



TODS REGULATIONS

Authority

The Arkansas State Highway Commission is authorized by Ark. Code Ann Section 27-65-107(a)(13)(1994), and the Federal Highway Administration's Manual on Uniform Traffic Control Devices to promulgate rules, and regulations governing Tourist Oriented Directional Signing (TODS) within the rights of way of state highways.

Purpose

These regulations provide for the installation and administration of TODS for qualified activities or sites of reasonable interest to the traveling public not residing in the immediate area of the business or activity. TODS are not for freeways or interstate highway use.

Definitions

State Highway. For the purpose of these regulations, means the National Highway System and the state highways subject to Federal and State Highway Beautification Acts as of June 1, 1991. This definition does not include the interstate or freeway highway systems, both of which are eligible for the Logo Signing Program.

Tourist Oriented Directional Signs. Hereafter referred to as TODS, are official signs that are located within the right of way of a state highway giving specific information regarding activities or sites of reasonable interest to the traveling public not residing in the immediate area of the business or activity.

Rural. Refers to those areas outside the city limits of incorporated cities or towns with a population of 5,000 or more people.

Trailblazer Sign. A sign that must be installed at an intersection where the motorist must change directions in order to reach the tourist activity.

Activities or Sites of Reasonable Interest

The activity or site must be of reasonable interest to the traveling public not residing in the immediate area of the business or activity to qualify for the TODS Program. The following categories may qualify for TODS.

Motorist Service. It offers a motorist service such as gas, food, lodging camping, or motor vehicle service or repair.

Tourist Attraction. It is of reasonable interest to tourists as a historic, cultural, scientific, educational, or entertainment site, or as a site of natural scenic beauty or naturally suited for outdoor recreation.

Commercial Interest. It is of reasonable commercial interest to the traveling public not residing in the immediate area of the business or activity.

Seasonal Agricultural Interest. It offers fresh, locally produced, seasonal agricultural products of reasonable interest to the traveling public not residing in the immediate area of the business or activity.

General Requirements

An individual activity or site of reasonable interest must meet the following general requirements to qualify for TODS. The Department may require applicants to prove that they comply with the requirements of this section.

- A. With the exception of motorist services activities, the activity or site (including seasonal agricultural products) must reasonably derive the major portion of 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 used as a residence unless the activity is a motorist service lodging facility (hotel, motel, bed and breakfast, etc.).
- D. The activity or site shall be located in a rural area not within the corporate limits of a city or town with a population of 5,000 or more people, except for Scenic Byways.
- E. An activity shall not qualify for TODS unless the activity or its on-premise signing and driveway entrance are not readily visible from the state highway. An advance sign may be installed if the Department determines one is needed for operational safety.
- F. An activity or site will not qualify for TODS if the activity or site is identified by a Department directional sign that is within the right of way, if the activity or site is advertised by an off-premise sign that is illegal as defined by the Arkansas Highway Beautification Act, or if the activity or site is advertised by an off-premise sign that is visible from the location of the proposed TODS.
- G. The activity or site shall comply with all applicable laws concerning public accommodations without regard to race, religion, color, age, sex, national origin, or disability, and shall comply with all applicable health and sanitation laws and must possess any required local permits or licenses.
- H. The activity or site must be located within fifteen (15) miles of the state highway.

Special Requirements

In addition to the general requirements, an individual activity or site of reasonable interest must meet the following requirements to qualify for the TODS Program:

Motorist Service. An activity providing a motorist service must be open a minimum of eight (8) hours a day, five (5) days a week (one of which is Saturday), and six (6) months a year.

Tourist Attraction. A tourist attraction must be open a minimum of four (4) hours a day, five (5) days a week (one of which is Saturday), and six (6) months a year.

Commercial Interest. A commercial activity not covered by the above paragraphs must be open a minimum of eight (8) hours a day, five (5) days a week (one of which is Saturday), and six (6) months a year.

Seasonal Agricultural Interest. An agricultural business activity must be open a minimum of eight (8) hours a day, five (5) days a week (one of which is Saturday) during the normal seasonal period.

Conditions

A TODS sign shall not be erected until the activity or site has been approved for a TODS Signing Permit in accordance with these regulations, and the Department has received payment of all fees due.

- A. A TODS sign shall be covered or removed by the Department if the activity or site ceases to qualify for a period of seven (7) days.
- B. In the event the qualifying business changes ownership, the Department is to be notified in writing.
- C. The Department shall cover or remove a TODS sign for a seasonal activity when the activity is closed during the off-season period, unless the TODS sign displays the period of operation. A fee will be assessed by the Department if the sign is covered or removed.
- D. If needed, adequate trailblazing signs shall be provided on local roads and streets to guide motorists from the state highway to the activity or site. Trailblazer signs on local roads and streets must be approved by the Department and be in place prior to the installation of the TODS signs. The applicant will be responsible for obtaining the trailblazer signs and any necessary permits from local officials, and for the installation of the signs. Any trailblazer signs required on state highway rights-of-way will be authorized in the TODS Signing Permit, purchased by the applicant, and installed by the Department or its authorized contractor.

Design of TODS Signs

TODS signs shall be provided by the applicant and will be installed on a metal post structure furnished and erected by the Department or its authorized contractor. A maximum of four (4) TODS signs shall be installed on a single structure.

- A. TODS signs shall be 72 inches wide by 18 inches high with reflective blue background (MUTCD Pantone 294) and reflective white legend, borders, and directional arrows. The TODS signs must be professionally fabricated with reflective sheeting on an aluminum panel, and must comply with Department specifications to be furnished to each applicant. Logos may be reproduced in the colors desired by the applicant. Recreation or service symbols shall be reflective white.
- B. The TODS signs will contain space for two (2) lines of legend in six (6) inch letters, a directional arrow, and distance to the activity. Lettering will be in accordance with Department specifications except when the style of lettering for a business name is a trademark. In all cases, the lettering shall be reflective white. The legend will be 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 highway signs or traffic control devices are prohibited.

- C. When approved symbols and logos are used, they shall not exceed the height of the two lines or word legend. If used with a word legend, the symbol or logos will be placed to the left of the word legend. Times of operation may be displayed on the TODS sign if deemed necessary by the Department for the convenience of the motorist. When times of operation are displayed, they must be incorporated in the two lines of legend.

TODS Sign Installation

TODS signs normally will be installed in rural areas a minimum of 200 feet in advance of the intersection while maintaining a minimum of 200 feet between TODS signs and other official traffic control devices.

- A. No more than two (2) TODS sign structures (one for activities to the left; one for activities to the right) should be installed at any intersection approach. One additional sign structure may be installed if needed to accommodate TODS for activities in the ahead direction.
- B. The right turn TODS structure shall be the closest to the intersection with the left turn TODS structure being the farthest in advance of the intersection.
- C. The advance TODS sign "1/2 mile" or "Next Right (or Left)" will not normally be used unless the Department determines that it is needed for highway safety purposes.
- D. Where the number of activities to be signed is four (4) or less at any one intersection, the TODS signs for right or left activities may be combined on one TODS sign structure. On a combination structure, the TODS signs will be arranged with the left arrows at the top and the right arrows below.
- E. Lateral clearance for TODS signs shall be equal to or greater than the other guide signs at the intersection.

Procedures

The Department's Beautification Section of the Right of Way Division will be responsible for the administration and fee collection for the TODS Signing Program. The Beautification Section will provide application forms, rules and regulations, fee schedules, and design and specification standards to all interested parties. Applications should be submitted to:

*Arkansas Department of Transportation
Right of Way Division - Beautification Section
P.O. Box 2261
Little Rock, Arkansas 72203-2261*

- A. **Installation.** The Department or authorized contractor will be responsible for the erection and maintenance of the TODS sign structures.
- B. **Cost.** TODS signs shall be furnished to the Department in accordance with Department specifications. The TODS signs shall be furnished by the businesses or activities at no cost to the Department. The Department will provide information to applicants pertaining to sign companies that manufacture TODS signs.

- C. **Replacement.** Upon notice from the Department, businesses or activities will provide new TODS signs to replace signs which become faded, damaged, destroyed or otherwise need replacement as determined by the Department. The replacement signs will be provided at no cost to the Department.
- D. **Selection of eligible businesses, activities, or sites.** The Department will notify potential qualifying Tourist Oriented activities in writing and/or by public notice in a newspaper of general circulation within the county where the TODS intersections are located. If there is not enough space on TODS sign structures to accommodate all businesses, activities, or sites that desire to display signs, those businesses, activities, or sites closest to the particular intersection will be selected. If subsequently, a business, activity, or site exists or is constructed closer to the intersection than the one being displayed on the TODS sign structure, the business, activity, or site on the TODS sign structure may continue to display until such time as they no longer desire to do so or fail to pay any applicable fees.

Fees

It is intended that the TODS Signing Program be self-sustaining. Fees assessed by the Department shall be reviewed periodically to determine their relationship to the cost of operation. Fees may be increased or decreased by the Department as required to assure the program is self-sustaining.

- A. **Application Fee.** An application fee of \$25.00 per intersection per business, activity, or site shall be submitted with each application for a TODS Signing Permit.
- B. **Initial Installation Fee.** Upon approval of the TODS Signing Permit, the applicant will be billed for the initial installation fee of \$50.00 per TODS sign and per trailblazer sign to be installed on state highway rights-of-way. The initial installation fees will be payable within ten (10) days of the permit date.
- C. **Annual Fees.** Annual maintenance/administration fees of \$50.00 per TODS sign and per trailblazer sign on state highway rights-of-way will be payable in July of each year beginning with the first July of the year following the TODS Signing Permit date.
- D. **Special Fees.**
 - 1. **Removal/Covering.** The fee to be assessed for the removal or covering, including seasonal removal or covering, of TODS signs and trailblazer signs on state highway right of way is \$50.00 per sign.
 - 2. **Replacement.** The fee to be assessed for the replacement installation of TODS signs and trailblazer signs on state highway right of way is \$50.00 per sign.
- E. **Refunds.** Application fees will be refunded when applications cannot be approved by the Department. After TODS permits have been issued, application and installation fees will not be refunded. Annual maintenance/administrative fees will not be refunded unless TODS signs are required to be removed because of highway construction or maintenance work. In such cases, refunds will be calculated based on the number of full months the signs were down.