

**ALPINE & NORDIC
SKI AREA
DIRECTIONAL SIGNS**



**State of New Hampshire
Department of Transportation
Bureau of Traffic
(603) 271-2291**

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DEPARTMENT OF TRANSPORTATION
OFFICE OF THE COMMISSIONER

DECLARATORY RULING NO. 2003-02
ALPINE & NORDIC SKI AREA DIRECTIONAL SIGNS

I, Carol A. Murray, commissioner of the department of transportation, do hereby issue this document as a declaratory ruling in order to provide guidance as to the applicability and implementation of this policy regarding Alpine & Nordic ski area directional signs.

In 2000, the Federal Highway Administration adopted the “Manual on Uniform Traffic Control Devices (MUTCD), Millennium Edition”, in accordance with 23 U.S.C. 101 (a), 104, 109(d), 114 (a), 217, 315, and 402(a); 23 CFR 1.32 and 49 CFR 1.48 (b), as amended. The manual is found at 23 CFR Part 655 Subpart F Sec. 655.601 (a), and is available at the FHWA website at <http://mutcd.fhwa.dot.gov>. The electronic version posted on the MUTCD website is the official FHWA publication. A companion document entitled, “Standard Highway Signs Book” was also adopted. In the MUTCD, Recreational and cultural interest signs are official traffic control devices. The MUTCD has been adopted by the New Hampshire Department of Transportation as and for the means to regulate official traffic control devices in New Hampshire pursuant to RSA 236:1.

The adoption of rules to administer RSA 236:1 has been exempted from the Administrative Procedures Act by RSA 541-A:21, I (b). Accordingly, in order to prevent the possibility of conflict between a required and controlling federal regulation in the MUTCD and an optional state based rule, I have adopted the attached provisions pursuant to RSA 236:1 for use by the staff of the department in the processing and issuance of alpine & nordic ski area directional sign permits and other decisions regarding such signs on the state highways until further modified by subsequent action of the commissioner of the department of transportation.

Dated: December 29, 2003

Carol A. Murray
Commissioner

POLICY FOR THE PERMITTING OF ALPINE & NORDIC SKI AREA DIRECTIONAL SIGNS

1. Purpose.

(a) This policy describes the process used to evaluate requests made for the erection of Alpine or Nordic ski area directional signs.

(b) This policy implements state law found at RSA 236:72-a, and a federal regulation entitled, the “Manual on Uniform Traffic Control Devices (MUTCD), Millennium Edition”, adopted by the Federal Highway Administration in accordance with 23 U.S.C. 101 (a), 104, 109(d), 114 (a), 217, 315, and 402(a); 23 CFR 1.32 and 49 CFR 1.48 (b), as amended. The manual is found at 23 CFR Part 655 Subpart F Sec. 655.601 (a), and is available at the FHWA website at <http://mutcd.fhwa.dot.gov>. The electronic version posted on the MUTCD website is the official FHWA publication. A companion document entitled, “Standard Highway Signs Book” shall also be used.

(c) Pursuant to state laws found at RSA 236:1, RSA 236:73 IV, RSA 265:22, RSA 41:11, and RSA 47:17, the “Manual on Uniform Traffic Control Devices, Millennium Edition”, has been adopted by the Commissioner of the Department to establish the standards for traffic control and use of the right of way in New Hampshire.

2. Scope.

Alpine and nordic ski area directional signs may be erected upon state highways under the jurisdiction of the Department other than interstate highways, the divided portions of the NH turnpike system, or divided limited access highways.

3. Definitions.

If a word or phrase used in this policy is defined in RSA 236:70, such definition is incorporated into this policy without change.

(a) “Bureau” means the Bureau of Traffic within the New Hampshire Department of Transportation unless otherwise indicated.

(b) “Closed” means that the qualifying activity shown in the text of the sign is not open for use by the road user, regardless of the fact that other activities at the business are still in operation, including but not limited to reviews for future sales or usage, maintenance activities, acceptance of deliveries or services available by chance or appointment, unless otherwise specified in this policy.

(c) “Commissioner” means the commissioner of the New Hampshire Department of Transportation.

(d) “Department” means the New Hampshire Department of Transportation unless otherwise indicated.

(e) “Alpine ski area” means a facility that provides downhill skiing terrain that is served by lifts approved by the State Tramway Board, and that also provides guest services, including but not limited to a ski school, rental equipment, and children’s programs.

(f) “Nordic ski area” means a facility that provides Nordic skiing terrain to the public for a fee. The terrain must consist of marked and groomed trails. The facility must provide guest services, including but not limited to rental equipment, a ski school, and a first aid ski patrol.

(g) “Specifications” means signing standards as set forth in sections 11, 12 and Appendix A.

(h) “Visible” means capable of being seen (whether or not legible) without visual aid by a person of natural visual acuity.

4. Variation from State Standards.

No provision of any municipal ordinance that seeks to change or vary the specifications for such signs will be recognized or enforced by the Bureau.

5. The State Permit System.

(a) No alpine or nordic ski area directional sign may be erected upon a qualifying state highway unless a permit for the sign has been granted by the Department.

(b) The initial permit process begins with the submission of a completed written request for signage to the Bureau of Traffic, upon a form provided for that purpose, together with the appropriate fee. The form and fee schedule are described in section 6 of this policy.

(c) The request for signage shall be reviewed in accordance with sections 7, 8 and 9 of this policy.

(d) If the request for signage meets all of the criteria in this policy, it shall be granted, and a permit issued to erect the signage.

(e) If the application fails to meet all of the criteria in this policy, it shall be denied, and the applicant may either alter the request to meet the criteria in question, or request a hearing in accordance with section 16 of this policy.

(f) Renewal of the permit following the initial permit period may be obtained using the procedure found in section 13 of this policy.

6. Request for Signage.

(a) An applicant requesting an initial permit for a alpine or nordic directional sign shall provide the following information on a form furnished by the Bureau of Traffic:

- (1) The name, address, and telephone number, or other means of contacting the applicant during regular business hours;
- (2) The name or route number of the state highway where the proposed sign is to be located;
- (3) The name of the municipality where the proposed sign is to be located;
- (4) The hours of the day and days of the week that the applicant provides qualifying services to the public;
- (5) Whether there are restrictions placed upon the facility which would limit its use by a member of the traveling public;
- (6) The text proposed for the sign;
- (7) A sketch showing the proposed location of the sign indicating distances from easily found reference markers, such as intersecting highways or roads, highway mileage markers, or utility poles. Please provide information from each marker, such as the road number, mile marker number, or utility pole identification numbers;
- (8) Whether the applicant owns, leases, or maintains an outdoor advertising device in the state, either under its own name, or under the name of any entity in which the applicant holds a controlling interest;
- (9) The signature of the applicant, including the title and authority of the person signing if applying for a partnership, trust, corporation, or limited liability company;
- (10) The date of the signature; and
- (11) The application fee of \$250.00.

7. Initial Permit.

(a) The Bureau of Traffic shall approve a request for signage and issue a permit to erect the same unless an office review, comment from a maintenance district, or a field review of the proposed location discloses an issue sufficient to deny the request under sections 8-9 of this policy.

(b) The Bureau of Traffic shall conduct an office review of the request for signage and shall deny the application if:

- (1) The applicant has failed to provide all required information on the request form; or
- (2) At the time of application, the applicant maintains an outdoor advertising device for any business entity in violation of the outdoor advertising law, RSA 236: 69-88-a; or the Highway Beautification Act of 1965 (23 U.S.C. Section 131, and its regulations); or
- (3) There are restrictions upon use of the facility that significantly limit the ability of a road user to use the facility or its services.

(c) The Bureau of Traffic shall conduct a field review of the proposed location, and shall deny the application if the proposed sign or its location:

- (1) Limit a road user's ability to see an existing official traffic control device far enough in advance to act upon the message; or
- (2) Would result in unreasonable confusion for the road user due to the presence of multiple official traffic control devices, private signs, driveways, or turning movements, even though tourist oriented directional signs or other alpine and nordic ski area directional signs are installed in the vicinity; or
- (3) Contain directional or other information that conflicts with an existing traffic control device; or
- (4) Would unreasonably interfere with highway maintenance efforts; or
- (5) Would require the Department as landowner to apply for a permit from any other governmental agency, other than "Dig Safe, Inc.", prior to placing the sign or disturbing the soil in that location; or
- (6) Is on a highway already marked with a recreational and cultural interest symbol sign or destination guide sign erected pursuant to MUTCD Chapter 2-H directing motorists to the applicant's place of business; or

(7) Is intended to direct a motorist from a lower class highway to a higher class highway, such as from a federal aid secondary highway to a highway defined as part of the National Highway System.

(8) Is intended to direct motorist to a location other than the facility's main lodge of operations, including any satellite facility owned by or operated in conjunction with the applicant.

(d) All permits issued shall be subject to the following standard conditions:

(1) The permit shall expire on the April 1 next following the date of issuance;

(2) A permit for an alpine or nordic ski area directional sign shall not be transferable. In the event that a permitted business or entity is transferred to a new owner, a new original initial application shall be submitted for review and approval; and

(3) All permittees shall comply with the requirements of the department set forth in this policy for manufacture, installation, maintenance, and removal of the sign panel and its support structure.

8. General Eligibility Criteria

(a) Alpine and nordic ski area facilities shall:

(1) Be located within the state of New Hampshire;

(2) Be listed in the most recent edition of the "New Hampshire Guidebook", published by the state of New Hampshire Division of Travel and Tourism Development.

(3) Have a main center of operations which includes;

a. A telephone accessible to the public;

b. Public restroom facilities; and

c. Guest services.

(4) Be open 7 days per week during the months of December through March.

(5) Be licensed by the appropriate state and local agency to provide food service or child care service, if the service is present;

- (6) Have a map of trails that note trail distance and level of difficulty;
- (7) Be responsible for all rescue efforts on operated and advertised trails;
- (8) Comply with all New Hampshire state laws regarding ski area operation;

(b) Alpine and nordic ski area directional signs are directional in nature, and shall not be granted for the purpose of increasing visibility of the qualifying facility, or as an attempt to warn motorists of traffic stopping or turning into the facility.

9. Location

(a) Alpine and nordic ski area directional signs shall be erected at locations approved by the department of transportation, following an engineering review of the traffic movements road users must make to access the approved facility, using the following criteria:

- (1) Signs shall be permitted only at points where turning movements must be made, up to a maximum of three turns or 10 miles from the entrance of the facility;
- (2) Supplemental signing may be required to insure that the facility can be readily found from the intersection where a sign has been installed. This requirement may be met in whole or in part by additional alpine or nordic ski area directional signs or legal off-premise signs.

(b) Alpine and nordic ski area directional signs directing the motorist to travel straight ahead shall not be allowed in advance of the facility entrance on the same highway, except as follows:

- (1) When signs have been installed for similar facilities directing road users to make a left or right turn in advance of the facility; or
- (2) When the facility can not be permitted to erect a legal, on-premise sign that would be visible to motorists in advance of the nearest point of highway access to the facility due to configuration of the right-of-way, forestation, or terrain features.

(c) Alpine and Nordic directional signs may be erected:

- (1) Within the state owned highway right-of-way, provided that all of the other requirements of this policy have been met; or
- (2) On private property, provided that written consent from the landowner has been received by the Bureau of Traffic.

10. Multiple Installations and Order of Position

(a) An alpine or nordic ski area directional sign installation shall contain no more than three sign panels, all of the same dimensions, directing road users to three distinct facilities.

(b) If a facility provides both alpine and nordic services, it shall be signed for only one type of ski service at each sign installation.

(c) No more than 3 alpine and nordic ski area directional sign installations shall be erected in advance of a single intersection.

(d) The number of alpine and nordic ski area directional sign installations allowed in advance of an intersection shall be reduced when necessary to prevent distraction of motorists. "Distraction of motorists" means that the number of signs of all types installed in advance of an intersection is so large as to pose the potential for confusion to the motorist.

(e) When the department's engineering review determines that the panels for right-turn, left-turn and straight-ahead destinations should be on separate sign installations:

(1) The installation containing the panels for left-turn destinations shall be furthest from the turn;

(2) The installation containing the panels for right-turn destinations, shall be intermediate; and

(3) The installation containing the signs for straight-ahead destinations shall be placed closest to the turn.

(e) When the department's engineering review determines that the panels for right-turn, left-turn and straight-ahead destinations should be on the same installation, the order of position shall be:

(1) Top, straight-ahead;

(2) Middle, left-turn;

(3) Bottom, right-turn.

(f) When two or more destinations in the same direction exist on a single installation, the order of position shall be based on the distance to the facility, placing the closest facility on top.

11. Sign Panel Design.

(a) Upon approval of a request for signage, the applicant shall work with the Bureau of Traffic to design and fabricate an alpine or nordic ski area directional sign panel that:

- (1) Accurately guides a road user to the applicant's service; and
- (2) Is fabricated to the performance standards set in the MUTCD.

(b) The message of the sign may contain any or all of the following elements, as mutually determined by the applicant and the Bureau of Traffic:

- (1) A standard service symbol, in accordance with Appendix A;
- (2) A textual message in a maximum 2 lines of text; and
- (3) Direction and distance information.

(c) The language, arrangement and spacing of the textual message shall be limited as follows:

- (1) The text must be submitted to the Bureau of Traffic for review prior to fabrication of the sign panel;
- (2) Product names, slogans, telephone or fax numbers, street addresses, electronic mail or Internet addresses, Ham Radio call numbers, or messages that resemble any official traffic control device shall not be permitted;
- (3) If necessary to distinguish between two businesses with the same or a similar name, a descriptive term may be added, as determined on a case-by-case basis;
- (4) Community or street names that are an established and integral part of the participant's business or company name are acceptable;
- (5) Product names that are an established and integral part of the participant's business or company name are usually acceptable; and
- (6) Recognition of alcohol or tobacco products is not permitted under any circumstance.

(d) The distance and directional element shall be arranged, sized, and spaced as directed by the Bureau of Traffic in order to maintain compliance with the MUTCD and to assure that the road user will not be confused by the directions given.

12. Sign Panel Materials and Fabrication Standards.

(a) The specifications for sign panel materials and quality of fabrication are set forth in Appendix A.

(b) All costs for materials and initial fabrication of the sign panel are the responsibility of the applicant.

(c) In the event a sign panel must be replaced due to theft, damage, destruction, or wear and tear, all costs for the replacement panel are the responsibility of the applicant.

13. Renewal Permit.

(a) Renewal of a permit for an alpine or nordic ski area directional sign shall be requested annually on a form furnished by the bureau, providing the following information:

- (1) The name, address, and telephone number of the applicant;
- (2) The name or route number of the state highway where the sign is located;
- (3) A statement that the activity continues to be eligible under the category approved in the original application;
- (4) The date of the application;
- (5) The signature of the applicant and capacity if signing on behalf of a partnership, trust, corporation, or limited liability company; and
- (6) The fee of \$50.00.

(b) The Bureau of Traffic shall conduct such office review and/or field review of the renewal application as may be required, and shall approve the application unless such review reveals that the applicant is not eligible under this policy for a permit to maintain an alpine or nordic ski area directional sign.

14. Revocation of a Permit and Removal.

(a) A permit to maintain an alpine or nordic ski area directional sign may be revoked and the sign panel removed for any of the following reasons:

- (1) Any change in the business or its operations that causes the business to be in nonconformity with this policy or the controlling statutes;

- (2) Failure of the business to replace, repair or refurbish an alpine & nordic ski area directional sign within 60 days following notice by the department;
- (3) Any changed condition necessitated by construction, reconstruction, maintenance or reclassification of the highway;
- (4) The sign has been in nonconformity with the specifications contained herein for more than one year; or
- (5) Failure to renew the permit.

15. Nonconformity and Removal.

(a) The provisions of RSA 236:77 shall not apply, since alpine & nordic ski area directional signs are official signs and not advertising devices.

(b) The department shall remove and transport for storage any alpine or nordic ski area directional sign that remains in place more than 30 days after an order by the department to remove the sign has become final, provided that:

- (1) A single notice shall be sent by ordinary mail to the owner of the sign panel advising of the location of the removed sign;
- (2) The department shall not be responsible for damage to any device occasioned by removal, transport or storage; and
- (3) The department may discard, destroy, or reuse any sign panel remaining in storage over 30 days.

16. Hearings.

(a) An applicant who disagrees with the decision of the Bureau of Traffic to deny, not renew or revoke a permit to install and maintain an alpine or nordic ski area directional sign may appeal such decision to the commissioner within 30 days after notice of the decision is provided to the applicant.

(b) Unless an appeal is filed, the denial, revocation or nonrenewal of a permit for an alpine or nordic ski area directional sign shall become final 30 days after notice of the decision is provided to the applicant.

(c) The procedure used to conduct hearings on denials, revocations or nonrenewals shall comply with RSA 541-A and Tra 200, rules of practice and procedure.

(d) In the event the applicant disagrees with the decision of the commissioner following hearing, a subsequent appeal may be taken to the Transportation Appeals

Board pursuant to the board's rules of practice and procedure, Tra-Ap 200 and the controlling statute, RSA 21-L:15.

Appendix A:

ALPINE AND NORDIC SKI AREA DIRECTIONAL SIGNS
DESIGN SPECIFICATIONS

1.1 Except as modified below, the specifications for alpine and nordic ski area directional signs shall conform with the pertinent requirements of signs as set forth in the “Manual on Uniform Traffic Control Devices (MUTCD), Millennium Edition adopted by the Federal Highway Administrator as the national standard for all highways open to public travel. Sign fabricators are advised that traffic manuals are available at the FHWA Office of Transportation Operations website at <http://mutcd.fhwa.dot.gov> or from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

1.2 References to the New Hampshire Department of Transportation “Standard Specifications for Road and Bridge Construction” publication, and to the standards of the American Society for Testing and Materials (ASTM) shall be deemed to be the latest issued standard, interim, or tentative specification unless specific dates of issue are indicated herein.

MATERIALS

2.1 GENERAL.

(1) Base Materials shall be constructed of aluminum flat sheet conforming to ASTM B 209M (ASTM B 209), Alloy 6061-T6 or Alloy 5052-H38. Signs shall be a minimum of 2.5 mm (0.100 in) thickness. The aluminum shall be properly degreased and etched or treated in accordance with ASTM B 449, Class 2; or

(2) Surfaces shall be prepared as recommended by the prismatic reflective sheeting manufacturer to ensure proper bonding of the base material and sheeting.

(a) Application of prismatic reflective sheeting shall be applied in accordance with standard current practice as recommended by the sheeting manufacturer.

(3) Edges shall be reasonably smooth and free from burrs. The backs shall be untreated and no markings shall be allowed on the backs of the panels.

2.2 SIGN FACE.

(1) The sign shall have a “brown” prismatic reflective sheeting background over the entire sign face. All copy (text, numerals, border or trim, and symbol, if used) on the sign face shall be “white” prismatic

reflective sheeting. The border shall be applied flush with the edges of the sign.

(a) The sheeting shall be Type III (High Intensity Prismatic) sheeting meeting the requirements of New Hampshire Department of Transportation Standard Specifications Section 718.

(b). The colors of brown and white shall comply with Section 718 of the Standard Specifications.

2.2.1 Information to appear on the sign face. At the option of the applicant, and with the approval of the Bureau of Traffic, up to three types of information may be included on the face of a alpine & nordic ski area directional sign panel:

(a) Standard Service symbol.

(b) Text (maximum of two lines allowed).

(c) Direction and distance information.

2.2.2 Symbols. The use of symbols shall be limited to approved standard service symbols shown in FIGURE 1 and shall not include any proprietary company logos.

(a) The size of the symbol character shall be proportional to FIGURE 1 for the largest square that can be entered within the symbol area provided.



2.2.3 Text Form. All letters shall be Highway Gothic – Series C font. All letters shall be 6 inches in height and upper case letters. Numerals shall be the same size as required for text.

(a) Where text consists of a single line of copy, it is to be centered vertically.

2.2.4 Direction and Distance Information. All direction and distance information shall be sized and placed as shown in FIGURE 3.

(a) Signs intended for straight ahead facilities which depict a directional arrow shall have a layout as depicted on a left turn sign but will have an upward pointing arrow.

FIGURE 1
APPROVED SKI SYMBOLS

ALPINE SKI SYMBOL (DOWNHILL)	NORDIC SKI SYMBOL (CROSS-COUNTRY)
	

NOTES: A proper source should be used for templates of these symbols. Enlargements made from this page could cause unacceptable distortions.

FIGURE 2
Directional Arrow (Full Scale)

6" over all length

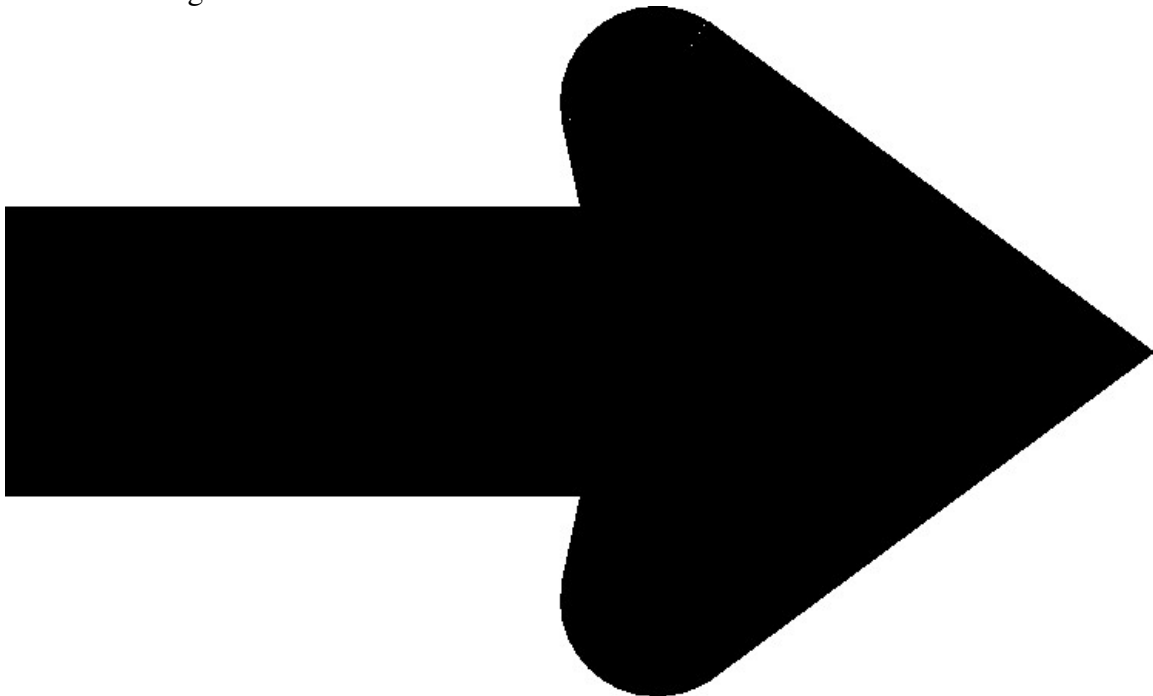
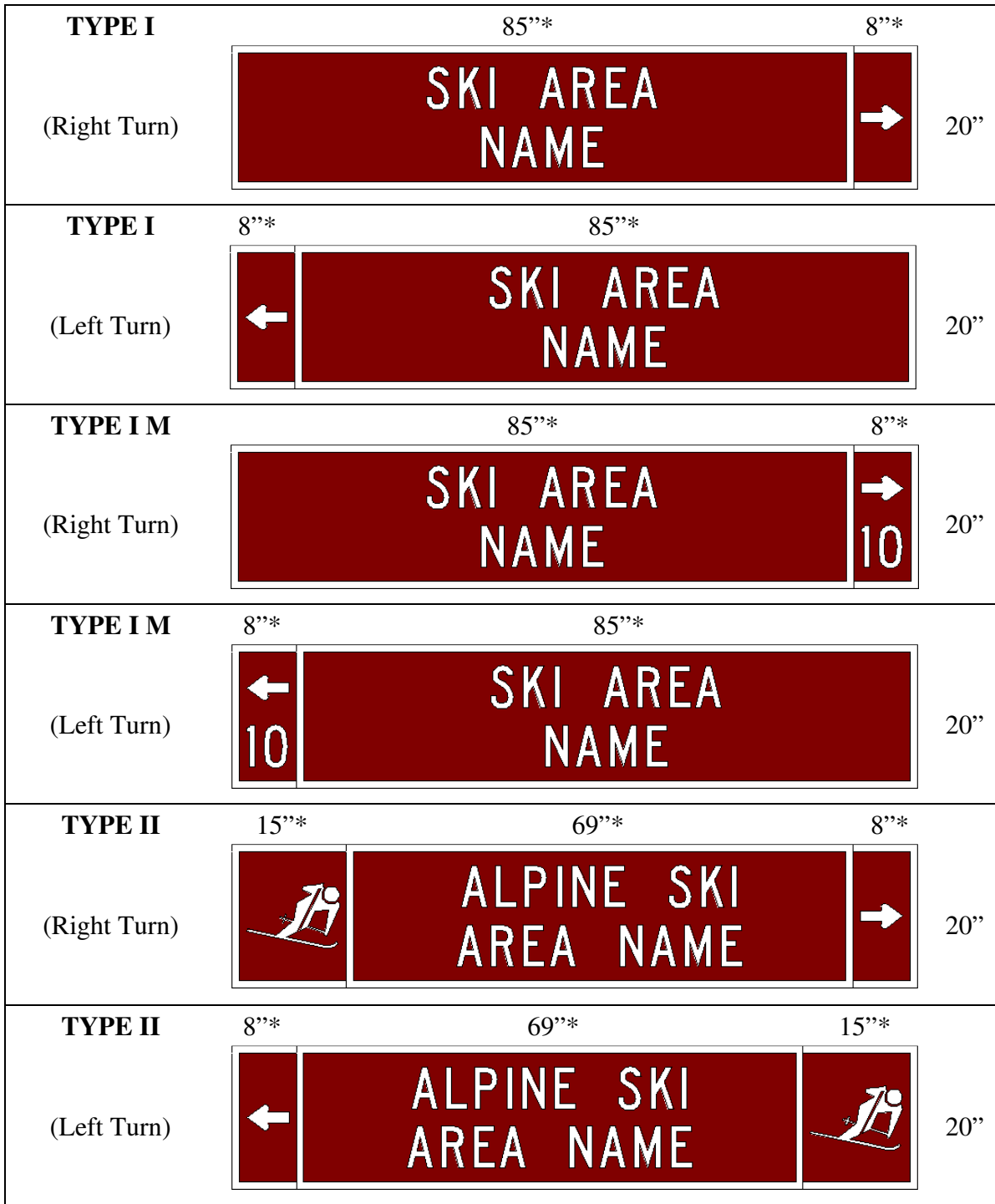







FIGURE 3
Alpine or Nordic Ski Area Sign Types
 (Overall Dimensions are 20" X 96")



* Denotes dimension inside of border

FIGURE 3 Continued
Downhill or Cross-Country Ski Area Sign Types
 (Overall Dimensions are 20" X 96")

TYPE II M (Right Turn)	15"*	69"*	8"*	20"
		ALPINE SKI AREA NAME		
TYPE II M (Left Turn)	8"*	69"	15"*	20"
		ALPINE SKI AREA NAME		
TYPE III (Regardless of Turning movement)	15"*	78"*		20"
		ALPINE SKI AREA RTE 302 WEST		
TYPE IV (Regardless of Turning movement)		94"*		20"
		ALPINE SKI AREA NAME RTE 302 WEST		

* Denotes dimension inside of border