

SIGNS IDENTIFYING VITICULTURAL FEATURES

734-062-0100

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 to motorists that they are entering a federally recognized viticultural area.

(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.

Stat. Auth.: ORS Ch. 366.205, 366.450, 810.200, 810.210

Stat. Imp.: ORS 366.205, 366.450, 810.200, 810.210

734-062-0105

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 Feature” means a feature that qualifies under this rule, or a feature that qualifies as a Cultural or Historical feature under rules for those official signs.

(3) “Qualified Viticultural Feature” means a grape growing region distinguishable by geographical features, and approved as an American Viticultural Area by the U.S. Department of Treasury, Alcohol and Tobacco Tax and Trade Bureau, pursuant to 27 CFR 9.

(4) “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.

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

(6) “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.

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

(8) “Viticultural Feature Applicant” means the person or entity that submitted the application for a sign under these rules.

Stat. Auth.: ORS Ch. 366.205, 366.450, 810.200, 810.210

Stat. Imp.: ORS 366.205, 366.450, 810.200, 810.210

734-062-0110

Criteria For Location

(1) Signs for qualified viticultural features must 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 366.205, 366.450, 810.200, 810.210

Stat. Imp.: ORS 366.205, 366.450, 810.200, 810.210

734-062-0115

Application and Eligibility

(1) The Department shall prioritize applications for signs for qualified features based on the date of receipt of a properly completed application.

(2) Only the following may apply for a sign under these rules: the entity that submitted the successful application for federal recognition as a viticultural area, a municipal or county government within that viticultural area, a winery or vineyard within the viticultural area, or a winery or vineyard association with membership in the viticultural area.

(3) The applicant must use the form specified by the Department, and complete an application for each requested sign.

(4) The qualified viticultural applicant or its designee must request annually that the sign erected under these rules be renewed. The request must affirm that the viticultural area continues to qualify under federal standards, and continues to qualify for the sign under these rules. A renewed sign allows the sign to remain for one year from the date of renewal, provided the feature remains eligible as set forth in these rules.

(5) The Department may review a viticultural feature for continued eligibility at any time.

(6) The Department may remove the sign or the sign legend for the viticultural feature if the Department determines the sign is no longer appropriate for that location or if the federal agency responsible for viticultural areas:

(a) removes the designation; or

(b) changes the designation so that the sign is no longer geographically within the viticultural area.

(7) The Department may make a decision outlined in this division of rules without a hearing. If a viticultural feature applicant disagrees with the Department's final decision, the applicant 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 366.205, 366.450, 810.200, 810.210

Stat. Imp.: ORS 366.205, 366.450, 810.200, 810.210

734-062-0120

Signs for Qualified Viticultural Features

(1) Location. A qualified viticultural feature applicant may apply for a sign near the border entering the viticultural area recognized by the federal Department of Treasury. Because a viticultural feature is a large geographic area rather than a specific destination, no follow-up signs are required or allowed.

(2) Number. The Department may approve a maximum of two signs per highway for each qualified viticultural feature.

(3) Sign Legend. Because a viticultural feature is a large geographic area rather than a specific destination, the sign legend on such a sign will indicate that motorists are entering the viticultural area, but will not direct motorists to a particular exit or location.

(4) A qualified viticultural feature applicant must submit the following information to demonstrate qualification for such a sign:

(a) Documentation of recognition by the federal Department of Treasury of the viticultural area;

(b) Map showing the proposed sign location in relation to the boundaries of the viticultural area;

(c) Documentation showing the applicant has sent notice of the proposal to appropriate wine industry groups for dissemination among their members in any adjacent or overlapping qualified viticultural area, including any designated sub-section of a viticultural area.

Stat. Auth.: ORS 366.205, 366.450, 810.200, 810.210

Stat. Imp.: ORS 366.205, 366.450, 810.200, 810.210

734-062-0125

Installation

(1) The Department may furnish, erect, and maintain all signs that have been approved for installation.

(2) The Department shall notify applicant promptly when an application has been approved or denied, and when a sign has been installed.

Stat. Auth.: ORS 366.205, 366.450, 810.200, 810.210

Stat. Imp.: ORS 366.205, 366.450, 810.200, 810.210