

## LEGISLATIVE BILL 108

Approved by the Governor February 13, 1993

Introduced by Byars, 30; Hillman, 48; Robak, 22

AN ACT relating to highways; to provide for tourist-oriented directional sign panels; to provide for fees; and to provide powers and duties for the Department of Roads.

Be it enacted by the people of the State of Nebraska,

Section 1. Tourist-oriented directional sign panels shall be erected and maintained by or at the direction of the Department of Roads within the right-of-way of rural highways as described in sections 39-2102 and 39-2103 which are part of the state highway system, except on freeways as defined in section 39-1302 such as the National System of Interstate and Defense Highways and interchanges on expressways as defined in section 39-1302, to provide tourist-oriented information to the traveling public in accordance with sections 1 to 5 of this act.

For purposes of such sections, sign panel shall mean one or more individual signs mounted as an assembly on the same supports.

Sec. 2. (1) The Department of Roads shall erect tourist-oriented directional sign panels on the right-of-way of the rural highways pursuant to section 1 of this act under the following conditions:

(a) No state funds shall be used for the erection, maintenance, or servicing of the sign panels;

(b) The sign panels shall be erected in accordance with federal standards and the rules and regulations adopted and promulgated by the department;

(c) The sign panels may be erected by the department or by a contractor selected by the department through the competitive negotiation process;

(d) No more than three sign panels shall be installed on the approach to an intersection; and

(e) The department shall charge an annual fee in an amount equal to the fair market rental value of the sign panel site and any other cost to the state associated with the erection, maintenance, or servicing of tourist-oriented directional sign panels. If the sign panel is erected by a contractor, the annual fee to the department shall be limited to the fair market rental value of the sign panel site.

(2) All revenue received for the posting or erecting of tourist-oriented directional sign panels pursuant to this section shall be deposited in the Highway Cash Fund, except that any revenue received from the annual fee and for posting or erecting such sign panels in excess of the state's costs shall be deposited in the General Fund.

Sec. 3. Tourist-oriented directional sign panels shall include, but not be limited to, sign panels giving directions to recreational,

historical, cultural, educational, or entertainment activities or a unique or unusual commercial or nonprofit activity. Nationally, regionally, or locally known commercial symbols, brands, or trademarks may be used when applicable. To be a qualified activity pursuant to this section, the major portion of income derived from the activity or visitors to the activity during the normal season of the activity shall be from motorists not residing in the immediate area of the activity. The sign panels shall be rectangular in shape and have a white legend and border on a blue background.

Tourist-oriented directional sign panels shall contain no more than four individual signs, have no more than two lines of legend per individual sign, and have a separate directional arrow and the distance to each qualifying activity. The legend shall be limited to the identification of the qualifying activity and the directional information. The sign panel shall not include promotional advertising.

Sec. 4. To qualify to appear on a tourist-oriented directional sign panel, an activity shall be licensed and approved by the state and local agencies if required by law and be open to the public at least eight hours per day, five days per week, including Saturdays or Sundays, during the normal season of the activity. The activity, before qualifying to appear on a sign panel, shall provide to the Department of Roads assurance of its conformity with all applicable laws relating to discrimination based on race, creed, color, sex, national origin, ancestry, political affiliation, or religion. If the activity violates any of such laws, it shall lose its eligibility to appear on a tourist-oriented directional sign panel. In addition, the qualifying activity shall be required to remove any advertising device which was unlawfully erected or which is in violation of section 39-618.02, 39-618.04, 39-634.01, 39-634.02, 39-634.03, 39-1302, 39-1320, 39-1320.06, 39-1320.07, or 39-1320.09, any rule or regulation of the department, or any federal rule or regulation relating to tourist-oriented directional sign panels. The tourist-oriented directional sign panels shall conform to the requirements of the Federal Beautification Act and the Manual on Uniform Traffic Control Devices as adopted pursuant to section 39-698.

Sec. 5. The Department of Roads shall adopt and promulgate rules and regulations deemed necessary by the department to carry out sections 1 to 5 of this act.