



**House  
Legislative  
Analysis  
Section**

Olds Plaza Building, 10th Floor  
Lansing, Michigan 48909  
Phone: 517/373-6466

## **TOURIST ATTRACTION SIGNS**

**House Bill 4770 (Substitute H-1)  
Sponsor: Rep. Sandra Hill  
Committee: Transportation**

**Complete to 9-18-95**

### **A SUMMARY OF HOUSE BILL 4770 (SUBSTITUTE H-1)**

The bill would create a new act to authorize the Department of Transportation to contract with a for-profit nongovernmental agency for the manufacture, installation, and maintenance of signs along non-urban highways under state jurisdiction that could alert tourists to special tourist attractions. Under the bill, persons who operated tourist attractions could apply to the department for a permit to participate in the signage program as an "eligible attraction" and, if granted, would pay a fee. Revenue from fees would be used to implement and administer the bill's provisions.

"Eligible attractions". This term would mean a "tourist-oriented activity"--i.e., a "lawful cultural, historical, recreational, educational, or commercial activity" annually attended by at least 2,000 people who didn't live "within the [activity's] immediate area" and provided at least half of its income or business--that was within 15 miles of a highway for which a tourist sign was sought (but not visible from, or within 300 feet of, the nearest edge of its right-of-way) and in compliance with federal standards, criteria, and rules established for activities advertised by highway signs.

Proposed rules. Within six months of the bill's effective date, the department would have to submit proposed rules for public hearing in accordance with the Administrative Procedures Act (APA) to implement the tourist sign program. The rules would have to include at least all of the following:

- \* The form for applying for an initial permit to participate in the program, and a reasonable permit fee calculated to include reimbursing the department for its costs to implement and administer the bill, including costs for installing, repairing, and removing signs;

- \* A reasonable permit renewal fee;

- \* The removal or covering of signs when an eligible attraction was not operating;

- \* Criteria for including on a sign an eligible attraction's season and hours of operation;

- \* Criteria for awarding contracts to non-governmental agencies to manufacture, install, or maintain signs;

House Bill 4770 (9-18-95)

\* A provision specifying that someone who obtained a permit would have to pay all costs incurred in replacing a sign, including costs to manufacture and install a replacement; and

\* Minimum guidelines for the size, shape, and design of signs.

Local programs. The bill also would authorize a township board or a board of county commissioners to adopt a resolution establishing a similar signage program within the rights-of-way of highways under their respective jurisdictions, as long as a program conformed with the bill and rules promulgated under it.

Permit application process. The operator of a tourist-oriented activity who wished to participate in a directional sign program would have to submit an application to the department for a permit to participate. The department would determine whether or not an application was complete and if an applicant had complied with the bill and rules promulgated under it, and would have to notify the applicant in writing of its decision; if a permit was denied, the factual basis for the determination would have to be included. If an applicant who was approved paid the permit fee, the department would issue a permit. Someone aggrieved by a departmental determination could appeal it under the Administrative Procedures Act.

A permit issued under the bill would be valid for one year from the date of its issuance unless cancelled by the department, and could be renewed for subsequent one-year periods in accordance with the bill or the rules. The department or its designee could not issue permits allowing more signs to be installed at a single site than were allowed by rule, and if multiple applications for a single site occurred, permits would be issued on a first-come, first-served basis.

Cause for cancellation. If an eligible attraction for which a permit was in effect ceased operation, its owner or operator would have to return the permit immediately to the department or its designee for cancellation. If the department director had reasonable cause to believe an eligible attraction for which a permit had been issued ceased operation, he or she would have to issue an order cancelling the permit and provide a copy of the order to the person holding the permit. If the order was not appealed on time, or if it was appealed and cancellation was affirmed, the director would have to order the sign(s) governed by the cancelled permit to be removed. Also, a participant in the program who had with reasonable cause to believe an eligible attraction for which a permit was effective had ceased operation would have to notify the department immediately in writing, and it would have to act on the information.

Sign specifications. A sign's size, location, design, and arrangement would have to conform to specifications for signs contained in the federal Manual of Uniform Traffic Control Devices. Also, the department would have to develop optional, standardized symbols for different types of activities associated with eligible attractions, which could be used on signs in conjunction with other directional information. If more than one attraction required a sign at the same location, multiple signs could be combined on the same panel as allowed by the federal manual. Such signs could be erected at sites the department

determined were appropriate to ensure adequate sight distance, intersection vehicle maneuvers, and public safety.