

CHAPTER 41D
**MOTORIST SERVICE SIGNING FOR NON-
 URBAN INTERSTATE AND LIMITED
 ACCESS HIGHWAYS**

Authority

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SUBCHAPTER 1. GENERAL PROVISIONS

16:41D-1.1 Purpose

(a) The purpose of this chapter is to establish procedures and policies applicable to a NJDOT official MUTCD and

Federal Highway Administration approved motorist service and logo sign program for providing fuel, food, lodging and campsite information to the traveling public. Such signs are to be owned, erected and maintained by the NJDOT, paid by participating businesses, and placed near selected intersections on NJDOT right-of-way on non-urban interstate highways and limited access primary highway routes.

(b) The program will be managed by the NJDOT exclusively for the benefit of the motoring public and in a manner consistent with applicable MUTCD and Federal Highway Administration guidelines.

16:41D-1.2 Scope

This chapter will govern motorist service signs erected by the Department within the right-of-way of non-urban interstate and limited-access State highways.

16:41D-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the text clearly indicates otherwise:

“Business” means an individual facility that furnishes fuel, food, lodging or camping services to the motoring public.

“Commissioner” means the Commissioner of the New Jersey Department of Transportation.

“Department” or “NJDOT” means the New Jersey Department of Transportation.

“Interstate highway” means a highway constructed within this State and approved by the Secretary of Transportation of the United States as an official portion of the National System of Interstate and Defense Highways pursuant to the provisions of Title 23, “Highways,” of the United States Code, as amended.

“Limited access highway” means a highway especially designed for through traffic over which abutters have no easement or right of light, air or direct access, by reason of the fact that their property abuts such way.

“Logo sign panel” means a separate sign which shows a brand, symbol, trademark or name, or combination thereof, and which is designed to be mounted on a service sign.

“Manual On Uniform Traffic Control Devices” or “MUTCD” means the Manual On Uniform Traffic Control Devices for streets and highways as periodically published and revised by the United States Department of Transportation, Federal Highway Administration, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

"Non-urban" means those areas which are outside of the municipal or city boundaries of designated urban centers, said urban centers being Atlantic City, Camden, Elizabeth, Jersey City, New Brunswick, Newark, Paterson and Trenton, as specified in the New Jersey State Development and Redevelopment Plan as published by the State Planning Commission.

"Public telephone" means a coin operated telephone on site or in the immediate vicinity and which is available for public use during all business hours.

"Service sign" means an official sign, erected by the Department, within the highway right-of-way which indicates to motorists that general types of services, such as fuel, food, lodging and camping are available and which are designed to carry logo sign panels.

SUBCHAPTER 2. ELIGIBILITY AND REQUIREMENTS

16:41D-2.1 Eligibility

To be eligible to participate in the service signing program, each business must remain in conformance with all applicable local, State and Federal laws concerning public accommodations and provide fuel, food, lodging or camping accommodations in the manner prescribed in N.J.A.C. 16:41D-2.2.

16:41D-2.2 Specific requirements

(a) Each participating business shall at all times satisfy the specific requirements established for its industry type, as follows:

1. Fuel facilities shall:
 - i. Be licensed by all appropriate authorities;
 - ii. Have gas, fuel and oil for cars, trucks and other vehicles;
 - iii. Have free public rest rooms;
 - iv. Have a public telephone;
 - v. Be in continuous operation for at least 16 hours each day and seven days each week throughout the year; and
 - vi. Be located within three miles of the highway.
2. Food facilities shall:
 - i. Be licensed by all appropriate authorities and possess valid permits from all appropriate health departments;
 - ii. Have a public telephone;
 - iii. Have free public rest rooms;

- iv. Be in continuous operation at least 12 hours each day and seven days each week throughout the year; and

- v. Be located within three miles of the highway.

3. Lodging facilities shall:

- i. Be licensed by all appropriate authorities and possess valid permits from all appropriate health departments;

- ii. Have at least 10 units, each with a private bath;

- iii. Have off street parking for each unit;

- iv. Have a public telephone;

- v. Be in continuous operation seven days each week throughout the year; and

- vi. Be located within three miles of the highway.

4. Camping facilities shall:

- i. Be licensed by all appropriate authorities and possess valid permits from all appropriate health departments;

- ii. Have restrooms and showers;

- iii. Provide drinking water;

- iv. Have public telephones; and

- v. Be located within seven miles of the highway.

(b) If, at any designated intersection there are no eligible businesses of a particular industry type, the Department, at its sole discretion, may waive the locational requirements set forth in (a)1vi, 2v, 3vi and 4v above and extend eligibility to other businesses which satisfy the remaining requirements pertaining to that industry type.

16:41D-2.3 Measurement of distances

The measurement of distances from an interstate highway or limited access highway shall be from the centerline between the main lines of the highway and shall be measured along the intersecting roadway to the property line of the particular business.

16:41D-2.4 Seasonal campgrounds

Seasonal campgrounds shall notify the Office of Outdoor Advertising Services 60 days in advance of their opening and closing dates so that the Department may remove or cover the logo sign during the period when the campground is closed.

16:41D-2.5 Temporary closure of participating business

(a) Any participating business which closes temporarily for repairs or emergencies shall not be found to be in violation of the specific requirement concerning continuous operation set forth in N.J.A.C. 16:41D-2.2 provided that:

1. The business shall notify the Office of Outdoor Advertising Services 15 days before a planned temporary closure;

2. The business shall notify the Office of Outdoor Advertising Services within three days of a closure necessitated by an emergency;

3. The duration of the closure shall not exceed seven days, except that the Office of Outdoor Advertising Services may, in its discretion, extend this period for good cause where the public interest is not adversely affected, which extension shall not exceed 30 days;

4. When a business reopens after a temporary closure it shall notify the Office of Outdoor Advertising Services. The Department shall replace or uncover any logo sign panel which it removed or covered within a reasonable period; and

5. During the period of closure the Department may, in its sole discretion, remove or cover up the logo sign panel of the participating business.

SUBCHAPTER 3. APPLICATION AND SELECTION PROCEDURES

16:41D-3.1 Application procedures and fees

All businesses shall make application on the forms and in the manner prescribed by the Department and shall pay a non-refundable application fee of \$300.00. Applicants shall include on the form pertinent identifying information and documentation of compliance with N.J.A.C. 16:41D-2. Businesses which are determined to be ineligible shall be so notified by the Office of Outdoor Advertising Services.

16:41D-3.2 Selection of participating businesses

(a) The Department shall select participating business of each industry type from a list of eligible business which have submitted complete applications and paid the application fee.

(b) Participation shall be offered to as many businesses as can be accommodated on the service sign of its industry type in accordance with the MUTCD.

(c) If there are more businesses than can be accommodated on a service sign, the Department shall select the businesses which are closest to the highway.

1. The Department shall place any unselected business on a waiting list for the service sign of its particular industry type and shall notify these businesses of their placement on the waiting list.

2. A business which has been on the waiting list for three years may notify the Office of Outdoor Advertising Services of its intention to bump a participating business

of the same industry type which is further from the highway. The Office of Outdoor Advertising Services shall determine which business is closer and shall select the closest business to participate. Within 30 days of its receipt of the notice of intention to bump, the Office of Outdoor Advertising Services shall notify both businesses of the business which has been selected to participate.

16:41D-3.3 Agreements

(a) After selection for participation in the program, each business shall enter into a written agreement with the Department allocating responsibilities for the logo sign panel.

1. The initial agreement shall be for three years provided that the business has paid all annual fees, in accordance with this chapter, and annually certifies that it meets all eligibility requirements. Thereafter, the agreement shall be extended each year, provided that the business has paid all fees in accordance with this chapter, certifies that it meets all eligibility requirements, and has not been bumped pursuant to N.J.A.C. 16:41D-3.2(c)2.

2. If the Department determines that a participating business does not comply with the requirements of this chapter, the Department shall direct the business to comply within 30 days. If the business does not comply within 30 days of the Department's directive, the business shall be deemed to be in breach of the agreement and the Department may remove or cover its logo sign panel, terminate the agreement, and allocate the panel space to another eligible business.

16:41D-3.4 Fees

(a) Each participating business shall be charged the following non-refundable fees:

- 1. Annual renewal and maintenance fee \$1,170
(This is a recurring annual fee)
- 2. Design, fabrication and installation fee \$7,450
(This is a one time initial fee)
- 3. Design change, fabrication and installation fee \$1,950
(Charged only if there is a logo design change)

(b) Eligible businesses which are placed on a waiting list pursuant to N.J.A.C. 16:41D-3.2(c) are not required to pay any annual fee pursuant to (a) above until they participate in the program.

SUBCHAPTER 4. APPEALS

16:41D-4.1 Appeals

(a) Any business that has been determined to be ineligible or has been denied participation in the logo sign program or has been bumped may submit a written request for reconsideration to the Executive Director in charge of the

logo sign program within 10 days of receipt of notice from the Office of Outdoor Advertising Services. The request shall include the reasons for the requested reconsideration. The Executive Director shall schedule an informal meeting within 30 days of his or her receipt of the request.

(b) At the reconsideration meeting, the aggrieved business will be accorded an opportunity to present additional information in support of its desire to be an eligible participant in the logo sign program.

(c) The Executive Director shall render a final agency decision within 10 days of the informal meeting and shall so notify the business in writing.

SUBCHAPTER 5. CONSTRUCTION AND MAINTENANCE OF SIGNS

16:41D-5.1 Fabrication and installation

Logo sign panels and service signs shall be fabricated and installed by the Department in accordance with the standards for specific service signing in the MUTCD, as amended or superseded.

16:41D-5.2 Inspection and maintenance

The Department will conduct routine inspections of the service signs, and logo sign panels and perform maintenance, repairs or replacement as required.

16:41D-5.3 Replacement of signs

Service signs will be scheduled for replacement every 10 years, as needed. Logo sign panels will be scheduled for replacement every five years, as needed. Posts and other hardware will be replaced as necessary. Any sign panel that has been destroyed, damaged, or vandalized will be replaced by the Department as soon as practicable after the Office of Outdoor Advertising Services has received written notice of such destruction.

SUBCHAPTER 6. TERMINATION AND LOCATIONS

16:41D-6.1 Agreement termination

The NJDOT may terminate any agreement or any portion of this program and shall only be liable for the pro-rata reimbursement of fees paid by participating businesses.

16:41D-6.2 Service sign location

The Department reserves the right to specify the routes and intersections available for logo service signing.