

## TRANSPORTATION

### (a)

#### DIVISION OF CAPITAL PROGRAM MANAGEMENT OFFICE OF OUTDOOR ADVERTISING SERVICES Tourist Oriented Directional Signs Program (TODS) Proposed Amendments: N.J.A.C. 16:41D-2.1 and 3.2

Authorized By: Richard T. Hammer, Commissioner, Department of Transportation.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, and 27:7-21.12.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2017-186.

Submit written comments by October 20, 2017, to:

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Submit electronically at [nidotRules@dot.state.nj.us](mailto:nidotRules@dot.state.nj.us).

This rule may be viewed or downloaded from the Department's website at <http://www.state.nj.us/transportation/about/rules/proposals.shtml>.  
The agency proposal follows:

#### Summary

This chapter establishes guidelines, standards, and requirements to be followed and adhered to in the provision of Tourist Oriented Directional Signs (TODS) along eligible State highways of New Jersey. The TODS program provides motorists with identification and directional information to eligible tourist-oriented businesses and activities located off the State highway system through official highway signs. The signs must comply with the standards established in the Manual on Uniform Traffic Control Devices (MUTCD). Participation in the TODS program is elective and is offered to facilities that meet the standards. Restaurants, wineries, museums, antique shops, marinas, and agritourism facilities are typical TODS participants.

A3669 was signed into law by Governor Christie on November 9, 2015, as P.L. 2015, c. 139. The act took effect immediately, but did not apply to contracts entered into or renewed before the date of enactment. The act specifies that a facility shall not be required to have a public telephone or free drinking water in order to participate in certain sign programs implemented by the Department of Transportation. Amendments are necessary in order to comply with N.J.S.A. 27:7-21.12.d.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

The proposed amendments are as follows:

At N.J.A.C. 16:41D-2.1, the definition of "public telephone" is proposed for deletion.

N.J.A.C. 16:41D-3.2(a)4 is proposed for deletion because licensed facilities are no longer required to provide free public drinking water. Existing N.J.A.C. 16:41D-3.2(b)2iii, (b)4ii, and (b)5iii are proposed for deletion because licensed facilities are no longer required to provide public telephones. N.J.A.C. 16:41D-3.2(b)3vi is proposed for deletion because licensed facilities are no longer required to provide public telephones.

#### Social Impact

The proposed amendments apply to those public, private, and cooperatively owned businesses and facilities that conduct or provide tourist-oriented activities, but are not located on State highways. The rules establish a program to identify eligible businesses and facilities to motorists on State highways and to provide directional signage by which motorists can safely and easily drive to those businesses and facilities.

The proposed amendments also establish standards for the qualification of these businesses and procedures for the operation of the program.

The Department believes that the deletion of the requirement for public telephones at licensed facilities is justified by widespread ownership and use of cellphones. The Department further believes that the deletion of the requirement for free public drinking water at licensed facilities should be impact neutral. Facilities with retail establishments most likely have beverages, including water, available. Camp sites and natural attractions may have vending machines.

#### Economic Impact

The proposed amendments will have a positive economic impact on those businesses that elect to participate in this program. Participants will not have to either provide telephones for public use or install public water fountains at their facilities.

#### Federal Standards Statement

Pursuant to N.J.S.A. 39:4-183.6, all official highway signs must conform to the Manual of Uniform Traffic Control Devices (MUTCD). The proposed amendments do not pertain to signage, therefore, a Federal standards analysis pursuant to Executive Order No. 27 (1994) P.L. 1995, c. 65, is not required.

#### Jobs Impact

The TODS program promotes tourism in New Jersey. The Department does not expect that the proposed amendments would result in the generation or loss of jobs.

#### Agriculture Industry Impact

The proposed amendments are not intended to regulate farming, crop, or animal production.

#### Regulatory Flexibility Analysis

The rules provide guidelines, standards, and requirements to be followed by participants in the Tourist Oriented Directional Signs Program. Eligible businesses that elect to participate will have a sign erected for them on State right of way by the Department's approved vendor pursuant to a contract between the business and the vendor. Entities participating in the program are required to enter into an annual contract and pay an annual fee for the erection of their sign. The businesses must maintain records that show compliance with eligibility and participation requirements established by this chapter.

Some of these participating entities may be small businesses as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendments will be applied equally to both large and small businesses of the same business type.

The Department expects the economic impact on small businesses to be the same as the impact on businesses generally.

#### Housing Affordability Impact Analysis

The proposed amendments will have no impact on the affordability of housing in New Jersey. The rules provide guidelines, standards, and requirements to be followed by the Tourist Oriented Directional Signs Program. The Department believes that it is extremely unlikely that the proposed amendments would bring about a change in the average costs associated with housing.

#### Smart Growth Development Impact Analysis

The proposed amendments will have no impact on smart growth. The Department believes that it is extremely unlikely that the proposed amendments would bring about a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan because the rules provide guidelines, standards, and requirements to be followed by the Tourist Oriented Directional Signs Program.

**Full text** of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

#### SUBCHAPTER 2. DEFINITIONS

##### 16:41D-2.1 Definitions

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

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

SUBCHAPTER 3. ELIGIBILITY AND GENERAL REQUIREMENTS

16:41D-3.2 Participation requirements

(a) Each eligible facility must satisfy the following general requirements:

- 1.-3. (No change.)
[4. Have free drinking water available;]
Recodify existing 5.-8. as 4.-7. (No change in text.)

(b) Each eligible facility shall satisfy the following specific requirements. If a specific requirement conflicts with a general requirement, the specific requirement will apply.

- 1. (No change.)
2. The facility-specific requirements for camping facilities are as follows; the facility shall:
i. Be located within 10 miles of the State highway on which the intersection approach sign is erected; and
ii. Be open a minimum of seven days each week, 360 days per year, unless designated as seasonal; and
[iii. Have a public telephone.]
3. The facility-specific requirements for fuel facilities are as follows; the facility shall:
i.-iv. (No change.)
v. Provide compressed air for tire inflation and free water for batteries and radiators; and
[vi. Have a public telephone.]
4. The facility-specific requirements for lodging facilities are as follows; the facility shall:
i. Be open a minimum of seven days each week, 360 days per year, unless designated as seasonal; and
[ii. Have a public telephone.]
5. The facility-specific requirements for restaurants are as follows:
i. (No change.)
ii. A restaurant located in a mall, shopping center or other enclosed structure shall have a primary entrance from the public parking area, which is dedicated for the restaurant’s exclusive use; and
[iii. The restaurant shall have a public telephone.]
6. (No change.)

(a)

DIVISION OF RIGHT-OF-WAY AND ACCESS MANAGEMENT

OFFICE OF OUTDOOR ADVERTISING AND WIRELESS SERVICES

Specific Service Sign (Logo) Program Proposed New Rules: N.J.A.C. 16:41E

Authorized By: Richard T. Hammer, Commissioner, Department of Transportation.

Authority: N.J.S.A. 27:1A-5 and 27:1A-6.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2017-214.

Submit written comments by October 20, 2017, to:

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Submit electronically at njdotRules@dot.state.nj.us.

This rule may be viewed or downloaded from the Department’s website at http://www.state.nj.us/transportation/about/rules/proposals.shtm.

The agency proposal follows:

Summary

This chapter establishes standards and procedures for the implementation of the Specific Service Sign (Logo) Program along eligible designated freeways and interstate highways of New Jersey. The Logo Program is intended to enhance motorist safety by providing signs that identify specific services and provide directional information to eligible gas, food, lodging, camping, and attractions for the benefit of the travelling public.

The signs must comply with the standards established in the Manual on Uniform Traffic Control Devices (MUTCD). Participation in the Logo Program is elective and is offered to facilities that meet the standards.

The Department of Transportation (Department) has reviewed these rules and has determined that they are necessary, reasonable, adequate, understandable, and responsive to the requirements of the MUTCD and the purposes of the Logo Program.

Subchapter 1 provides the purpose and scope of the chapter and states that the program complies with the standards of the Manual on Uniform Traffic Control Devices, which is incorporated into this chapter by reference, as amended and supplemented. The MUTCD is the manual periodically published and revised by the United States Department of Transportation, Federal Highway Administration, which establishes standards for all signage. Website information is provided for the list of highways available for Logo signage.

Subchapter 2 provides the definitions that are used throughout the chapter.

Subchapter 3 provides the eligibility and requirements and standards for those facilities wishing to take part in the program; lists of eligible and ineligible facilities; closure conditions; general conditions; and waiver provisions. Waivers from the distance requirements established in this chapter may be allowed under certain conditions pursuant to this subchapter.

Subchapter 4 provides information on the application, approval, and participation procedures.

Subchapter 5 establishes the annual and non-annual fees.

Subchapter 6 provides for the design, construction, and maintenance of the signs. Subchapter 7 discusses temporary closures.

Subchapter 8 discusses Departmental determinations of non-compliance and provides the appeal process.

Subchapter 9 discusses program termination.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed new rules apply to those public, private, and cooperatively owned businesses and facilities that provide gas, food, lodging, camping, and other attractions, but are not located on designated freeways and interstate highways. The rules establish a program to identify eligible businesses and facilities to motorists on designated freeways and interstate highways and to provide directional signage by which motorists can safely and easily drive to those businesses and facilities. The rules also establish standards for the qualification of these businesses and procedures for the operation of the program.

The proposed new rules benefit motorists by informing them of gas, food, lodging, camping, and other attractions that are not visible from those roadways. They also benefit motorists who are looking for a particular tourist destination, but might be unsure how to get there. For these same reasons, the rules benefit participating tourist facilities that do not have exposure to the designated freeways and interstate highways system. The rules benefit the safety of all motorists in New Jersey by providing signage in accordance with the standards and conventions of the Manual of Uniform Traffic Control Devices.