasis sign permit and to all interested parties requesting the information. Businesses and interested parties will have 30 days to respond in writing or attend a public hearing scheduled after the 30 day time period. The Schedule of Fees will also be available on the Council web site for personal download or by mail upon request.

(6) Permit fees are due with the contract and the permit automatically renewed upon receipt of the annual payment of invoice to the Council on or before the payment due date stated in the Council's invoice.

Statutory/Other Authority: ORS 377.787

Statutes/Other Implemented: ORS 377.710, 377.790-377.830, 377.833-377.836, 377.838 – 377.845

History: TIC 1-2014, f. & cert. ef. 11-5-14; TIC 2-2009, f. & cert. ef. 6-1-09

733-030-0500

Applicability and Purpose

(1) The purpose of these regulations is to establish rules for the "free coffee" program service sponsored by non-profit organizations in rest areas; permissible under federal regulations and state law; and found by the Council, in certain instances, to be in the interest of public safety.

(2) These regulations are applicable to those rest areas managed by the Council.

(3) The authority for the issuance of these regulations is Oregon Laws 2012, Section 10, Chapter 63.

Statutory/Other Authority: Oregon Jobs, Transportation Act 2009 (HB 2001)

Statutes/Other Implemented:

History: TIC 1-2012, f. & cert. ef. 10-11-12; TIC 1-2010, f. & cert. ef. 3-15-10

733-030-0510

Definitions

In addition to the definitions described in OAR 733-030-0011, the following definitions shall apply unless the context clearly indicates otherwise:

(1) "Cookie" means cookies or brownies available from a licensed facility but not cake, bagels, donuts, coffee cake, candy bars, or other similar items.

(2) "Free Coffee" means coffee and any other non-alcoholic beverage not available in the rest area vending machines.

(3) "Free Coffee Program Application and Permit" means a permit available from the Council requesting permission to sponsor a free coffee service at a specified interstate rest area.

(4) "Non-profit organization" means an organization that has been granted non-profit status by the Internal Revenue Service.

Statutory/Other Authority: Oregon Jobs, Transportation Act 2009 (HB 2001)

Statutes/Other Implemented:

History: TIC 1-2010, f. & cert. ef. 3-15-10

733-030-0520

Criteria

(1)(a) Organizations may make written requests for permission to sponsor a "free coffee" service at a specific rest area directed to the Council not more than 60 days prior to the date(s) requested. Requests must be submitted on form "Free Coffee Program Application and Permit" available from the Council;

(b) The organization must certify that they have been granted non-profit status by the Internal Revenue Service (IRS) and

may be required at the discretion of the Council to provide a copy of the IRS determination letter;

(c) The Council will grant permission for the activity by way of a permit issued to the selected organization. The selection will be made not less than 30 days in advance of the date(s) requested from all permits received, and will be based on a random drawing conducted by the Council if multiple requests for the same date(s) and location are received. For purposes of issuing permits, if a rest area is sited on both sides of the highway, each side of the rest area will be considered a single location;

(d) Permits will be issued for a single location in 24-hour increments (12:00 a.m.–11:59 p.m.) for up to 3 consecutive days per permit with a maximum of three permits per month;

(e) Only one organization will be granted a permit for a single location for any particular date or time;

(f) The Council may decline to issue any permits for a single location or for any particular date or time; and

(g) A copy of the permit must be on-site during operation of the "free coffee" service;

(2) The "free coffee" service will be located in a designated area of the rest area. The area will be designated by the Council. The service is not permitted to obstruct access to any building or other structure in the rest area. The area is to be kept neat and free of litter, cups, etc., associated with the service.

(3) The organization shall comply with all state and local health department rules and regulations.

(4) Carbonated beverages shall not be distributed under the "free coffee" program in rest areas where carbonated beverages are available in vending machines.

(5) Coffee and cookies are to be free of charge to the public. Donations may be received by the organization but not sought or requested, except for the allowed use of one opaque container with the words "donations" or "contributions" in a maximum of one-inch letters.

(6) No more than two signs or posters with a maximum area of ten square feet each may be used to identify the "free coffee" service and the organization by name only i.e. "Free Coffee — Served By — (organization name)". Signs or posters may only be placed in the area designated for the service including on vehicles within which the service is provided, and must be removed when the service is closed and upon expiration of the permit. No signs are to be placed outside the rest area confines by the organization other than official "Free Coffee" signs that may be provided by the Council.

(7) The organization is responsible for all products and supplies necessary to provide "free coffee" service in the rest area including any extraordinary costs incurred by the Council as a result of this service. The Council reserves the right to charge the non-profit organization a fee for the electrical usage while offering the "free coffee" service at the rest areas. The Council may provide access to limited electricity and water as determined by the Council.

(8) Permits are not transferable and are revocable for non-compliance with any state statute, rest area rules, or the terms of the permit. Repeated failure to comply with the rules and regulations may result in the organization's forfeiture of right to future participation in the program.

Statutory/Other Authority: Oregon Jobs, Transportation Act 2009 (HB 2001)

Statutes/Other Implemented:

History: TIC 1-2010, f. & cert. ef. 3-15-10; TIC 4-2009(Temp), f. & cert. ef. 11-10-09 thru 5-9-10