

734-062-0005

Applicability and Purpose

(1) The purpose of these regulations is to establish standards for the Department of Transportation to erect official traffic control signs to identify and provide directional information to qualified cultural and historical features.

(2) These regulations are applicable to the Interstate System and freeways. The Department may not consider applications under these rules for signs off the Interstate System or freeways, other than for follow-up signs as required by the Engineer.

Stat. Auth.: ORS 184.616, 184.619, Ch. 366

Stats. Implemented: ORS 366.205 and 366.450

734-062-0010

Definitions

As used in these rules the following definitions apply unless the context clearly indicates otherwise:

(1) “Engineer” means the State Traffic Engineer or the Engineer’s designee.

(2) “Qualified Cultural Feature” means a museum determined by the Engineer to be of significant cultural value to the region or state pursuant to OAR 734-062-0035.

(3) “Qualified Historical Feature” means a district or a property currently listed in the National Register of Historic Places or designated nationally significant by the United States Department of the Interior, and determined by the Engineer to be of significant historical value to the region or state pursuant to OAR 734-062-0035.

(4) “Qualified Feature” means a qualified cultural or historical feature under this Division.

(5) “Interstate System” or “interstate highway” means every state highway that is a part of a national system of interstate and defense highways established pursuant to Section 103(b), Title 23, United State Code.

(6) “Sign” includes sign panels, support structure and break away devices.

(7) “Freeway” means a divided arterial highway with four or more lanes available for through traffic, with full control of access and grade separation at intersections.

(8) “Department” means the Oregon Department of Transportation.

(9) “Owner” means a holder of fee title or lessee.

(10) “Responsible Operator” means a person or entity other than an owner who operates a qualified historical or cultural feature.

(11) “Follow-up sign” means an official sign located on, opposite, or at the terminus of an exit ramp from the Interstate System or an exit ramp at an interchange on a freeway, or additional official signs along the route from the interstate system or freeway to the qualified cultural or historical feature.

Stat. Auth.: ORS 184.616, 184.619, Ch. 366

Stats. Implemented: ORS 366.205 and 366.450

734-062-0015

Criteria for Location

(1) Signs for qualified features shall conform to all requirements of the Manual on Uniform Traffic Control Devices as adopted by the Oregon Transportation Commission, any of its amended supplements, and all other standards established by the Department of Transportation for official traffic control devices. The Department may approve a maximum of two qualified features, and only one such sign structure per interchange per direction of travel.

(2) Before approving an application for such a sign, the Engineer will review the proposed sign, legend, and placement to determine whether it will comply with these rules. Some factors the Engineer may consider include, but are not limited to: spacing or other factors involving official signs that will be installed as part of an upcoming transportation project, cost versus available funds, environmental concerns, right-of-way width, existing traffic control devices, and other issues that impact whether it is appropriate for the Department to install a sign.

Stat. Auth.: ORS 184.616, 184.619, Ch. 366

Stats. Implemented: ORS 366.205 and 366.450

734-062-0020

Facilities Requirements for Qualified Cultural and Historical Features

(1) Qualified cultural and historical features that have features within a building or a restricted outdoor area must include:

- (a) Restroom facilities and drinking water.
- (b) Continuous operation at least six hours per day six days a week.
- (c) Licensing where required.
- (d) Adequate parking accommodations.

(2) Qualified undeveloped cultural and historical features not located within buildings or a restricted outdoor area must include:

- (a) Adequate parking accommodations.
 - (b) An informational device to provide the public knowledge of the features.
- (3) Each qualified cultural and historical feature identified on a sign must give written assurance to the Department that it complies with all applicable laws concerning the provisions of public accommodations without regard to race, religion, color, sex, marital status, sexual orientation, age, disability, or national origin, and shall not be in breach of that assurance.
- (4) The Engineer may grant a waiver under OAR 734-062-0040(2) to sections (1) and (2) of this rule.

Stat. Auth.: ORS 184.616, 184.619, Ch. 366

Stats. Implemented: ORS 366.205 and 366.450

734-062-0030

Distance to Qualified Cultural and Historical Feature and Follow-Up Signs

(1) Qualified historical or cultural features must be located within one mile of the interchange measured by vehicle distance from the center point of the exit ramp intersection to the nearest point of the intersection of the driveway of the feature and a public highway. However, any qualified cultural or historical feature set out in this section located within 10 miles of an interchange may apply to the Department for a waiver under the provisions of OAR 734-062-0040.

(2)(a) Where any qualified cultural or historical feature is not visible from any part of the exit ramp the Engineer may require a follow-up sign, bearing the identification together with a directional arrow, and mileage where needed, at the exit ramp terminus. The Engineer may also require follow-up signs necessary to enable the traveling public to find the feature and for traffic safety.

(b) If the qualified cultural or historical feature is visible from any part of the exit ramp, the Department will not erect a follow-up sign unless the Engineer determines it to be necessary to avoid a traffic hazard or misdirection of the traveling public.

Stat. Auth.: ORS 184.616, 184.619, Ch. 366

Stats. Implemented: ORS 366.205 and 366.450

734-062-0035

Application and Eligibility

- (1) The Department shall prioritize applications for qualified feature signs based on the date of receipt of a properly completed application.
- (2) Only the owner or responsible operator of a qualified historical or cultural feature may file an application for a sign. The applicant must use the form specified by the Department.
- (3) The Engineer must consult with the Oregon Historical Society, and may consult with county or city historical societies, or any other entity that may have information regarding the historical value of the feature. The Engineer will determine if an applicant has significant historical value so as to qualify for a sign by considering the following:
 - (a) whether the proposed historical feature is currently known and recognized within the community and region;
 - (b) whether the proposed historical feature is readily accessible to visitors. This may include regular hours of operation and public access to the proposed feature;
 - (c) the historical authenticity of the feature. This may include such items as the interpretive story presented at the feature, or the extent of historical renovation or preservation of the feature;
 - (d) any other relevant criteria.
- (4) The Engineer must consult with the Oregon Museums Association, the Oregon Historical Society, and the local historical society in the region where the museum is located, and may consult with any other entity that may have information regarding the cultural value of the feature. The Engineer will determine if an applicant has significant cultural value so as to qualify for a sign by considering the following:
 - (a) whether the proposed cultural feature is currently known and recognized within the community and region;
 - (b) whether the proposed cultural feature is readily accessible to visitors. This may include regular hours of operation and public access to the proposed feature;
 - (c) the authenticity of the feature. This may include such items as the interpretive resources presented at the feature, the extent of the collection.
- (5) The owner or responsible operator must request annually that the sign erected under these rules be renewed. The request must affirm that the qualified feature continues to qualify for the sign. A renewal allows the sign to remain for one year from the date of renewal, provided the feature remains in compliance with these rules.
- (6) The Department may review a qualified feature for continued eligibility annually before granting a renewal, or at any other time. If the qualified feature fails to meet the qualifications for its sign, or the owner or operator fails to submit a renewal request, the Department may remove the sign or sign legend for that feature.
- (7) The Department may remove the sign or the sign legend for the qualified feature if:
 - (a) the qualified cultural or historical feature fails on a sufficient number of occasions or over a sufficient period of time to meet the requirements of OAR 734-062-0020(1) and (2), so as to justify a finding by the Department that the feature is not in substantial compliance with these regulations.
 - (b) the qualified cultural or historical feature fails to open for business for more than 21 consecutive days or for more than 30 days cumulatively during any normal operating season unless the Department finds that closure for such period was beyond the control of the owner or responsible operator, or that the closure was justified by extenuating circumstances.

(c) If it fails to comply with OAR 734-062-0020(3), except in isolated instances without the knowledge of the owner, responsible operator, or manager of the feature, or on any occasion unless steps are promptly taken to insure to the fullest extent reasonably possible that such instances will not recur.

(8) If due to fire, accident or similar causes, a qualified cultural or historical feature becomes inoperable for more than seven days, but less than 90 days, the Department may cover or remove the sign legend for that feature, but the feature shall not lose its priority, nor be required to reapply prior to the normal time for a renewal application. The Department may grant further extension on good cause shown. However, failure of the owner or responsible operator to proceed with necessary repairs as rapidly as possible shall cause loss of the right to have the feature included on the sign.

(9) Notwithstanding that a qualified historical or cultural feature meets all of the other eligibility requirements of these regulations, the Department may deny the application if the Engineer determines that adequate direction to the feature cannot be given by an allowable follow-up sign. Without limitation, examples include: the route predominantly runs over non-state highway; the route requires more than three follow-up signs.

(10) The Department may not approve or place a qualified feature sign if the feature has already been approved by the Travel Information Council for signing along the same route. If the qualified feature has been approved for a sign under this Chapter, and subsequently obtains a sign through the Travel Information Council along the same route, the Department shall remove the signs it erected or remove or cover the sign legend for that feature.

(11) The Department may make a decision outlined in this chapter without a hearing. If an applicant, owner, or operator of the affected feature disagrees with the Department's final decision, the applicant, owner, or operator may request a Contested Case hearing under ORS chapter 183. The Department may continue to enforce its decision pending the conclusion of the contested case including any appellate court action.

Stat. Auth.: ORS 184.616, 184.619, Ch. 366

Stats. Implemented: ORS 366.205 and 366.450

734-062-0040

Waiver

(1) Upon request by an applicant the Engineer may authorize a waiver of OAR 734-062-0030(1) upon a showing by applicant that for qualified cultural or historical features located within 10 miles of an interchange but more than one mile from an interchange, the feature is easily located from the interchange and no additional signs other than an authorized follow-up sign would be necessary to direct the traveling public to the feature or that adequate signing will be provided on the public road system to guide the traveling public to the feature.

(2) Upon request by an applicant, the Engineer may authorize a waiver upon a showing by the applicant that the granting of such waiver will benefit the traveling public and not violate the overall intent of these regulations. The Engineer may grant waivers under OAR 734-062-0020(1) and (2); and 734-062-0030(1).

Stat. Auth.: ORS 184.616, 184.619, Ch. 366

Stats. Implemented: ORS 366.205 and 366.450