



## **Motor Service Signing Information**

### **Application for Recreational, Tourist, and Historical Signing (TSAC)**

#### **TSAC Application Instructions**

#### **Application for Installation of Tourist-Oriented Directional Signing**

#### **North Dakota Century 39-13**

#### **Administrative Code 37-11**



**Motorist Service Signing Information**

**NDDOT or contractors hired by the NDDOT will only install signs on the State Highway System.**

Any questions pertaining to these instructions, contact the Maintenance Division at 701-328-2546.

A 7-person signing committee will review the application and put it on a priority list if accepted.

Committee consists of the following:

1. ND Department of Transportation (Chairperson)
2. ND Department of Commerce Tourism Division
3. ND Parks and Recreation Department
4. ND State Historical Society
5. Private Sector
6. Private Sector
7. Private Sector

The above committee will determine which attractions will be signed and how the cost(s) will be shared by the requester. Costs and priority/rankings will be determined by national, statewide, or local importance. Must meet at least 2 of the categories.

**Criteria for priority/ranking is as follows:**

National: Access to: Interstate, Interregional, State Corridor, District Corridor or District Collector roadways from a distance of 50 miles or less.

Attendance: 25,000 or greater

Daily operations: 8 hours per day 8-7 days er week

Annual Operations: May through September (minimum). Operations open year around will have preference.

Statewide: Access to: Interstate, Interregional State Corridor, District Corridor, or District Collector roadways from a distance of 50 miles or less.

Attendance: 10,000 or greater but less than 25,000

Daily operations: May through September (minimum)

Local: Access to: Interregional, State Corridor, District Corridor, or District Collector roadways from a distance of 15 miles or less.

Attendance: 2,000 or greater but less than 10,000

Daily operations: At least 6 hours per day 5 days per week

Annual operations: Minimum of 5 months (cumulative)

## Recreational Tourist Historical Signing Guidelines

### **Costs will be determined by ranking as follows:**

National NDDOT 100% Other 0%  
Statewide NDDOT 50% Other 50%  
Local NDDOT 0% Other 100%

### **The application will be handled in the following manner:**

1. The Secretary for TSAC will review elements of the application and submit recommendation to the TSAC.
2. The TSAC will review the signing request and develop a priority list to be presented to the NDDOT Director for approval.
3. Notification will be sent to the applicant upon NDDOT Director's decision.

The TSAC will meet a minimum of twice a year to review all incoming signing requests. **Dates set are the first week of March and the last full week of August each year.**

**Send completed application to:**  
**Tourist Signing Advisory Committee**  
**Maintenance Division**  
**North Dakota Department of Transportation**  
**608 East Boulevard Avenue**  
**Bismarck, ND 58505-0700**

# INSTRUCTIONS

Please answer all questions. Provide a map showing the location of signs and the attraction. Describe the distance from the highway system to the attraction including any additional signing.

## REQUESTER INFORMATION

Box 1

Name (Individual making request).

Box 2

Requester Name (Entity making request).

Box 3

Requester address

Box 4

Requester phone, fax number and E-Mail address.

Box 5

Name of Attraction/place requested to be signed.

Box 6

Address of the attraction/place to be signed. Attach a county map or a drawing showing the approximate location of sign requested. As well as any additional signs off the State Highway System leading to the attraction.

Box 7

Proposed legend to be placed on the sign.

Box 8

Number of days per year this attraction/place will be opened to the public. \_\_\_\_\_

Hours of operation daily \_\_\_\_\_ a.m. to \_\_\_\_\_ p.m.

Approximate annual attendance. More than 25,000 \_\_\_\_ More than 10,000 \_\_\_\_ Less than 10,000 \_\_\_\_

Box 9

Will roads other than the State Highway System need to be driven to access the attraction/place?

Yes \_\_\_\_ No \_\_\_\_ if yes, has local jurisdiction been notified? Yes \_\_\_\_ No \_\_\_\_

## SECRETARY'S REPORT

Box 10

Record the date the request was received in the office.

Box 11

Who reviewed this request?

Box 12

Check the Manual on Uniform Traffic Control Devices to see if the request meets standards.

Box 13

Have the Maintenance Division do a cost estimate for sign, support, foundation, and installation.

#### **TOURISM SIGNING ADVISORY COMMITTEE**

Box 14

Does this request have local, statewide, or national importance?

Box 15

Should this attraction be signed?

Box 16

If no, TSAC will explain why so the secretary can report back to the requester.

Box 17

TSAC will establish the priority of the signing.

Box 18

The cost share will be determined by signing priority established in Box 14.

#### **DIRECTOR'S RECOMMENDATIONS**

Box 19

NDDOT Director approval.

Yes \_\_\_\_\_ No \_\_\_\_\_

Box 20

NDDOT Director priority level.

National \_\_\_\_\_ Statewide \_\_\_\_\_ Local \_\_\_\_\_

Box 21

Cost share will be determined by what priority the director recommends.

# APPLICATION FOR RECREATIONAL, TOURIST, AND HISTORICAL SIGNING

North Dakota Department of Transportation, Maintenance  
SFN 53746 (10-2017)

## Send application to:

TOURISM SIGNING ADVISORY COMMITTEE (TSAC)  
NDDOT - MAINTENANCE DIVISION  
608 E BOULEVARD AVE  
BISMARCK ND 58505-0700

## Requester Information

Date				
Name (Individual Making Request)		Requester Name (Entity Making Request)		
Requester Street/City Address		Telephone Number	Fax Number	Email Address
Name and Location of Attraction/Place Requested to be Signed				
Location of Place where Sign is Requested?				
What is the Proposed Legend to be on the Sign?				
Seasonal Operation <input type="checkbox"/> Yes <input type="checkbox"/> No		Hours of Operations Daily		
Annual Operation <input type="checkbox"/> Yes <input type="checkbox"/> No		Approximate Number of Visitations Annually		
Will roads, other than the state highways system, need to be driven to access the attraction place?		<input type="checkbox"/> Yes <input type="checkbox"/> No		
Has the jurisdiction responsible for that road/roads been notified of your intentions?		<input type="checkbox"/> Yes <input type="checkbox"/> No		

## Secretary's Remarks

 Items below to be filled out by TSAC and NDDOT Director

Date Received	Reviewed By	Will this sign meet MUTCD Standards?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Estimated cost for sign, support, foundation, and installation		Designation of Importance	<input type="checkbox"/> National <input type="checkbox"/> Statewide <input type="checkbox"/> Local

## Tourism Signing Advisory Committee Recommendations

Should this attraction be signed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If no, why?	
Priority Ranking of	Cost Share %

## North Dakota Department of Transportation Director's Recommendation

Approved <input type="checkbox"/> Yes <input type="checkbox"/> No	Priority Ranking of
Cost Share <input type="checkbox"/> National <input type="checkbox"/> Statewide <input type="checkbox"/> Local	

# APPLICATION FOR INSTALLATION OF TOURIST ORIENTED DIRECTIONAL SIGN (TODS)

North Dakota Department of Transportation, Maintenance  
SFN 19926 (10-2018)



REF Number			

## PLEASE PRINT

Applicant Name		Telephone Number	
Address	City	State	ZIP Code
Business Name			
Exact Business Name (max number of letters, characters, and spaces is 32)			

## BUSINESS OR ATTRACTION INFORMATION

Principle type of business or attraction available at the destination
Normal hours of business
Is the business or attraction open on a year-round basis? <input type="checkbox"/> Yes <input type="checkbox"/> No
If no, a "CLOSED" plate is required at any time the business or attraction is closed for periods exceeding 14 days.

## TYPE OF SIGN REQUESTED

<input type="checkbox"/> Right turn direction <input type="checkbox"/> Left turn direction <input type="checkbox"/> Straight ahead (Straight ahead signs limited to tee-intersections only)
Exact location of sign <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W side of ND Highway _____ a distance of _____ feet <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W from the nearest milemarker number

## EXACT LOCATION OF BUSINESS

The intersection of the road going to the business is _____ feet <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W ND Highway _____
Does the business, service or activity comply with all local and state laws and regulations? <input type="checkbox"/> Yes <input type="checkbox"/> No

I, the undersigned, accept the terms and conditions of the rules of the North Dakota Department of Transportation and the laws of North Dakota and agree to fully comply therewith to the satisfaction of the North Dakota Department of Transportation. I understand that the sign posts, when erected, become the property of the North Dakota Department of Transportation. I further certify that all of the information stated in this application is true and correct.

Applicant's Signature	Date
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Submit application and a check for \$25 permit fee for each direction. Make checks payable to NDDOT.

**LOCATION SKETCH SPACE** (Submit sketch of highway showing proposed sign location and business location.)

**CONTRACTOR'S INFORMATION (Must be included with submittal)**

Contractor's License Number	Expiration Date of Contractor's License	Expiration Date of Contractor's Bond
Contractor's Signature		Date
Effective November 24, 2008, the Contractor shall be required to wear an ANSI/ISEA 107-2004 Class II high visibility garment while within the highway right-of-way as per the requirements of 23 CFR 634.		

**DEPARTMENTAL USE ONLY**

District	Permit Number	<input type="checkbox"/> N	<input type="checkbox"/> S	<input type="checkbox"/> E	<input type="checkbox"/> W
Permission is granted for the erection of the sign as described in this application.					
District Engineer Signature					Date

**SPECIAL INSTRUCTION:** A copy of this permit must be furnished to the contractor selected to erect the sign, therefore, send the contractor's copy to the sign applicant.



## CHAPTER 39-13 TRAFFIC SIGNS

### **39-13-01. Uniform marking and erection of signs on highway.**

Repealed by S.L. 1953, ch. 177, § 120.

### **39-13-02. Local traffic signs.**

Repealed by S.L. 1975, ch. 353, § 4.

### **39-13-03. Local parking regulations not enforceable where sign illegible or not in proper position.**

Local parking and other special regulations are not enforceable against an alleged violator if, at the time and place of the alleged violation, an appropriate sign giving notice thereof is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

### **39-13-04. Traffic signs erected by unauthorized persons prohibited - Traffic signs containing advertising prohibited.**

Repealed by S.L. 1975, ch. 347, § 25.

### **39-13-05. Injuring signs prohibited.**

No person may deface, injure, knock down, or remove any sign posted as provided in this chapter.

### **39-13-06. Authority to adopt manual on uniform traffic-control devices.**

The director shall adopt a manual and specifications for a uniform system of traffic-control devices, consistent with the provisions of law, for use upon all highways and streets in this state. Such uniform system must correlate with and so far as possible conform to the system set forth in the most recent edition of the manual promulgated as a national standard by the federal highway administrator.

### **39-13-07. Uniform traffic-control devices on all streets and highways.**

No traffic-control devices, including markings, signs, and signals, may be used on any street or highway which do not conform to the standards of design and location as prescribed in the manual and specifications for a uniform system of traffic-control devices. The director and local authorities, on streets and highways under their respective jurisdiction, shall place such devices as are deemed necessary to regulate, warn, and guide traffic.

### **39-13-08. No traffic-control device to be manufactured or sold which does not conform.**

No person, firm, corporation, or limited liability company may sell or offer for sale to street and highway authorities, and no such authorities may purchase or manufacture any traffic-control device which does not conform to the manual unless specifically approved by the director.

### **39-13-09. Tourist-oriented directional signs.**

1. In this section:
  - a. "Tourist-oriented directional sign" means a sign providing identification of and directional information for tourist-related businesses, services, or activities.
  - b. "Tourist-related business, service, or activity" means rural agricultural business and tourism attractions, including recreation, historical sites, festival and cultural events, lodging and food services which are singularly and uniquely related to historical, cultural, or recreational tourist attractions, and guide services, but does not include any business operated under a franchise agreement. The term includes a business that derives a major portion of income or visitors from individuals who do not reside in the immediate area of the business. The

immediate area of the business is within the city limits in which the business is located, or within one mile [1.61 kilometers] from the business if located outside city limits.

2. Notwithstanding section 24-01-12, the department shall establish by rule standards for the erection and maintenance of tourist-oriented directional signs. The rules must conform to federal standards for tourist-oriented directional signs adopted under 23 U.S.C. 131(q) as of July 1, 1991, and with the manual adopted by the department under section 39-13-06 except that the rules must provide that logos may not be used on tourist-oriented directional signs.
3. Upon the request of any person, a local authority that has adopted an ordinance permitting the erection of tourist-oriented directional signs may authorize their erection within the right of way of any highway under the jurisdiction of the local authority except that tourist-oriented directional signs may not be erected within the right of way of the interstate highway system. A tourist-oriented directional sign may not be erected unless it is erected in compliance with rules adopted by the department for such signs.
4. The permit applicant shall engage a qualified contractor for the erection, installation, and maintenance of tourist-oriented directional signs within the right of way of any highway under the jurisdiction of the department except that tourist-oriented directional signs may not be erected within the right of way of the interstate highway system. A tourist-oriented directional sign may not be erected unless it is erected in compliance with rules adopted by the department for such signs.

**ARTICLE 37-11**  
**TOURIST-ORIENTED DIRECTIONAL SIGNS**

Chapter	
37-11-01	General Policy
37-11-02	Permits
37-11-03	Sign Installation and Relocation
37-11-04	Contractors and Sign Maintenance
37-11-05	Design and Composition

**CHAPTER 37-11-01**  
**GENERAL POLICY**

Section	
37-11-01-01	Definitions
37-11-01-02	Application
37-11-01-03	Applicant Requirements
37-11-01-04	Priority of Applicants
37-11-01-05	Exclusions
37-11-01-06	Time of Operation
37-11-01-07	Seasonal Closure

**37-11-01-01. Definitions.**

As used in this article:

1. "Advance signs" means supplemental tourist-oriented directional signs that are placed in advance of regular tourist-oriented directional signs in instances where the tourist-oriented directional signs are difficult to see due to topographic or geometric roadway features.
2. "Department" means the department of transportation.
3. "Director" means the director of the department of transportation or an authorized agent of the director.
4. "Permittee" means the party to whom a tourist-oriented directional sign permit is issued.
5. "Person" includes every natural person, firm, copartnership, association, corporation, limited liability company, or limited partnership.
6. "Sight distance" means the distance provided to allow a driver to safely stop a car at the posted highway speed.
7. "Trail blazing signs" means signs placed along an entrance road when the motorist requires additional instruction after having left the state highway.

**History:** Effective August 1, 1994.

**General Authority:** NDCC 39-13-09

**Law Implemented:** NDCC 39-13-09

**37-11-01-02. Application.**

Every person requesting a tourist-oriented directional sign shall make application on a form prescribed by the director.

**History:** Effective August 1, 1994.

**General Authority:** NDCC 39-13-09

**Law Implemented:** NDCC 39-13-09

**37-11-01-03. Applicant requirements.**

A person applying for a tourist-oriented directional sign must:

1. Be engaged in a business, service, or activity as defined in North Dakota Century Code section 39-13-09.
2. Derive a major portion of income, or visitors, from tourists who do not reside in the immediate area of the business, service, or activity.
3. Provide trail blazing signs if needed.
4. Obtain local authorization when the sign is located within city limits.
5. Provide such other information as the director may require.

**History:** Effective August 1, 1994.

**General Authority:** NDCC 39-13-09

**Law Implemented:** NDCC 39-13-09

**37-11-01-04. Priority of applicants.**

If the applications for tourist-oriented directional signs exceed the number of sign face spaces available, the department will give priority to applications by the time they are received in the department central office in Bismarck, North Dakota, 608 east boulevard avenue. Those applications that cannot be honored will be returned to the applicant who may reapply when space is available. The department will not hold applications pending available space nor provide notice of available space.

**History:** Effective August 1, 1994.

**General Authority:** NDCC 39-13-09

**Law Implemented:** NDCC 39-13-09

**37-11-01-05. Exclusions.**

1. A person advertising on an illegal advertising device, as defined under North Dakota Century Code chapter 24-17 or 23 U.S.C. 131, which advertises the same business, service, or activity as the proposed tourist-oriented directional sign is not eligible for a permit.
2. A person conducting any illegal operations is not eligible for a permit.

**History:** Effective August 1, 1994.

**General Authority:** NDCC 39-13-09

**Law Implemented:** NDCC 39-13-09

**37-11-01-06. Time of operation.**

To be eligible for a permit a business, service, or activity must be open during normal hours of operation for a similar business, service, or activity in the locality or provide the hours of operation as a part of the tourist-oriented directional sign message.

**History:** Effective August 1, 1994.

**General Authority:** NDCC 39-13-09

**Law Implemented:** NDCC 39-13-09

**37-11-01-07. Seasonal closure.**

A business, service, or activity operating on a seasonal basis, or closed for more than fourteen consecutive days, shall remove the sign face or display a "CLOSED" message plate. The "CLOSED" message plate must be fabricated and installed in accordance with the specifications in this article. Removal or installation of sign faces or plates must be done by a qualified contractor or by a qualified contractor's authorized representative. Intermittent operation is not allowed unless the dates of operation are shown on the tourist-oriented directional sign.

**History:** Effective August 1, 1994.

**General Authority:** NDCC 39-13-09

**Law Implemented:** NDCC 39-13-09

## CHAPTER 37-11-02 PERMITS

### Section

37-11-01-01	Permit Duration and Fee
37-11-01-02	Permit Ownership
37-11-01-03	Permit Revocation
37-11-01-04	Structure Ownership
37-11-01-05	Sign Face Ownership

#### **37-11-02-01. Permit duration and fee.**

Every application must be accompanied by a fee in the amount of twenty-five dollars for a permit valid for the life of the sign. See section 37-11-01-03 regarding applicant requirements.

**History:** Effective August 1, 1994.

**General Authority:** NDCC 38-13-09

**Law Implemented:** NDCC 39-13-09

#### **37-11-02-02. Permit ownership.**

Permits are not transferable and remain the property of the department. The permit does not convey any property right in the highway right of way.

**History:** Effective August 1, 1994.

**General Authority:** NDCC 39-13-09

**Law Implemented:** NDCC 39-13-09

#### **37-11-02-03. Permit revocation.**

A permit may be revoked for the following reasons:

1. If the department determines that a permittee is not legally entitled to the permit because the business, service, or activity is no longer available to tourists, or that the permittee has violated the terms of the permit, this article, or North Dakota Century Code chapter 39-13-09.
2. For failure to maintain a sign, which consists of the permittee's failure to repair or replace a sign face that has been damaged or defaced. The department shall give the permittee notice of the need to repair or replace the sign and the permittee shall have ninety days from the date of such notice to repair or replace the sign.

The department shall send notice of permit revocation to the permittee and set forth the basis for the revocation. The permittee shall have thirty days from the date of notice in which to remove the sign.

**History:** Effective August 1, 1994.

**General Authority:** NDCC 39-13-09

**Law Implemented:** NDCC 39-13-09

#### **37-11-02-04. Structure ownership.**

Sign structures become the property of the department upon erection on the highway right of way. The department has the authority to control the use of the structure by issuing up to four permits per sign face structure.

**History:** Effective August 1, 1994.

**General Authority:** NDCC 39-13-09

**Law Implemented:** NDCC 39-13-09

**37-11-02-05. Sign face ownership.**

The sign face remains the property of the permittee, unless abandoned or removed by the department. The permittee may remove a sign face at any time. If such removal is permanent, the permittee shall notify the department.

**History:** Effective August 1, 1994.

**General Authority:** NDCC 39-13-09

**Law Implemented:** NDCC 39-13-09

## CHAPTER 37-11-03 SIGN INSTALLATION AND RELOCATION

Section	
37-11-11-01	Location of Signs
37-11-11-02	Urban Locations
37-11-11-03	Advance Signing
37-11-11-04	Trail Blazing Signs
37-11-11-05	Expressways
37-11-11-06	Spacing
37-11-11-07	Maximum Number of Signs
37-11-11-08	Limit on Number of Sign Faces
37-11-11-09	Back-to-Back Mounting
37-11-11-10	Sign Removal and Relocation

### **37-11-03-01. Location of signs.**

All tourist-oriented directional signs must be erected adjacent to the edge of the right-of-way line and on the ditch backslope. Tourist-oriented directional signs must be located more than two hundred feet [60.96 meters] in advance of the entrance road intersection and within ten miles [16.09 kilometers] of the business, service, or activity. Tourist-oriented directional signs may not be located, erected, or maintained in any place or manner as to obstruct or interfere with a free and clear view of merging or crossing traffic or otherwise create a hazard to the safety of the public.

**History:** Effective August 1, 1994.

**General Authority:** NDCC 39-13-09

**Law Implemented:** NDCC 39-13-09

### **37-11-03-02. Urban locations.**

An applicant for a tourist-oriented directional sign located within the limits of a city must also obtain the written consent of the city to erect the sign. In addition, the location and erection of an urban tourist-oriented sign may not:

1. Block or obstruct the visibility of official traffic-control devices.
2. Hinder pedestrian or bicycle traffic.
3. Be located closer than two feet [.61 meters] to the face of a curb on a highway having curb and gutter.

The spacing requirements of section 37-11-03-06 do not apply to urban locations.

**History:** Effective August 1, 1994.

**General Authority:** NDCC 39-13-09

**Law Implemented:** NDCC 39-13-09

### **37-11-03-03. Advance signing.**

The director may require the installation of advance tourist-oriented directional signs if the director determines, on the basis of traffic engineering criteria, that such signs improve traffic safety in the area of the intersection with the entrance road.

**History:** Effective August 1, 1994.

**General Authority:** NDCC 39-13-09

**Law Implemented:** NDCC 39-13-09



#### **37-11-03-04. Trail blazing signs.**

Trail blazing signs are required when the business, service, or activity cannot be readily located by a motorist from the highway intersection with the entrance road, or when the business, service, or activity is not located near an exit from a highway upon which tourist-oriented directional signs are permitted.

**History:** Effective August 1, 1994.

**General Authority:** NDCC 39-13-09

**Law Implemented:** NDCC 39-13-09

#### **37-11-03-05. Expressways.**

Tourist-oriented directional signs may be located on divided and undivided multilane expressways as on two-lane highways, except that a tourist-oriented directional sign may not be placed within two hundred feet [60.96 meters] of the ramp taper of an interchange or the turning lane of an at-grade intersection. No tourist-oriented directional sign may be located on the interstate highway system.

**History:** Effective August 1, 1994.

**General Authority:** NDCC 39-13-09

**Law Implemented:** NDCC 39-13-09

#### **37-11-03-06. Spacing.**

Tourist-oriented directional sign structures facing one direction of traffic shall be spaced not less than two hundred feet [60.96 meters] apart.

**History:** Effective August 1, 1994.

**General Authority:** NDCC 39-13-09

**Law Implemented:** NDCC 39-13-09

#### **37-11-03-07. Maximum number of signs.**

Only two sign structures, each containing a maximum of four individual sign faces, will be allowed for each direction of travel at the entrance road intersection.

**History:** Effective August 1, 1994.

**General Authority:** NDCC 39-13-09

**Law Implemented:** NDCC 39-13-09

#### **37-11-03-08. Limit on number of sign faces.**

A business, service, or activity may normally provide only one sign face for each direction of travel on the principal route from the highway to the business, service, or activity.

**History:** Effective August 1, 1994.

**General Authority:** NDCC 39-13-09

**Law Implemented:** NDCC 39-13-09

#### **37-11-03-09. Back-to-back mounting.**

Tourist-oriented directional signs must be mounted only as prescribed by this article and may not be mounted back-to-back with any other type of sign. Tourist-oriented directional signs erected and maintained in a manner other than as prescribed in this article are deemed illegal and subject to removal under section 37-11-03-10.

**History:** Effective August 1, 1994.

**General Authority:** NDCC 39-13-09

**Law Implemented:** NDCC 39-13-09

**37-11-03-10. Sign removal and relocation.**

The department reserves the right to remove or relocate any tourist-oriented directional sign in the event the location of such sign is needed for highway purposes or if the sign is deemed illegal or nonconforming.

**History:** Effective August 1, 1994.

**General Authority:** NDCC 39-13-09

**Law Implemented:** NDCC 39-13-09

**CHAPTER 37-11-04  
CONTRACTORS AND SIGN MAINTENANCE**

Section	
37-11-04-01	Contractor Required
37-11-04-02	Contractor Qualifications
37-11-04-03	Maintenance Requirements
37-11-04-04	Neglected Maintenance
37-11-04-05	Joint Responsibility

**37-11-04-01. Contractor required.**

Tourist-oriented directional signs must be installed and maintained under an agreement between the permittee and a qualified contractor. The permittee is responsible for payment to the contractor for all services and materials rendered.

**History:** Effective August 1, 1994.

**General Authority:** NDCC 39-13-09

**Law Implemented:** NDCC 39-13-09

**37-11-04-02. Contractor qualifications.**

Contractors who install tourist-oriented directional signs must meet the following requirements:

1. The contractor must be licensed to do business in the state of North Dakota.
2. The contractor must carry public liability and property damage insurance as follows:
  - a. Coverage. Protection against liability for bodily injury or death of persons and injury to or destruction of property which may be suffered by persons other than the contractor's employees as a result of construction operations in connection with construction of all highway projects.
  - b. Limits of liability. The policy must provide a limit of not less than five hundred thousand dollars for all damages arising out of the bodily injuries or death of one person, and subject to that limit for each person, a total limit of not less than one million dollars for all damages arising out of the bodily injuries to or death of two or more persons in any one accident. The policy must further provide a limit of not less than five hundred thousand dollars for all damages to or destruction of property in any one accident and subject to that limit a total (or aggregate) limit of not less than one million dollars for all damages to or destruction of property during the policy period.

Such coverage must be extended to cover any subcontractor hired by the contractor.

3. The contractor shall use proper safety practices when installing or maintaining a sign and is responsible for any damages to the right of way resulting from the installation or maintenance of the sign.

**History:** Effective August 1, 1994.

**General Authority:** NDCC 39-13-09

**Law Implemented:** NDCC 39-13-09

**37-11-04-03. Maintenance requirements.**

The permittee is responsible for the maintenance of the sign structure and sign face. The following standards of maintenance must be observed:

1. Any damage must be promptly repaired.
2. Sign faces must be maintained in a legible condition. Sign faces that are badly weathered, peeling, vandalized, or damaged must be considered as requiring maintenance.

**History:** Effective August 1, 1994.

**General Authority:** NDCC 39-13-09

**Law Implemented:** NDCC 39-13-09

**37-11-04-04. Neglected maintenance.**

If maintenance is neglected, the department shall notify the permittee, in writing, of the type of maintenance required. If the maintenance is not provided within ninety days, the department may revoke the permit and confiscate the sign face.

**History:** Effective August 1, 1994.

**General Authority:** NDCC 39-13-09

**Law Implemented:** NDCC 39-13-09

**37-11-04-05. Joint responsibility.**

When more than one sign face is installed, the permittees have joint responsibility for the maintenance of the sign structure.

**History:** Effective August 1, 1994.

**General Authority:** NDCC 39-13-09

**Law Implemented:** NDCC 39-13-09

## CHAPTER 37-11-05 DESIGN AND COMPOSITION

Section	
37-11-05-01	Specifications
37-11-05-02	Sign Face Backing
37-11-05-03	Reflective Sheeting Material
37-11-05-04	Sign Messages
37-11-05-05	"Closed" Plate
37-11-05-06	Height of Sign

### **37-11-05-01. Specifications.**

The furnishing, fabricating, and installation of a tourist-oriented directional sign must be in conformance with the following standards:

#### **1. Materials.**

- a. General. All materials furnished and used in this work item must be new and must meet the plans, the standard drawings, and the following requirements:
  - (1) Signs, supporting structures, breakaway bases, anchor units, brackets, stringers, and hardware must be fabricated to meet the dimensions, metal gauge, and bolt holes set forth in the contract and standard drawings. All flat sheet sign backings must be aluminum with reflective sheeting applied as specified.
  - (2) The traffic-control sign details not otherwise specified must meet the MUTCD published by the federal highway administration.
  - (3) All sign faces must be according to the detail drawings and the alphabets shown in the MUTCD, standard highway signs, and standard alphabets, published by the federal highway administration. Sign faces not detailed in these publications must meet the detailed drawings shown in the supplementary standard highway signs booklet published by the department.
  - (4) Regulatory, warning, and guide signs must be detailed and dimensioned according to detailed drawings of the standard highway signs booklet and department supplement. These detailed drawings are available to the sign fabricator upon request from the department. Signs not illustrated in these booklets must be as shown on the standard drawings. The last number in the sign numbers shown is the width of the sign required.
  - (5) Variable message sign dimensions have been computed by the department of transportation in order to draft these signs by mechanical means. These message computations have been tabulated and must be used to lay out these sign faces in the fabricator's shop. These tabulated sheets will be furnished to the contractor upon request after the contract has been awarded.
- b. Concrete. Concrete used in this item of work must be class AE portland cement concrete mixed and proportioned as specified in section 802.
- c. Reinforcing steel. The reinforcing steel must meet section 612.
- d. Delineators. Delineators must meet section 894.06.
- e. Hardware and fittings. Signs, supporting structures, breakaway bases, anchor units, brackets, stringers, and all hardware and fittings must meet section 894.05 A.

- f. Overhead sign structures. Overhead structures must meet section 894.08.
- g. Grout. Grout must meet section 806.

**2. Construction requirements.**

- a. Locating and positioning signs and sign structures. Each sign and structure must be located according to the plans or, where necessary, for maximum effect of the sign. Installed signs and structures will be inspected at night for maximum effect and minimum specular reflection. If any sign exhibits specular reflection or is ineffective at night, the sign must be adjusted at the contractor's expense.

Signs and delineators located less than thirty feet [9.14 meters] from the pavement edge must be erected with the sign face truly vertical and turned ninety-three degrees away from the center and direction of travel of the lane that the facility serves. Signs located thirty feet [9.14 meters] or more from the edge of the pavement edge must be erected with the sign face truly vertical and aligned ninety degrees from the center and direction of travel of the lane that the offset sign serves. Special attention must be given to the location and positioning of signs and delineators at the point where lanes divide, or on curves, to avoid specular reflection and to obtain maximum effectiveness of the facility.

- b. Sign fabrication.
  - (1) General. All sign backing for flat sheet signs must be aluminum unless noted otherwise, with reflective sheeting applied as specified in this chapter. On large variable message signs the messages, symbols, and borders must consist of directly applied reflective sheeting cut to desired shapes. The message, symbols, and border must be applied as specified by the sheeting manufacturer.
  - (2) Fabrication of sign backing. Sign backings must be cut to size and shape and must be free of buckles, warps, dents, cockles, burrs, and all defects resulting from fabrication. The surface of all signs must be plane surfaces.

All cutting, shearing, and drilling or punching of holes (except mounting holes for demountable letters, numerals, symbols, and borders) must be completed before metal degreasing and application of reflective sheeting.

- (3) Cleaning and processing. Cleaning and processing of sign backing must take place before applying the reflective sheeting. Cleaning and processing must be performed using the sheeting manufacturer's instructions and recommendations as well as the requirements of section 894.

All metal sign backing material must be handled only by handling devices or clean canvas gloves between cleaning and applying reflective sheeting. Metal must not come in contact with greases, oils, or other contaminants before application of reflective sheeting. When backing materials are chromate-conversion coated beforehand and are allowed to set for several days before applying reflective sheeting, the application surface must be given a solvent wipe before reflective sheeting application.

- (4) Fabrication of flat sheet signs. The background or message and border must be screened on reflective sheeting as specified by the manufacturer of the reflective material and as specified here. Colors must meet the requirements of the contract and as shown in the MUTCD. Care must be taken so screening inks are compatible with reflective sheeting backgrounds.

Reflective material must meet section 894.02.

The reflective sheeting used on flat sheet sign backings larger than the manufacturer's material must require splicing. All sheeting on one individual sign must be from the same manufacturer's lot and must be spliced in one direction only. No more than one splice is permitted per sign. Vertical splices must be in the center of the sign. Horizontal splices, if used in lieu of the vertical splice, must be in the center of the sign with the top portion overlapping the bottom portion of the sheeting when it is in the upright position. Heat-activated, adhesive-coated, reflective sheeting may be overlapped not less than three-sixteenths of one inch [4.76 millimeters] or by a butted gap not to exceed one-thirty-second of one inch [0.79 millimeters]. Splices will be permitted only on sign screens processed with transparent colors. Pressure-sensitive, adhesive-coated, reflective sheetings must be overlapped not less than three-sixteenths of one inch [4.76 millimeters].

The overlapped splice must be made without screening paints between the reflective sheeting.

The sign face must be processed and finished with material as specified by the sheeting manufacturer. Processing of type III A or III B reflective sheeting with screened-on messages must be accomplished before applying to the sign backing. Processing of type II reflective sheeting may be accomplished before or after applying to the sign backing.

The finished signs must have a smooth, uniform surface. All letters and numbers must be clear cut and sharp.

- (5) Fabrication of panel signs. The background must be applied to the panels as specified by the reflective sheeting manufacturer.

Reflective sheeting must be overlap spliced. The splice must be overlapped not less than three-sixteenths of one inch [4.76 millimeters], and sheeting applied to panels must extend over the edges and down the side legs a minimum of one-sixteenth of one inch [1.59 millimeters]. Splices must be at a ninety degree angle to the length of the panel. The splices must be uniformly and neatly made throughout their entire length. An individual panel may not have more than two splices, and the minimum distance between adjacent splices must be eight feet [2.44 meters].

- (6) Date of fabrication. All signs receiving new sign facings must be dated with the month and year fabricated. The date must be placed on the back of the metal backing on the lower corner of the sign near the edge closest to traffic so that it can be read from the ground. The dating layout must consist of one-fourth inch [6.35 millimeters] high numbers on a two and one-fourth inches [57.15 millimeters] long by one and three-fourths inches [44.45 millimeters] high pressure sensitive label. The numbers imprinted on the upper part of the label must be one through twelve, with the last two digits of four consecutive years printed across the bottom (as 92, 93, 94, 95). The month and year of fabrication must be punched out. The label must meet section 894.04. The cost of furnishing, fabricating, and installing labels must be included in the price bid for "flat sheet for signs type II and III A", "panel for signs type II and III A", "refacing signs type II and III A", or "overlay panel type II and III A".

- c. Packaging, labeling, handling, and shipping. Completed signs must be dry before packaging or storing. Packaged signs that become wet before use may not be used. A warning label with instructions designed to prevent damage to the signs must be on the outside of the package, and an additional warning label must be placed in the packages between the first and second sign, before the last sign, and after each five signs in a package. Packaged signs may not be banded and must be stored and shipped on edge.

Packaging must be done so that the signs are protected during storage, shipping, and handling. Packaged signs must be slipsheeted using the material and methods recommended by the sheeting manufacturer.

Unmounted reflective sheeting may be stacked flat to a maximum height of five inches [127.0 millimeters] for temporary storage. Otherwise, they must be stored on edge. The sheeting on signs may not be exposed to temperatures above one hundred fifty degrees Fahrenheit [65.56 degrees Celsius]. The slipsheeting must be left on the sign face until mounted.

Panel signs may be assembled or separated into sections for ease in handling, storing, and shipping. In lieu of packaging, the sign faces may be turned toward each other and fastened together firmly with sufficient spacers to prevent the sign faces from touching. Sign faces that cannot be protected by packaging or fastening face to face must have protective covers placed over them.

d. Label (handling, storage, and installation instructions). The label referred to in section 754.03 C must contain the following instructions:

(1) Loading on vehicles. Signs must be secured vertically in racks to prevent them from rubbing, scratching, or marring front surfaces. Signs that have protective wrappings or slipsheeting must be kept dry.

Signs must be carefully unloaded and stacked on edge off the ground in an upright position.

(2) Storage at jobsite. Signs must be stored indoors and upright on edge to prevent damage to the reflective sheeting.

Signs must be kept dry. Packaged signs that get wet will be rejected.

(3) Installation.

(a) Signs must be handled carefully and not scuffed or walked on.

(b) Nylon washers must be used between flat washers and sign face for all type III and IV reflective sheeted signs.

(c) When washing signs is necessary, a soft bristle brush or sponge and water must be used.

e. Erection of sign supports and delineators.

(1) General. The engineer shall verify the support lengths on all new sign supports prior to the materials being ordered by the contractor. All sign supports must be firmly set and plumb after erection. All concrete foundations must be constructed as specified, with the top sloped enough to drain away from the sign support. All exposed concrete above ground surface must be given a rubbed finish. Excess excavation material removed to set sign supports must be disposed of at the contractor's expense. A driving cap must be used when driving a sign support.

(2) Delineator posts. Delineator posts must be driven without being damaged. If the drilled or punched hole method is used, the hole must be large enough so the post may be set without damage. Any damage to utilities or structures as a result of construction operations must be repaired according to section 105.03.



- (3) Anchor for telescoping perforated tubes and flange channel supports. Anchors for telescoping perforated tubes and flange channel supports must be driven. The perforated tube anchor must be driven to a maximum of four inches [101.6 millimeters] above the ground or sidewalk and four inches [101.6 millimeters] maximum installed height aboveground or sidewalk for flange channel anchor.

Anchors must be installed at plan length, unless the engineer determines a shorter length is sufficient due to good soil bearing developed when driving the anchor. Anchor lengths may be reduced to a minimum of three feet [.91 meters]. When set in sidewalk, the anchor plate may be omitted.

The sidewalk must be cored to install the anchor unit and the cored area must be filled with new concrete to restore the sidewalk surface.

- (4) Tubular sign supports. Tubular sign supports must be set in a class AE portland cement concrete base, constructed as shown on the plans. Breakaway base plates must be assembled with the bolts torqued to plan requirements. The plates must be carefully placed so the tapered bolt slot tapers toward approaching traffic. Either the stub post or the anchor bolt design may be used as detailed. If the anchor bolt design is used, a portland cement grout must be used to raise the top of the foundation to a snug fit under the base plate.
- (5) Overhead sign structures. All overhead sign structures must be shop fabricated so only bolted assembly is required in the field. Drilling to fasten an overhead sign to a bridge is permitted, but field welding is not permitted.

Overhead sign structures, other than those fastened to bridges, must be set on class AE portland cement concrete foundations as required. The foundation may be constructed to grade elevation with the top surface level so the support set on it is truly vertical, or the foundation may be constructed below grade and leveling nuts used to level the base plate and bring it to grade. A portland cement grout must be used to fill the voids between the foundation and the base plate.

- (6) Splicing. Splicing is permitted on telescoping and flange channel posts only to obtain the required post length. A splice must be more than five feet [1.52 meters] above the ground, and only one splice is permitted per post. Splicing costs must be at the contractor's expense. The weight of the splice may not be added to the post pay weight.
- (7) W-shaped sign supports.

- (a) W-shaped sign supports must be set in a class AE portland cement concrete base, constructed as shown on the plans. Breakaway base plates must be assembled with the bolt torqued to plan requirements. The plates must be carefully placed so the tapered bolt slot tapers toward approaching traffic. W-shaped supports must use the stub post design.

The contractor may install an H-pile footing in lieu of the concrete base. If the bearing capacity specified cannot be obtained, the contractor shall install the concrete base specified.

- (b) Flame cutting of w-shaped posts. The gas cutting torch may be used for cutting metals or preparing joints. Carbon steel above 0.30 percent carbon, high alloy steels, heat-treated steel, and plated metals may not be flame cut unless subsequent corrective treatment is provided as approved by the materials and research engineer.

All flame cutting work must be done by the oxyacetylene gas method or other method approved by the engineer. The maximum permissible deviation from true lines is one-sixteenth of one inch [1.59 millimeters]. Repairs of edge defects shall be done according to section 3.2 of AWS structural welding code, as amended by AASHTO specifications for welding of structural steel highway bridges. In general, the roughness of flame cut surfaces may not be greater than an ANSI roughness value of one thousand microinches. All slag from flame cutting must be completely removed.

When flange plates or other members are cut to a curve, the curve must be uniform to the radius required. A series of straight cut tangent to the curve is not acceptable.

When ends of members, which are to take bearing, are cut with a torch a suitable allowance in their length must be made to permit proper milling or planing.

Joints for welding may be prepared by "flame cutting" or "flame gouging" provided all slag and oxidized metals are removed.

- (c) Edge finishing. Members formed to specific size by shearing of structural steel plates having a thickness of one-half inch [12.7 millimeters] or more, must be machined or planed to correct size by removing not less than one-fourth inch [6.35 millimeters] of metal. All field splice plates and stiffeners less than one-half inch [12.7 millimeters] in thickness must have a minimum of one-eighth inch [3.18 millimeters] of metal removed by machining or planing after shearing.
- f. Mounting flat sheet signs type III A and III B sheeting. Flat sheet signs must be bolted to the supports and must have a nylon washer between the flat washer and the sign face.
- g. Removing and resetting signs and supports. Existing signs and supports must be removed and reset as specified. All signs and supports not to be reset must be stockpiled on the project right of way at designated locations. The stockpiled signs and supports remain the department's property.

Removed or reset signs and supports that become damaged during removing, resetting, or stockpiling must be replaced at the contractor's expense.

Existing signs and supports must be removed as construction progresses and must be immediately reset or installed. The contractor shall install new signs or reset signs as shown on the plans. All signs and supports must be on the project site at the time construction begins. The contractor may choose to temporarily reset existing signs, or temporarily install new signs. The cost of installing and resetting signs temporarily must be included in the price bid for other items. Any damaged signs or supports must be replaced at the contractor's expense.

**History:** Effective August 1, 1994.

**General Authority:** NDCC 39-13-09

**Law Implemented:** NDCC 39-13-09

### **37-11-05-02. Sign face backing.**

The sign backing material must be one piece of flat sheet aluminum seventy-two inches [1.83 meters] by sixteen inches [406.4 millimeters] with a minimum thickness of 0.125 inches [3.18 millimeters].

**History:** Effective August 1, 1994.  
**General Authority:** NDCC 39-13-09  
**Law Implemented:** NDCC 39-13-09

### **37-11-05-03. Reflective sheeting material.**

The reflective sheeting material used for the sign face must be a standard blue background with a silver white border and message. Borders must be one inch [25.4 millimeters] wide. Letters must be six-inch [152.4-millimeter] series C, uppercase. Letter details are available from the department.

**History:** Effective August 1, 1994.  
**General Authority:** NDCC 39-13-09  
**Law Implemented:** NDCC 39-13-09

### **37-11-05-04. Sign messages.**

Each sign face is allowed a maximum of two lines of legend. The content of the legend is limited to identification of the business, service, or activity, the distance thereto, directional information, a directional arrow, and the time of operation. Left-turn directional arrows and corresponding distance information must be placed to the left of the written message. Right-turn directional arrows and corresponding distance information must be placed to the right of the written message. Straight ahead arrows and corresponding distance information must be placed to the left of the written message. Symbols may be incorporated as alternates to word messages. Symbols must be either five inch [127.00 millimeters] square or twelve inch [304.80 millimeters] square and attached to the sign face. Symbol sign design must be in accord with department specifications. Proprietary logos for specific businesses, services, or activities may not be used. Sign face legends are subject to approval by the department and must be submitted with the permit application.

**History:** Effective August 1, 1994.  
**General Authority:** NDCC 39-13-09  
**Law Implemented:** NDCC 39-13-09

### **37-11-05-05. "Closed" plate.**

The "closed" plate must meet the same requirements as the sign face backing and have blue reflective sheeting and a one-inch [25.4-millimeter] silver white border. The letters must be six-inch [152.4-millimeter], series C, uppercase. The plate shall be thirty inches [762.00 millimeters] by a minimum of ten inches [254.00 millimeters].

**History:** Effective August 1, 1994.  
**General Authority:** NDCC 39-13-09  
**Law Implemented:** NDCC 39-13-09

### **37-11-05-06. Height of sign.**

The tourist-oriented directional sign structure must be installed so that the top of the signposts are ten feet [3.05 meters] above the ground line.

**History:** Effective August 1, 1994.  
**General Authority:** NDCC 39-13-09  
**Law Implemented:** NDCC 39-13-09