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**IDAPA 39
TITLE 03
CHAPTER 61**

39.03.61 – RULES GOVERNING DIRECTIONAL AND OTHER OFFICIAL SIGNS AND NOTICES

000. LEGAL AUTHORITY.

This rule applies to advertising displays referred to and allowed under Section 40-1911(1), Idaho Code. (2-12-90)

001. TITLE AND SCOPE.

This rule is titled IDAPA 39.03.61, “Rules Governing Directional and Other Official Signs and Notices.” The purpose of this rule is to set forth the following standards that apply to directional and other official signs and notices which can be erected and maintained adjacent to the right-of-way of the interstate and primary highway systems; that are visible from the main traveled way of those systems; and within the signing restrictions defined by Title 40, Chapters 1 and 19, Idaho Code, Beautification of Highways. These standards do not apply to directional and other official signs erected on highway right-of-way. (2-12-90)

002. -- 009. (RESERVED)

010. DEFINITIONS.

For the purpose of this rule: (2-12-90)

01. Bypassed Community Signs. A form of community official sign erected when a city has been bypassed, but remains within five (5) miles of an interstate highway or primary freeway. Such communities have the right to erect and maintain, at city expense, a billboard displaying the name of the city at a location not to exceed one (1) mile from an interchange primarily serving that city. (2-12-90)

02. Community Official Signs. Signs approved by a city, erected within its territorial or zoning jurisdiction and maintained wholly at city expense. These signs shall display only the name of the city and driver directional information. Specific advertising is not allowed. (2-12-90)

03. Department. Idaho Transportation Department. (2-12-90)

04. Directional Signs. Signs containing directional information about public places owned or operated by federal, state, or local governments or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public. (2-12-90)

05. Erect. To construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any way bring into being or establish, but does not include any of the foregoing activities when performed incident to the change of an advertising message or customary maintenance of a sign. (2-12-90)

06. Federal or State Law. A federal or state constitutional provision or statute, or an ordinance, rule, or regulation enacted or adopted by this state or a federal agency or a political subdivision of this state pursuant to a federal or state constitution or statutes. (2-12-90)

07. Freeway. A divided highway with four (4) or more lanes for through traffic and full control of access. (2-12-90)

08. Interstate System or Interstate Highway. Any portion of the national system of interstate and defense highways located within the state, as officially designated, or as may hereinafter be so designated, by the Idaho Transportation Board, and approved by the Secretary of Transportation, pursuant to the provisions of Title 23, U.S. Code, “Highways.” (2-12-90)

09. Maintain or Place. To allow to exist, subject to the provision of Chapter 19, Title 40, Idaho Code. (2-12-90)

10. Maintenance. To preserve from failure or decline, or repair, refurbish, repaint or otherwise keep an

existing highway or structure in a suitable state for use. (2-12-90)

11. Main Traveled Way. The through traffic lanes of the highway, exclusive of frontage roads, auxiliary lanes, and ramps. (2-12-90)

12. Official Signs and Notices. Signs and notices erected and maintained by public officers or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state, or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local government agencies or nonprofit historical societies may be considered official signs. (2-12-90)

13. Parkland. Any publicly owned land which is designated or used as a public park, recreation area, wildlife or water fowl refuge or historical site. (2-12-90)

14. Permit. A written approval by the department covering location, size, lighting, spacing, number and message content requirements of permissible directional signs. (2-12-90)

15. Permit Application. The form or format of information and data supplied by an individual, agency, or organization to obtain approval for erection and maintenance of a directional sign. (2-12-90)

16. Primary System or Primary Highway. Any portion of the highways of the state, as officially designated, or as may hereafter be so designated, by the Idaho Transportation Board, and approved by the Secretary of Transportation, pursuant to the provisions of Title 23, U.S. Code, "Highways." (2-12-90)

17. Public Service Signs. Signs located on school bus or other bus stop bench or shelter, which: (2-12-90)

- a. Identify the donor, sponsor, or contributor of said shelters; (2-12-90)
- b. Contain public service messages, which shall occupy not less than fifty percent (50%) of the area of the sign; (2-12-90)
- c. Contain no other message; (2-12-90)
- d. Are located on school bus or other bench or shelter authorized or approved by city, county, or state law, regulation, or ordinance, and at places approved by the city, county, or state agency controlling the highway involved; and (2-12-90)
- e. May not exceed thirty-two (32) square feet in area. Not more than one (1) sign on each bench or shelter shall face in any one (1) direction. (2-12-90)

18. Public Utility Signs. Warning signs, informational signs, notices, or markers which are customarily erected and maintained by publicly or privately owned public utilities, as essential to their operations. (2-12-90)

19. Regionally Known. The attraction or activity must be known statewide and in one (1) or more adjoining states. (2-12-90)

20. Rest Area. Any area of particular scenic beauty or historical significance as determined by the federal, state, or local officials having jurisdiction thereof, and includes interests in land which have been acquired for the restoration, preservation, and enhancement of scenic beauty. (2-12-90)

21. Service Club and Religious Notices. Signs and notices, whose erection is authorized by law, relating to meeting of nonprofit service clubs or charitable associations, or religious services, which do not exceed eight (8) square feet in area. (2-12-90)

22. Sign. An outdoor sign, light, display, device, figure, painting, drawing, message, placard, poster,

billboard, or other thing which is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main traveled way of the interstate or primary highway. (2-12-90)

23. State. State of Idaho. (2-12-90)

24. Territorial or Zoning Jurisdiction. The geographical area located outside of any city or county limits for a distance of three (3) miles. (2-12-90)

25. Urban Areas. Any geographical area within the city limits of any incorporated city having a population of five thousand (5,000) or more inhabitants. Population numbers referred to in this paragraph shall be determined by the latest United States census. (2-12-90)

26. Visible. Capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity. (2-12-90)

011. -- 099. (RESERVED)

100. STANDARDS FOR COMMUNITY OFFICIAL SIGNS.

01. Direction of Sign. Only one (1) community sign may face the same direction of travel along a single route approaching the community. (2-12-90)

02. Location of Sign. A community sign may not be located within two thousand (2,000) feet of an interchange, along the interstate system or other freeways (measured along the interstate or freeway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way) or located within one thousand (1,000) feet of an intersection of a primary route with another designated federal-aid route. Community signs may not be located within two thousand (2,000) feet of a rest area, park land or scenic area. (2-12-90)

03. Size of Sign. Community signs shall not exceed the following limits: (2-12-90)

a. Maximum area -- Three hundred (300) square feet. (2-12-90)

b. Maximum height -- Thirty (30) feet. (2-12-90)

c. Maximum length -- Thirty (30) feet. (2-12-90)

101. STANDARDS FOR DIRECTIONAL SIGNS.

01. Prohibited Directional Signs. The following directional signs are prohibited: (2-12-90)

a. Signs advertising activities that are illegal under federal or state laws or regulations in effect at the location of those signs or at the location of those activities. (2-12-90)

b. Signs located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic. (2-12-90)

c. Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features. (2-12-90)

d. Signs which are structurally unsafe or in disrepair. (2-12-90)

e. Signs which move or have any animated or moving parts. (2-12-90)

f. Signs located in rest areas, parklands, or scenic areas. (2-12-90)

- g.** Signs that advertise or call attention to an activity or attraction no longer in existence and/or abandoned or obsolete signs. (2-12-90)
- h.** Signs not maintained in a neat, clean, and attractive condition or in good repair. (2-12-90)
- i.** Signs not designed to withstand a wind pressure of thirty (30) pounds per square foot of exposed surface. (2-12-90)
- j.** A sign installation that has not been issued an annual permit. (2-12-90)
- 02. Size of Directional Signs.** (2-12-90)

 - a.** Signs shall not exceed the following limits: Maximum area, one hundred and fifty (150) square feet; maximum height twenty (20) feet; maximum length, twenty (20) feet. (2-12-90)
 - b.** All dimensions include border and trim, but exclude supports. (2-12-90)
- 03. Spacing of Directional Signs.** (2-12-90)

 - a.** Each location of a sign must be approved by the department and the property owner on whose property the sign is installed. (2-12-90)
 - b.** A sign may not be located within two thousand (2,000) feet of an interchange, along the interstate system or other freeways (measured along the interstate or freeway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way), or located within one thousand (1,000) feet of an intersection of a primary route with another designated federal-aid route. (2-12-90)
 - c.** A sign may not be located within two thousand (2,000) feet of a rest area, park land, or scenic area. (2-12-90)
 - d.** A sign shall not be located within one (1) mile of any other directional sign facing the same direction of travel. (2-12-90)
 - e.** Not more than three (3) signs pertaining to the same activity and facing the same direction of travel may be erected along a single route approaching the activity. (2-12-90)
 - f.** Signs located adjacent to the interstate system shall be within seventy-five (75) air miles of the activity. (2-12-90)
 - g.** Signs located adjacent to the primary system shall be within fifty (50) air miles of the activity. (2-12-90)
- 04. Message Content.** The message on directional signs shall be limited to the identification of the attraction or activity and directional information useful to the traveler in locating the attraction, such as mileage, route numbers, or exit numbers. Descriptive words or phrases and pictorial or photographic representations of the activity or its environs are prohibited. (2-12-90)

102. -- 199. (RESERVED)

200. LIGHTING, SIGNS MAY BE ILLUMINATED, SUBJECT TO THE FOLLOWING.

- 01. Flashing or Moving Lights.** Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited. (2-12-90)
- 02. Lights Which Impair Driver Vision.** Signs which are not effectively shielded so as to prevent beams or rays of light from being directed toward any portion of the traveled way of a highway or which are of such

intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited. (2-12-90)

03. Interference With Traffic Sign, Device, or Signal. A sign may not be so illuminated as to interfere with the effectiveness of, or obscure an official traffic sign, device, or signal. (2-12-90)

201. -- 299. (RESERVED)

300. ADMINISTRATION.

01. Selection Methods and Criteria. (2-12-90)

a. Application for permits to erect and maintain directional and official signs under this regulation shall be filed with the Idaho Transportation Department, Division of Highways. (2-12-90)

b. The approval of applications of directional signs shall be based on the following criteria: Nationally or regionally known activity of outstanding interest to the traveling public; location of activity relative to highway and proposed signing plan; dominant attraction must be for edification and enjoyment of motorist, not tourist-oriented business or for generation of activity income; and Attraction or Activity shall have drinking water and toilet facilities meeting the Idaho Department of Health and Welfare standards. (2-12-90)

c. The applicant of directional signs shall furnish to the department the following data: Proposed sign plans including sign details, color, construction, shape, legend, lighting and location; letter of property owner approval of directional sign installation; department of Health and Welfare certification that water and toilet facilities meet Idaho standards; and documentation and explanation by applicant if it is a regionally known attraction or activity of outstanding interest to the traveling public. (2-12-90)

d. Applicants for directional signing shall furnish to the department, on request, information relating to the limits of their advertising program, need of directional signing for the traveling public, number of public visits, and such other information as deemed appropriate to assure compliance with federal regulations and state law. The applicant or other representatives may appear before the Idaho Transportation Board in case of controversy. (2-12-90)

e. The applicant of community or bypassed community official signs shall furnish the department the same information required in Subsection 300.01.c. (2-12-90)

02. Permits. (2-12-90)

a. Permit application forms may be secured at any office of the Idaho Transportation Department, Division of Highways. (2-12-90)

b. Permits shall be issued annually expiring on December 31 each year, but can be issued for a period greater than one (1) year as a matter of convenience. (2-12-90)

c. The initial permit application fee shall be ten dollars (\$10) with an annual renewal fee of three dollars (\$3). The initial application fee shall be nonrefundable. A fee shall not be prorated for a fraction of a year or be refunded for the balance of a permit period if the sign is removed. (2-12-90)

d. A permit shall not be issued until the sign has been approved by the department. A valid permit may be transferred to another person or jurisdiction upon written notice to the department. (2-12-90)

e. A permit shall not be issued for a sign located adjacent to a fully-controlled access highway or freeway unless it has been determined that access to the sign can be obtained without violating the access control provisions of the highway. The department shall cancel a permit and require removal of the sign if it is found that the sign has been erected, maintained or serviced from the highway right-of-way at those locations where the department has acquired rights of access to the highway or rights of access have not accrued to the abutting property. In addition, the department may recover from the sign owner or person erecting, maintaining or servicing the sign, the amount of

damage of landscaping, sodding, fencing, ditching or other highway appurtenances resulting from such acts. (2-12-90)

f. The permit can be revoked by the state if the department determines that the applicant has knowingly supplied false or misleading information in his application for a permit or permit renewal. (2-12-90)

g. Service club, religious notice and community official signs will require a permit but the fees will be waived. For permit purposes, service club and religious notice structures may have more than one (1) face but not more than six (6) faces. (9-14-92)

301. -- 999. (RESERVED)

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