

3. State Government Notice of Intended Rulemaking

- a. Date on which the Notice of Intent containing all of the information required by W.S. 16-3-103(a) was filed with the **Secretary of State**:
- b. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the **Legislative Service Office**:
- c. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the **Attorney General**:

4. Public Notice of Intended Rulemaking

- a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. Yes No N/A
- b. A public hearing was held on the proposed rules. Yes No

	If "Yes:"	Date:	Time:	City:	Location:

5. Final Filing of Rules

- a. Date on which the Certification Page with original signatures and final rules were sent to the **Attorney General's Office for the Governor's signature**:
- b. Date on which final rules were sent to the **Legislative Service Office**:
- c. Date on which a PDF of the final rules was electronically sent to the **Secretary of State**:

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

<i>Signature of Authorized Individual (Blue ink as per Rules on Rules, Section 7)</i>	
<i>Printed Name of Signatory</i>	
<i>Signatory Title</i>	
<i>Date of Signature</i>	

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

<i>Governor's Signature</i>	
<i>Date of Signature</i>	

Attorney General: 1. Statement of Reasons; 2. Original Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; and 5. Memo to Governor documenting emergency (for emergency rules only).

LSO: 1. Statement of Reasons; 2. Copy of Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; 5. Electronic copy of rules: clean and strike/underscore; and 6. Memo to Governor documenting emergency (for emergency rules only).

SOS: 1. PDF of clean copy of rules; and 2. Hard copy of Certification Page as delivered by the AG.

Resolution

WHEREAS, the Wyoming Department of Transportation with the approval of the Transportation Commission of Wyoming, pursuant to W.S. 24-2-105 and W.S. 24-2-115, is authorized to promulgate rules and regulations as described in the following; and

WHEREAS, the Wyoming Department of Transportation through the Transportation Commission of Wyoming desires to adopt General Section, Chapter 27, Tourist-Oriented Directional Signing (TODS), a revised rule and regulation of the Wyoming Department of Transportation. This revised rule has been updated and revised for clarity; and

WHEREAS, a forty-five day public comment period was held to solicit written comments concerning these rules; and

WHEREAS, no public comments were received during the comment period for consideration by the Transportation Commission of Wyoming;

NOW THEREFORE BE IT RESOLVED that the Transportation Commission of Wyoming officially adopts General Section, Chapter 27, Tourist-Oriented Directional Signing (TODS).

Dated this 17th day of October 2013.



Chairman, Transportation Commission of Wyoming

ATTEST:



Secretary, Transportation Commission of Wyoming

WYOMING DEPARTMENT OF TRANSPORTATION

STATEMENT OF REASONS

GENERAL SECTION

CHAPTER 27, TOURIST-ORIENTED DIRECTIONAL SIGNING (TODS)

Chapter 27, Tourist-Oriented Directional Signing (TODS), is a revised rule and regulation of the Wyoming Department of Transportation (WYDOT) promulgated by authority of W.S. 24-2-115. The chapter has been updated and revised for clarity. In renumbered Section 7(a), the provisions for closed businesses and TODS have been revised. In renumbered Section 8, standards for TODS signs have been revised.

WYOMING DEPARTMENT OF TRANSPORTATION

COMMENT SUMMARY

GENERAL SECTION

CHAPTER 27, TOURIST-ORIENTED DIRECTIONAL SIGNING (TODS)

Following is a summary of comments as submitted for:

General Section:

Chapter 27, Tourist-Oriented Directional Signing (TODS)

No public comments were submitted to, or received by, the Wyoming Department of Transportation during the public comment period (August 14, 2013, through September 27, 2013).

Table of Contents

Tourist-Oriented Directional Signing (TODS)

Chapter 27

Section 1	Authority and Purpose	27-1
Section 2	Definitions	27-1
Section 3	Activities or Sites of Significant Interest	27-1
Section 4	General Requirements	27-2
Section 5	Special Requirements	27-3
Section 6	Procedures	27-3
Section 7	Conditions	27-4
Section 8	Design of TODS Signs and Panels	27-5
Section 9	TODS Sign Installation	27-6
Section 10	TODS Costs	27-6
Section 11	Waivers	27-8
Section 12	Appeals Process	27-8

Wyoming Department of Transportation
Tourist-Oriented Directional Signing (TODS)

CHAPTER 27

Section 1. **Authority and Purpose.**

These rules and regulations are promulgated by the Wyoming Department of Transportation (WYDOT) pursuant to W.S. 24-2-115 to provide for installing and administering tourist-oriented directional signing for qualified activities or sites of significant interest to the traveling public along state highways. Rules and regulations promulgated by the Federal Highway Administration pursuant to 23 CFR 655.603 shall supersede these rules and regulations when the federal rules conflict or are more restrictive.

Section 2. **Definitions.**

- (a) **“State highway”** means all state highways except interstate highways.
- (b) **“Tourist-oriented directional signing,”** or TODS, means official signing located within the right-of-way of a state highway that gives specific information regarding activities or sites of significant interest to the traveling public.
- (c) **“Rural”** means those areas not in the urban or corporate limits of a town with a population of 1,500 or more.
- (d) **“Trailblazer sign”** means a sign that must be installed at an intersection where the motorist must change directions after leaving the state highway to reach the tourist activity.

Section 3. **Activities or Sites of Significant Interest.**

The activity or site shall be of significant interest to the traveling public to qualify for the TODS Program. Any one of the following may qualify the activity or site.

- (a) The activity or site offers a motorist service, such as gas, food, lodging, camping, or motor vehicle service or repair.
- (b) The activity or site is of reasonable interest to tourists as a historic, cultural, scientific, educational or religious site, or as a site of natural scenic beauty, or is naturally suited for outdoor recreation.

(c) The activity or site is of reasonable commercial interest to the traveling public.

Section 4. **General Requirements.**

An individual activity or site of significant interest shall meet the following general requirements to qualify for TODS.

(a) The activity, service, or business (including seasonal agricultural products) shall derive the major portion of its income or visitors during the normal business season from motorists not residing in the immediate area of the business or activity.

(b) The activity or site shall be open to the general public during regular and reasonable hours and not by appointment or reservation only.

(c) The activity shall be conducted in an appropriate building or area. It shall not be conducted in a building principally used as a residence unless a convenient and well-marked entrance exists.

(d) The activity or site shall be located in a rural area or inside the corporate limits of a city with a population of less than 1,500.

(e) When the activity or its on-premises signing is visible from the state highway as determined by the WYDOT Traffic Program, the activity shall not qualify for TODS unless operational safety requires an advance sign.

(f) An activity or site shall not qualify for TODS if the activity or site is identified by an off right-of-way directional sign that is within one mile; is on the same route; is facing the same direction as the proposed TODS sign; or is identified by a WYDOT directional sign within the right-of-way.

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

(h) The activity or site shall be located within 15 miles of the state highway.

(i) Activities or sites within the urban areas of towns having a population of 1,500 or less may qualify for a TODS sign on more than one state highway. Activities or sites in rural areas shall have TODS signs on only one state highway.

(j) An activity requiring more than 3 trailblazer signs shall not qualify for TODS.

Section 5. Special Requirements.

In addition to the general requirements, an individual activity or site of significant interest shall meet the following requirements to qualify for the TODS Program.

(a) An activity or a site providing a motorist service shall be open a minimum of 8 hours a day, 6 days a week, and 5 months a year.

(b) A tourist attraction shall be open a minimum of 4 hours a day, 5 days a week, and 5 months a year.

(c) An agricultural business activity shall be open a minimum of 8 hours a day, 6 days a week during the normal seasonal period.

(d) A commercial activity not covered by any of the preceding paragraphs in Section 5 shall be open a minimum of 8 hours a day, 5 days a week, and 5 months a year.

Section 6. Procedures.

The Traffic Program of the Wyoming Department of Transportation will make application forms, rules and regulations, fee schedules, and design standards available to the public.

(a) The applicant shall submit an application with the application fee and drawings of the proposed TODS panel and trailblazer sign if one is thought to be needed.

(b) The Traffic Program shall:

(i) Review the application and notify the applicant of acceptance or denial based on qualifying criteria.

(ii) Review applicant's design of specific TODS panel and trailblazer signs, and notify the applicant of approval or indicate necessary changes.

(iii) Conduct a random drawing to determine successful applicants when the number of applicants exceeds the available space. Notify applicant of results. Unsuccessful applicants shall have their application fee returned and their application placed on a waiting list. They shall be notified when space becomes available.

(iv) Bill the applicant for all required fees.

(c) The applicant shall:

(i) Arrange to obtain and install any required trailblazer signs and pay all assessed sign fabrication and installation fees within 30 days of billing.

(ii) Obtain and deliver to the Traffic Program its specific TODS panels within 45 days of the billing date. An installation fee shall be charged if the TODS panels must be field installed due to late delivery.

(d) The Traffic Program shall fabricate the TODS sign, install the applicant-furnished TODS panel on the sign if required, and field install the completed TODS sign. WYDOT shall provide sign and panel maintenance for an assessed fee.

(e) The applicant shall pay for a replacement sign at the current cost if a sign becomes damaged or destroyed. If a specific TODS panel is damaged or needs replacement, the applicant shall be notified by the Traffic Program and shall be required to furnish a new panel. A fee shall be assessed for installing the new panel.

Section 7. **Conditions.**

A TODS sign shall not be erected until the activity or site has been approved in accordance with these rules, and the Department has received prepayment of all fees.

(a) If the qualifying business is closed 7 or more days, the participant shall notify the WYDOT Traffic Program so that the TODS sign can be covered or removed. The Department shall charge a fee to cover, uncover, remove, or replace a sign. Businesses failing to notify the Department shall be subject to termination from the program.

(b) If the qualifying business is sold or changes ownership, the TODS participant shall notify the Traffic Program of the Wyoming Department of Transportation so that the sign may be transferred to the new owner.

(c) WYDOT shall remove or mask a TODS sign for a seasonal activity when the activity is closed during the off-season period, unless the TODS panel displays the period of operation. A charge shall be assessed if the panel is masked or removed.

(d) If needed, adequate trailblazing signs shall be provided on local roads and streets to guide motorists from the state highway route to the activity or site. The Traffic Program shall approve trailblazing sign designs before installation. WYDOT shall not furnish trailblazer signs. When trailblazer signs are to be installed on other than state highways, the applicant shall obtain the sign and necessary permits, and arrange for the installation. When trailblazer signs are to be installed on state highways, WYDOT shall furnish the post, install the sign, and bill the applicant for an installation fee. TODS signs shall not be installed until necessary trailblazing signs are in place.

Section 8. **Design of TODS Signs and Panels.**

TODS signs shall be reflective blue background with reflective white legend and may display the words *Tourist Activities* in 6 inch letters at the top. The signs shall be 6 feet wide and limited to a maximum height of 6 feet. Additional height shall be allowed to accommodate the addition of the optional *Tourist Activities* message. If the business name is depicted by a word legend only, WYDOT may fabricate the entire sign.

(a) Businesses may be required to supply TODS logo panels because of unique font or logo design. Logo panels shall be fabricated with reflective sheeting applied to an aluminum backing having a minimum thickness of 0.032 inches to a maximum thickness of 0.080 inches. Panels shall not exceed 54 inches wide by 15 inches tall. Aluminum and reflective sheeting shall meet WYDOT standard specifications as follows:

(i) Aluminum—5052-H38 or 6061-T6 in accordance with ASTM B 209M.

(ii) Reflective sheeting—Retroreflective Type IV or higher in accordance with American Association of State Highway and Transportation Officials (AASHTO) M268.

(b) Logo panels shall be professionally fabricated by silk screen or the direct applied method to develop the sign face.

(c) Panels having identification symbols or trademarks may be reproduced in the colors, shape, and design customarily used.

(d) The TODS panels shall contain space for 2 lines of legend in 6 inch letters, a directional arrow, and distance to the activity. Lettering shall use the Series C standard highway alphabet except when the style of lettering for a business name is a trademark, which still shall be reflective white. The legend shall consist of the activity name only; however, appropriate service or recreational symbols and logos may be used if reduced to appropriate size. Promotional advertising and symbols or logos resembling official traffic control devices are prohibited.

(e) When approved symbols or logos are used, they shall not exceed the height of the 2 lines of word legend. If used with a word legend, the symbol or logo shall be placed to the left of the word legend. Times of operation may be displayed on the TODS panel if deemed necessary by the Department for the convenience of the motorist or if desired by the applicant to avoid masking or removal fees. When times of operation are displayed, they shall be incorporated in the 2 lines of legend.

Section 9. **TODS Sign Installation.**

TODS signs normally will be installed a minimum of 200 feet in advance of the intersection while maintaining a minimum of 300 feet between TODS signs and a minimum of 300 feet between TODS signs and any other signs.

(a) No more than 2 TODS signs (one left, one right) shall be installed at any intersection. The sequence of TODS signs shall be as follows:

(b) The right turn sign shall be the closer to the intersection with the left turn sign being the farther in advance of the intersection.

(c) The advance TODS sign *1/2 Mile* or *Next Right (or Left)* shall not normally be used unless the Traffic Program determines that such placement is needed for highway operational safety. The applicant shall bear the cost of the advance signing if required.

(d) Where the number of activities to be signed is 4 or less at any one intersection, the TODS panels for right and left may be combined on one TODS sign. On a combination sign, the TODS panels shall be arranged with the left arrows at the top and the right arrows below.

(e) TODS signs shall not be installed at an intersection where the Traffic Program determines that the installation would detract from the effectiveness of the necessary traffic control devices.

(f) Lateral clearance for TODS signs shall be equal to or greater than the other guide signs at the intersection. If adequate lateral clearance cannot be maintained due to terrain or other obstruction, TODS signs shall not be installed.

Section 10. **TODS Costs.**

The cost of the TODS program shall be assessed to all participants.

(a) Fees for erecting, maintaining, and administering the TODS signs shall be paid in advance by the approved applicant business. Application fees and fees for erecting TODS signs and trailblazer signs are a one-time charge. TODS panel fees and trailblazer sign fees shall be billed whenever a change of TODs panels is needed. The request for a TODS panel change may be made by either WYDOT or the applicant business.

(b) The cost to replace an entire sign because of natural wear or vandalism shall be prorated among the applicants whose TODS panels are displayed on the sign.

(c) All fees shall be due 30 days from the date of billing. No fees shall be refundable except application fees when unsuccessful applications are returned.

(d) Failure to pay fees within 30 days from the date of billing shall cause participation to be revoked and the TODS panels removed for the respective applicant's business. The applicant is responsible for all costs incurred by the Department including revocation and removal of the TODS panels as well as the sign structure if the applicant is the only activity displayed on the sign.

(e) In the case of a single approved applicant business, that party shall be responsible for the entire cost of the signs installed.

(f) All fees shall be evaluated each year and adjusted to cover actual costs.

(i) An application fee is charged for each intersection.

(ii) The sign sizes shall be determined by WYDOT after the open enrollment period is closed. Sign costs are based on the signs constructed and installed by the Department and mounted on wood posts. These costs shall be evaluated each year and adjusted to cover actual costs.

(iii) The annual administration fee shall be charged for TODS signs at each intersection, regardless of the number of TODS panels or trailblazer signs installed. The first year fee shall be prorated on a monthly basis depending on the application approval date. Thereafter, the applicant shall be billed at the beginning of each calendar year. Annual administration fees may be adjusted to maintain a zero balance in the TODS signing program.

(iv) A fee shall be charged for replacing TODS panels due to damage, change of logo, general maintenance, temporary business closure, or other reasons. The applicant shall furnish the TODS panel.

(g) The TODS signs erected shall be no larger than necessary to display the TODS panels initially requested. Future requests for TODS panels at an intersection shall be considered on a first-come, first-served basis determined by the postmark date of the application until the maximum space is filled. Subsequent applications shall be put on a waiting list. If more than one application is received with the same postmark date, a random drawing will be held.

(h) The business requesting TODS panels after the open enrollment period shall be responsible for the entire cost of installing the new panels and/or signs if required.

Section 11. **Waivers.**

Upon written request, the director of the Wyoming Department of Transportation may authorize a waiver of any requirement of this rule upon a showing by the applicant that:

- (a) Granting the waiver will not detract from the purposes of this rule.
- (b) A substantial benefit to the public will be realized if the waiver is granted.
- (c) The waiver will not be contrary to any provisions of state or federal law, or regulations.

Section 12. **Appeal Process.**

Any appeal of a decision relative to these rules and regulations shall be made within 30 days by a written request to the Wyoming Department of Transportation, requesting a formal or an informal hearing in accordance with Chapter 3, Rules of Practice Governing Appeals and Hearings. Failure to request a hearing shall be deemed to be consent to the Department's decision.

CHAPTER XXVII

TOURIST-ORIENTED DIRECTIONAL SIGNING (TODS)

Section 1. Authority and Purpose. ~~These rules and regulations are promulgated by the Wyoming Department of Transportation (WYDOT) pursuant to W.S. 24-2-115 to provide for installing and administering tourist-oriented directional signing for qualified activities or sites of significant interest to the traveling public is authorized to promulgate rules and regulations governing Tourist Oriented Directional Signing along primary and secondary state highways. Rules and regulations promulgated by the Federal Highway Administration pursuant to 23 CFR 655.603 shall supersede these rules and regulations when the federal rules conflict or are more restrictive.~~

Section 2. ~~Purpose of Rules. These rules provide for the installation and administration of tourist-oriented directional signing for qualified activities or sites of significant interest to the traveling public.~~

Section 3 ~~2~~. Definitions.

(a) "State highway" ~~means For the purpose of this chapter, includes~~ all state highways except interstate highways.

(b) "Tourist-oriented directional signing," or TODS, ~~means Hereafter referred to as TODS, is~~ official signing ~~that is~~ located within the right-of-way of a state highway ~~and that~~ gives specific information regarding activities or sites of significant interest to the traveling public.

(c) "Rural" ~~means Refers to~~ those areas not in the urban or corporate limits of a town with a population of 1,500 or more.

(d) "Trailblazer sign" ~~means Is~~ a sign ~~which that~~ must be installed at an intersection where the motorist must change directions after leaving the state highway ~~in order~~ to reach the tourist activity.

Section 4 ~~3~~. Activities or Sites of Significant Interest. The activity or site ~~must shall~~ be of significant interest to the traveling public to qualify for the TODS Program. Any one of the following may qualify the activity or site.

(a) ~~Motorist service. It~~ The activity or site offers a motorist service, such as gas, food, lodging, camping, or motor vehicle service or repair.

(b) ~~Tourist attraction. It~~ The activity or site is of reasonable interest to tourists as a historic, cultural, scientific, educational or religious site, or as a site of natural scenic beauty, or is naturally suited for outdoor recreation.

(c) ~~Commercial interest.~~ ~~It~~ The activity or site is of reasonable commercial interest to the traveling public.

Section ~~5~~ 4. General Requirements. An individual activity or site of significant interest ~~must~~ shall meet the following general requirements to qualify for TODS.

(a) The activity, service, or business (including seasonal agricultural products) ~~must~~ shall derive the major portion of its income or visitors during the normal business season from motorists not residing in the immediate area of the business or activity.

(b) The activity or site shall be open to the general public during regular and reasonable hours and not by appointment or reservation only.

(c) The activity shall be conducted in an appropriate building or area. It shall not be conducted in a building principally used as a residence unless ~~there is~~ a convenient and well-marked entrance exists.

(d) The activity or site shall be located in a rural area or inside the corporate limits of a city with a population of less than 1,500.

(e) When the activity or its on-premises signing is visible from the state highway as determined by the WYDOT Traffic ~~Operations~~ Program ~~of the Wyoming Department of Transportation~~, the activity shall not qualify for TODS unless operational safety requires an advance sign.

(f) An activity or site ~~will~~ shall not qualify for TODS if the activity or site is identified by an off right-of-way directional sign that is within one mile; is on the same route; is facing the same direction as the proposed TODS sign; or is identified by a ~~Transportation Department~~ WYDOT directional sign ~~that is~~ within the right-of-way.

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

(h) The activity or site ~~must~~ shall be located within ~~fifteen~~ (15) miles of the state highway.

(i) Activities or sites within the urban areas of towns having a population of 1,500 or less may qualify for a TODS sign on more than one state highway. Activities or sites in rural areas shall have TODS signs on only one state highway.

(j) An activity ~~which requires~~ requiring more than ~~three~~ 3 trailblazer signs shall not qualify for TODS.

Section ~~6~~ 5. Special Requirements. In addition to the general requirements, an individual activity or site of significant interest ~~must~~ shall meet the following requirements to qualify for the TODS Program.

(a) ~~Motorist service~~—An activity or a site providing a motorist service ~~must~~ shall be open a minimum of ~~eight~~ 8 hours a day, ~~six~~ 6 days a week, and ~~five~~ 5 months a year.

(b) A tourist attraction shall ~~must~~ be open a minimum of ~~four~~ 4 hours a day, ~~five~~ 5 days a week, and ~~five~~ 5 months a year.

(c) ~~Agricultural business activity~~. An agricultural business activity ~~must~~ shall be open a minimum of ~~eight~~ 8 hours a day, ~~six~~ 6 days a week during the normal seasonal period.

(d) ~~Other commercial activity~~. A commercial activity not covered by any of the ~~above~~ preceding paragraphs in Section 5 ~~shall~~ must be open a minimum of ~~eight~~ 8 hours a day, ~~five~~ 5 days a week, and ~~five~~ 5 months a year.

Section ~~7~~ 6. Procedures. The Traffic ~~Operations~~ Program of the Wyoming Department of Transportation will make application forms, rules and regulations, fee schedules, and design standards available to the public.

(a) The applicant shall submit an application with the application fee and drawings of ~~their~~ the proposed TODS panel and trailblazer sign if one is thought to be needed.

(b) The Traffic ~~Operations~~ Program shall:

(i) Review the application and notify the applicant of acceptance or denial based on qualifying criteria.

(ii) Review applicant's design of specific TODS panel and trailblazer signs, and notify the applicant of approval or indicate necessary changes.

(iii) Conduct a random drawing to determine successful applicants when the number of applicants exceeds the available space. Notify applicant of results. Unsuccessful applicants ~~will~~ shall have their application fee returned and their application placed on a waiting list. They ~~will~~ shall be notified when space becomes available.

(iv) Bill the applicant for all required fees.

(c) The applicant shall:

(i) ~~Make arrangements~~ Arrange to obtain and install any required trailblazer signs and pay all assessed sign fabrication and installation fees within 30 days of billing.

(ii) Obtain and deliver to the Traffic ~~Operations~~ Program ~~their~~ its specific TODS panels within 45 days of the billing date. An installation fee ~~will~~ shall be charged if the TODS panels must be field installed due to late delivery.

(d) ~~The Traffic Operations~~ Program shall fabricate the TODS sign, install the applicant-furnished TODS panel on the sign if required, and field install the completed TODS sign. ~~Maintenance of the sign and panels will be provided by the Department for an assessed fee~~ WYDOT shall provide sign and panel maintenance for an assessed fee.

(e) The applicant shall pay for a replacement sign at the current cost if a sign becomes damaged or destroyed. If a specific TODS panel is damaged or needs replacement, the applicant ~~will~~ shall be notified by the Traffic Operations Program and ~~will~~ shall be required to furnish a new panel. A fee ~~will~~ shall be assessed for ~~the installation of~~ installing the new panel.

Section 8 7. Conditions. A TODS sign shall not be erected until the activity or site has been approved in accordance with these rules, and the Department has received prepayment of all fees.

(a) ~~A TODS sign shall be masked or removed if the activity or site ceases to qualify for a period of 7 days. If the qualifying business is closed 7 or more days, the participant shall notify the WYDOT Traffic Program so that the TODS sign can be covered or removed. The Department shall charge a fee to cover, uncover, remove, or replace a sign. Businesses failing to notify the Department shall be subject to termination from the program.~~

(b) ~~In the event~~ If the qualifying business is sold or changes ownership, the TODS participant shall notify the Traffic ~~Operations~~ Program of the Wyoming Department of Transportation so that the sign may be transferred to the new owner.

(c) ~~The Department~~ WYDOT shall remove or mask a TODS sign for a seasonal activity when the activity is closed during the off-season period, unless the TODS panel displays the period of operation. A charge ~~will~~ shall be assessed if the panel is masked or removed.

(d) If needed, adequate trailblazing signs shall be provided on local roads and streets to guide motorists from the state highway route to the activity or site. ~~Trailblazing sign designs must be approved by Traffic Operations prior to the installation~~ The Traffic Program shall approve trailblazing sign designs before installation. ~~The Department~~ WYDOT shall not furnish trailblazer signs. When trailblazer signs are to be installed on other ~~that~~ than state highways, the applicant ~~will be responsible for obtaining~~ shall obtain the sign and necessary permits, and ~~arranging~~ arrange for the installation. When trailblazer signs are to be installed on state highways, ~~the Department~~ WYDOT ~~will~~ shall furnish the post, install the sign, and bill the applicant for an installation fee. TODS signs shall not be installed until necessary trailblazing signs are in place.

Section 98. Design of TODS Signs and Panels. TODS signs shall be reflective blue background with reflective white legend and may display the words *Tourist Activities* in 6 inch letters at the top. The signs ~~will~~ shall be 6 feet wide and ~~height as necessary to accommodate a maximum of four TODS panels.~~ limited to a maximum height of 6 feet. Additional height shall be allowed to accommodate the addition of the optional *Tourist Activities* message. If the business name is depicted by a word legend only, WYDOT may fabricate the entire sign.

(a) ~~TODS panels shall be 6 feet wide by 2 feet high with reflective blue background (color number 15090 found in Federal Standard 595a or the equivalent) and reflective white legend, borders, and directional arrows. The TODS panels must be professionally fabricated with reflective sheeting on an aluminum panel with a maximum thickness of .080 inch and a minimum of .032 inch. Freehand painting or lettering will not be acceptable. Logos may be reproduced in the colors desired by the applicant. Recreation or service symbols shall be reflective white. Businesses may be required to supply TODS logo panels because of unique font or logo design. Logo panels shall be fabricated with reflective sheeting applied to an aluminum backing having a minimum thickness of 0.032 inches to a maximum thickness of 0.080 inches. Panels shall not exceed 54 inches wide by 15 inches tall. Aluminum and reflective sheeting shall meet WYDOT standard specifications as follows:~~

(i) Aluminum—5052-H38 or 6061-T6 in accordance with ASTM B 209M.

(ii) Reflective sheeting—Retroreflective Type IV or higher in accordance with American Association of State Highway and Transportation Officials (AASHTO) M268.

(b) Logo panels shall be professionally fabricated by silk screen or the direct applied method to develop the sign face.

(c) Panels having identification symbols or trademarks may be reproduced in the colors, shape, and design customarily used.

~~(b)(d)~~ (d) The TODS panels ~~will~~ shall contain space for 2 ~~lanes~~ lines of legend in 6 inch letters, a directional arrow, and distance to the activity. Lettering ~~will be~~ shall use the Series C standard highway alphabet except when the style of lettering for a business name is a trademark, which still ~~must~~ shall be reflective white. The legend ~~will be~~ shall consist of the activity name only; however, appropriate service or recreational symbols and logos may be used if reduced to appropriate size. Promotional advertising and symbols or logos resembling official traffic control devices are prohibited.

~~(e)(e)~~ (e) When approved symbols or logos are used, they shall not exceed the height of the ~~two~~ 2 lines of word legend. If used with a word legend, the symbol or logo ~~will~~ shall be placed to the left of the word legend. Times of

operation may be displayed on the TODS panel if deemed necessary by the Department for the convenience of the motorist or if desired by the applicant to avoid masking or removal fees. When times of operation are displayed, they ~~must~~ shall be incorporated in the ~~two~~ 2 lines of legend. ~~See Design Standard Drawing, Appendix A.~~

Section ~~40~~ 9. TODS Sign Installation. TODS signs normally will be installed a minimum of 200 feet in advance of the intersection while maintaining a minimum of 300 feet between TODS signs and a minimum of 300 feet between TODS signs and any other signs.

(a) No more than ~~two~~ 2 TODS signs (one-left, one-right) shall be installed at any intersection. The sequence of TODS signs shall be as follows:

(b) The right turn sign shall be the ~~closest~~ closer to the intersection with the left turn sign being the ~~farthest~~ farther in advance of the intersection.

(c) The advance TODS sign *1/2 Mile* or *Next Right* (or *Left*) ~~will~~ shall not normally be used unless the Traffic Operations Program determines that such placement is needed for highway operational safety. The applicant ~~must~~ shall bear the cost of the advance signing if required.

(d) Where the number of activities to be signed is ~~four~~ 4 or less at any one intersection, the TODS panels for right and left may be combined on one TODS sign. On a combination sign, the TODS panels ~~will~~ shall be arranged with the left arrows at the top and the right arrows below.

(e) TODS signs ~~will~~ shall not be installed at an intersection where the Traffic Operations Program determines that the installation would detract from the effectiveness of the necessary traffic control devices.

(f) Lateral clearance for TODS signs shall be equal to or greater than the other guide signs at the intersection. If adequate lateral clearance cannot be maintained due to terrain or other obstruction, TODS signs shall not be installed.

Section ~~44~~ 10. TODS Costs. The cost of the TODS program ~~will~~ shall be assessed to all participants. ~~Fees shall not exceed the cost of the program and will shall be evaluated each year and adjusted to maintain a zero balance.~~

(a) Fees for erecting, maintaining, and ~~administration of~~ administering the TODS signs shall be paid in advance by the approved applicant business. Application fees and fees for erecting TODS signs and trailblazer signs are a one-time charge. ~~Administration fees will be charged on an annual basis depending on the application approval date of the application. Thereafter, the applicant will shall be billed at the beginning of each calendar year.~~ TODS panel fees and trailblazer sign fees ~~will~~ shall be billed whenever a change of TODS panels is needed. The request for a TODS panel change may be made by either ~~the Department~~ WYDOT or the applicant business.

(b) The cost to replace an entire sign because of natural wear or vandalism ~~will~~ shall be prorated among the applicants whose TODS panels are displayed on the sign.

(c) All fees ~~will~~ shall be due 30 days from the date of billing. No fees ~~will~~ shall be refundable except application fees when unsuccessful applications are ~~placed on the waiting list~~ returned.

(d) Failure to pay fees within 30 days from the date of billing ~~will~~ shall cause participation to be revoked and the TODS panels removed for the respective applicant's business. The applicant is responsible for all costs incurred by the Department including revocation and removal of the TODS panels as well as the sign structure if the applicant is the only activity displayed on the sign.

(e) In the case of a single approved applicant business, that party ~~will~~ shall be responsible for the entire cost of the signs installed.

(f) All fees ~~will~~ shall be evaluated each year and adjusted to cover actual costs.

(i) ~~Intersection Application Fee:~~ An application fee is charged for each intersection.

(ii) ~~Fabrication and Installation Costs:~~ The sign sizes ~~will~~ shall be determined by ~~the Department~~ WYDOT after the open enrollment period is closed. Sign costs are based on the signs constructed and installed by the Department and mounted on wood posts. These costs ~~will~~ shall be evaluated each year and adjusted to cover actual costs.

(iii) ~~Annual Administration Fee:~~ The annual administration fee ~~will~~ shall be charged for TODS signs at each intersection, regardless of the number of TODS panels or trailblazer signs installed. The first year fee ~~will~~ shall be prorated on a monthly basis depending on the application approval date ~~of the application~~. Thereafter, the applicant ~~will~~ shall be billed at the beginning of each calendar year. Annual administration fees may be adjusted to maintain a zero balance ~~if there is an excess or shortage of funds~~ in the TODS Signing Program.

(iv) ~~TODS Panel Fees:~~ A fee ~~will~~ shall be charged for ~~replacement of replacing~~ TODS panels due to damage, change of logo, general maintenance, temporary business closure, or other ~~undetermined~~ reasons. ~~The TODS panel will be furnished by the applicant~~ The applicant shall furnish the TODS panel.

(g) ~~Request for TODS Signs After Open Enrollment:~~ The TODS signs erected ~~will~~ shall be no larger than necessary to display the TODS panels initially requested. Future requests for TODS panels at an intersection ~~will~~ shall be considered on a first-come, first-served basis determined by the postmark date of the application until the maximum space is filled. ~~Subsequent applications will be put on a waiting list. In the event that~~ If more than one application is received

with the same postmark date, a random drawing will be held.

(h) The business requesting TODS panels after the open enrollment period ~~will~~ shall be responsible for the entire cost of installing the new panels and/or signs if required.

Section ~~12~~ 11. Waivers. Upon written request, the director of the Wyoming Department of Transportation may authorize a waiver of any requirement of this ~~policy~~ rule upon a showing by the applicant that:

(a) Granting the waiver will not ~~derogate~~ detract from the purposes of this ~~policy~~ rule.

(b) A substantial benefit to the public will be realized if the waiver is granted.

(c) The waiver will not be contrary to any provisions of state or federal law, or regulations.

Section ~~13~~ 12. Appeal Process. Any appeal of a decision relative to these rules and regulations shall be made within ~~thirty~~ (30) days by a written request to the Wyoming Department of Transportation, requesting a formal or an informal hearing in accordance with Chapter ~~III~~ 3, Rules of Practice Governing Appeals and Hearings. Failure to request a hearing ~~will~~ shall be deemed to be consent to the Department's decision ~~by the Department~~.