

8. A clear statement indicating whether or not the TPS offers budget billing and, if so, that there shall be a true-up at least once every 12 months for accounts on budget billing.

(b)-(o) (No change.)

14:4-7.6 Contracts

(a) A TPS shall not provide electric generation service or gas supply service to a retail customer without the customer's written signature on a contract or such alternative forms of verification identified in N.J.A.C. 14:4-2.3 and as the Board may permit to initiate such service(s), for switching TPSs or for renewal thereof. On or before the date the TPS submits a change order to an LDC, and within one business day of when a customer authorizes a contract renewal, the TPS shall send a copy of the TPS contract to the customer. The TPS may do this by electronic mail or by regular mail, at the option of the customer, or if the customer signed up in person, the TPS may hand deliver the contract to the customer.

(b) A TPS contract shall clearly and conspicuously state that the purpose of the document is to authorize a change in the customer's TPS, and include explicit terms and conditions, which shall include, at a minimum:

1.-4. (No change.)

5. A statement of the TPS's termination rights, which shall explain the specific conditions under which the TPS may terminate service, and that at a minimum the TPS shall provide the customer with 30 days written notice of the termination and an opportunity to remedy the termination condition. The notice shall state the TPS's rights to terminate the contract, regardless of whether the customer remedies the condition that triggered the termination notice;

6. No statement that asks any customers to waive any rights they have under New Jersey or Federal Consumer Protection laws; and

7. A clear description of the customer billing arrangements, which shall include who will bill the customer and whether budget billing will be available. If budget billing is available, the agreement shall provide that a true-up of the account subject to budget billing shall be made at least once every 12-month period during the term of the contract.

(c)-(g) (No change.)

(h) A TPS shall file a sample copy of its residential contract(s) with the Secretary of the Board, with a copy provided to the Division of Consumer Affairs and Rate Counsel; and the initial filing of the sample copy of TPS contract(s) shall include a consumer complaint resolution process. A TPS shall file a sample copy of subsequent revisions of its contract(s) with the Secretary of the Board, with a copy provided to the Division of Consumer Affairs and Rate Counsel, within three business days. A TPS may elect to file a request for confidentiality for submitted information under the Board's Open Public Records Act (OPRA) rules at N.J.A.C. 14:1-12.

(i)-(l) (No change.)

14:4-7.6A TPS contract summaries

(a) A TPS serving residential customers, or commercial electric customers with a cumulative peak load of 50 kilowatts or less or commercial gas customers with a cumulative peak load of 5,000 therms or less, but not those served through a government energy aggregation program established pursuant to N.J.A.C. 14:4-6, shall provide a TPS Contract Summary of all relevant contract provisions to these customers, along with the TPS contract upon initiation or renewal of service in a standardized format that will be posted under the heading "TPS Contract Summary Standardized Format" on the Board's website, <http://www.nj.gov/bpu/>. The TPS Contract Summary shall at a minimum:

1. Summarize the material terms and conditions of the contract;
2. Be available in Spanish upon request of the customer;
3. Include instructions explaining how the customer may obtain a Spanish version of the TPS Contract Program Summary;
4. Be written in plain language;
5. State the duration of the contract;
6. State, in a 12-point, boldface font, whether the contract is for a fixed rate or a variable rate;
7. Provide a brief explanation of the difference between a fixed rate and a variable rate that is easily understandable by the general public,

including an explanation on how weather fluctuations may affect the price of variable rate contracts;

8. State the price per kilowatt hour or per therm as instructed in the posted TPS Contract Summary Standardized Format;

9. Utilize fonts that are no smaller than 12 point in size;

10. Fit on a single 8.5 inch by 11 inch page;

11. List the customer's name, address, and local distribution company account number at the top of the TPS Contract Summary;

12. Use gas or electric terminology as appropriate. If a customer contracts for both gas and electric supply service, a separate TPS Contract Summary shall be provided for each service;

13. Utilize all of the exact headings shown in the boxes on the left side of the posted TPS Contract Summary Standardized Format, except that the first box shall use the word "electric" or "gas" as appropriate instead of "electric/gas"; and

14. Include the appropriate information in each of the boxes on the right side of the TPS Contract Summary based upon the specific instructions in the boxes on the right side of the posted TPS Contract Summary Standardized Format.

(b) The TPS shall conspicuously display the completed TPS Contract Summary at the front of the proposed customer's contract, and provide it to the customer when the customer signs up for service or contracts for a renewal of service in accordance with the provisions for delivery of a TPS contract as set forth at N.J.A.C. 14:4-7.6(a).

(c) The notice that is sent to residential customers pursuant to N.J.A.C. 14:4-6.6(q) with instructions on how to opt-out of an Option 2 energy aggregation program shall include a GEA Program Summary in accordance with N.J.A.C. 14:4-6.6(r)9.

(d) Commercial electric customers with a cumulative peak load of 50 kilowatts or less and commercial gas customers with a cumulative peak load of 5,000 therms or less who are served through a government energy aggregation program established pursuant to N.J.A.C. 14:4-6.6 shall be given a GEA Program Summary before they opt into the program pursuant to N.J.A.C. 14:4-6.6(b).

14:4-7.10A Transfer of a residential contract by a TPS

(a) When a TPS purchases another TPS, the accounts of customers of another TPS, or the TPS accounts are otherwise transferred to an affiliate company:

1. The customer shall be notified of the transfer in writing by the acquiring TPS at least 30 days prior to the effective date of the customer switch to the acquiring TPS;

2. The written notice shall advise the customer that the new TPS will serve the customer under the same terms and conditions as the prior TPS;

3. The written notice shall advise that a customer may choose another energy supplier or return to the LDC prior to the account transfer; and

4. The customer shall be served under the same terms and conditions as under the contract with the prior supplier except that the name, address, and other contact information for the TPS may change.

(b) When a TPS ceases operations and does not transfer its residential contracts to another TPS, the TPS shall notify its customers 30 days in advance of the effective date of the customer switch to the LDC. The notice shall contain a timetable for the customer to choose another energy supplier before defaulting to the LDC.

TRANSPORTATION

(a)

DIVISION OF RIGHT-OF-WAY AND ACCESS MANAGEMENT

OFFICE OF OUTDOOR ADVERTISING AND WIRELESS SERVICES

Specific Service Sign (Logo) Program

Adopted New Rules: N.J.A.C. 16:41E

Proposed: August 21, 2017, at 49 N.J.R. 2780(a).

Adopted: November 15, 2017, by Richard T. Hammer,

Commissioner, Department of Transportation.

Filed: November 15, 2017, as R.2017 d.233, **without change**.

Authority: N.J.S.A. 27:1A-5 and 27:1A-6.

Effective Date: December 18, 2017.

Expiration Date: December 18, 2024.

Summary of Public Comments and Agency Responses:

Comments were received from:

Ryan Krill, President, Garden State Craft Brewers Guild and Cape May Brewing Company on behalf of Garden State Craft Brewers Guild.

Kevin Dunn, Deputy Director of Operations, New Jersey Turnpike Authority.

COMMENT: Mr. Krill expressed the organization's support of the proposed rules establishing standards and procedures for the Specific Service Sign (Logo) Program. The Guild represents limited license breweries (microbreweries) and restricted license breweries (brewpubs) and believes that allowing program eligibility for limited and restricted license breweries will result in improved access to the program and increased exposure for the businesses.

RESPONSE: The Department of Transportation (Department) thanks Mr. Krill and the Guild for their comments and continued support.

COMMENT: The Turnpike Authority (Authority) stated that the scope section of the proposed new rules provides a list of eligible highways and Interstate 95 is included. The Authority assumes that 95 is included because the Department owns a piece of the corridor north of Trenton, which was originally intended for the Somerset Freeway. A renumbering effort will take place next year to reroute that portion of 95 to the New Jersey Turnpike. Subsequently, that portion will be re-designated as Interstate 295. Interstate 95 should be deleted from the list of eligible highways.

RESPONSE: The Department acknowledges that renumbering will take place, but cannot make changes based on future actions. Necessary changes will be made when the Interstate system renumbering occurs.

COMMENT: The Authority requested that "urgent-care facilities" be added to the list of ineligible facilities found at N.J.A.C. 16:41E-3.1(b)4.

RESPONSE: Urgent-care facilities are covered under medical facilities.

COMMENT: Relating to N.J.A.C. 16:41E-6.2(d)2ii, the Authority believes that the Department should consider additional provisions or language related to the overuse of supplemental messaging on logo panels. For example, Wawa Food Markets may request a supplemental "24 Hrs" message on all logo panels. If 7-Eleven convenience stores have a logo panel on the same specific-service main panel as Wawa, 7-Eleven may not request the "24 Hrs" supplemental message. This insinuates that 7-Eleven is not open 24 hours when, in fact, both Wawa and 7-Eleven are always open 24 hours. Alternatively, the Authority suggested rewording N.J.A.C. 16:41E-6.2(d)2iv to state that the Department provides final approval of all supplemental messaging, rather than final approval to "other messages" when those messages are not of the type or form listed in the subsection.

RESPONSE: The commenter is confusing "logo sign panel" with "specific service sign." A logo is an identification symbol, trademark, or a word message. Each logo is placed on a separate logo sign panel that is attached to the specific service sign. A portion of a logo sign panel may be used to display a supplemental message horizontally along the bottom of the logo sign panel. A logo sign panel should not display more than one supplemental message. A specific service sign may display up to six logo sign panels with each panel carrying a supplemental message.

Pursuant to the provisions of N.J.A.C. 16:41E-6.2(d)2iv, the Department may approve requests for other non-specified messages, as long as they are compliant with the Manual of Uniform Traffic Control Devices (MUTCD). These requests are reviewed on a case-by-case basis.

Federal Standards Statement

Pursuant to N.J.S.A. 39:4-183.6, all official highway signs must conform to the MUTCD. The MUTCD is the national standard for signs installed on any street, highway, bikeway, or private road open to public travel. 23 U.S.C. §§ 109(d) and 402(a); 23 CFR, Part 655, Subpart F.

The adopted new rules are in conformity with the requirements, therefore, a Federal standards analysis pursuant to Executive Order No. 27 (1994), P.L. 1995, c. 65 is not required.

Full text of the adopted new rules follows:

CHAPTER 41E
SPECIFIC SERVICE SIGN (LOGO) PROGRAM

SUBCHAPTER 1. GENERAL PROVISIONS

16:41E-1.1 Purpose

The purpose of this chapter is to establish procedures and standards for the implementation of the Specific Service Sign (Logo) Program for the New Jersey Department of Transportation (Department). The Logo Program is authorized by the Manual on Uniform Traffic Control Devices (MUTCD) for specific services. This program is intended to enhance motorist safety by providing signs that identify specific services and provide directional information to eligible gas, food, lodging, camping, and attractions for the benefit of the travelling public.

16:41E-1.2 Scope

(a) The Logo Program will be implemented only on certain designated limited access highways and interstate highways that the Department has identified as available for logo signage. The list of highways is available at <http://www.state.nj.us/transportation/business/signs/logo/>.

(b) The Logo Program shall comply with the standards of the MUTCD with regard to the design and placement of signs, as well as N.J.S.A. 27:7-21.12.c.

(c) Sign lighting will not be permitted.

SUBCHAPTER 2. DEFINITIONS

16:41E-2.1 Definitions

The following words and terms, when used in this chapter, have the following meanings unless the context clearly indicates otherwise:

"Amusement park" means a commercially operated enterprise that offers rides, games, and other similar forms of entertainment. The term includes theme parks and water parks.

"Arts and cultural site" means a place that, as its principal use, displays historic, scientific, or artistic objects to the general public, which studies and conserves those objects and is accredited by a national organization that meets applicable national standards. These sites include, but are not limited to: arboretums, aquariums, museums, sculpture gardens, and zoos. Arts and cultural site also means a place that, as its principal use, is the site of performance art, such as dance, music, opera, or theater and where performances are offered for the benefit and enjoyment of the general public, such as, but not limited to, concert halls, performing arts facilities, and theatres.

"Attraction" means a particular type of facility or a location that is of regional interest to the traveling public and that provides, as a primary use, amusement, historical, cultural, or leisure activities to the public including, but not limited to: amusement parks; arts and cultural sites; historical sites; golf courses, ski slopes, equestrian facilities; natural attractions and parks; stadiums or athletic arenas; and breweries, distilleries, or wineries.

"Brewery" means a facility that currently is licensed by the State of New Jersey as a limited brewery, and which offers tours to the public and that sells beer, which it produces, to the public for on or off-premise consumption.

"Camping facility" means an establishment that, as its principal use, offers temporary outdoor sleeping accommodations for use by the general public. Such a facility may accommodate the use of tents and recreational vehicles, such as, but not limited to, campers or motor homes.

"Commissioner" means the Commissioner of the New Jersey Department of Transportation or such persons as the Commissioner may designate, when legally permissible.

"Department" means the New Jersey Department of Transportation.

"Distillery" means a facility that is licensed by the State of New Jersey as a craft distillery, which offers tours to the public and sells

distilled alcoholic beverages, which it produces, to the public for on or off-premise consumption.

“Equestrian facility” means a facility created and maintained for the primary purpose of accommodating the training, showing, or competition of horses and which is open to the public.

“Food facility” means an establishment that, as its principal use, offers meals and refreshments to the general public and has on-site seating where these can be consumed.

“Gas or fuel facility” means an establishment that, as its principal use, offers conventional fuels, such as gasoline, to the general public for the refueling of vehicles. In addition, the establishment may also offer alternative fuels, such as, but not limited to, diesel fuels, alternative vehicle fuels, flex-fuels, and electric vehicle recharging facilities.

“Golf course” means a regulation-sized, minimum 18-hole course consisting mostly of par-4 holes with a mix of par-3 and par-5 holes that is open to the general public. It shall not mean a 9-hole course, an executive course, a par-3 course, a driving range complex, or other such lesser sized golf facilities.

“Highway” means any road, thoroughfare, street, boulevard, lane, court, trailway, right-of-way, or easement used for, or laid out and intended for, public passage of vehicles or people.

“Historic site” means any district, site, building, structure, or object designated by the United States, the State of New Jersey, the county, or the municipality where the property is located as being significant in American history, architecture, archaeology, engineering, or culture.

“Interchange” means a system of interconnecting roadways that provides for traffic movement between two or more highways that do not intersect at grade.

“Interstate highway” means a highway constructed within this State and approved by the Secretary of Transportation of the United States as an official portion of the National System of Interstate and Defense Highways pursuant to the provisions of Title 23 of the United States Code.

“Limited access highway” means a highway, especially designed for through traffic, over which abutting lot owners have no right to light, air, or direct access, such as Interstate highways, parkways, and freeways.

“Lodging facility” means an establishment which, as its principal use, offers temporary sleeping accommodations for use by the general public.

“Logo sign panel” means an individual sign panel that conforms to the MUTCD, is affixed to a specific service sign, specific service ramp sign, or trailblazer sign, and which identifies one particular facility by the display of its symbol, trademark, or name.

“Manual on Uniform Traffic Control Devices” or “MUTCD” means the manual periodically published and revised by the United States Department of Transportation, Federal Highway Administration, available from the Superintendent of Documents, U.S. Government Printing Office, 732 North Capitol Street, NW, Washington, DC 20401 or online at <http://mutcd.fhwa.dot.gov/>.

“Natural attraction or park” means a publicly or privately owned place that is open to the general public and recognized for its natural or naturalized scenic beauty or interest. Natural attractions and parks include, but are not limited to, arboretums, caves, forests, gardens, lakes, mountains, oceans, parks, and wildlife management areas.

“Off-premise sign” means any sign authorized by an outdoor advertising permit pursuant to N.J.A.C. 16:41C.

“Re-fabrication and re-installation” means the work expended to fabricate and install a new logo sign panel for a facility that has elected to change the design of the panel. Re-fabrication and re-installation does not mean the work expended to replace a panel that has been knocked down, damaged, or is replaced as part of customary maintenance.

“Road” means that portion of a highway improved, designed, or ordinarily used for vehicular travel and parking lanes, but exclusive of the sidewalk, berm, or shoulder even though such sidewalk, berm, or shoulder is used by persons riding bicycles or other human-powered vehicles.

“Roadway” means the portion of a highway, including shoulders, for vehicular use. A divided highway has two or more roadways. In the event a highway includes two or more separate roadways, the term roadway as used in this chapter shall refer to any such roadway separately, but not to all such roadways collectively.

“Ski slope” means part of a hill or mountain improved, designed, or primarily used for skiing, and which is open to the public.

“Specific service ramp sign” means a sign located along the exit ramp that displays the logo sign panels of participating facilities according to their service type, such as gas, food, lodging, camping, or attraction, and which provides directional or distance information to those facilities.

“Specific service sign” means a sign erected in conformance with the MUTCD that identifies one or more of the following service types: gas, food, lodging, camping, or attraction, and that displays logo sign panels of eligible facilities that provide the identified type of service. Specific service signs are placed along the main line of a highway.

“Stadiums or athletic arenas” means a place where athletic events are held, such as, but not limited to, arenas, coliseums, equestrian facilities, race tracks, and stadiums, whether public, private, or associated with a college or university.

“Supplemental Guide Signing Manual” means a manual published, as amended and supplemented, by the Department that provides the standards, criteria, and limitations for the installation of supplemental guide signing for traffic generators and motorist attractions along the highway system and which can be found at <http://www.state.nj.us/transportation/eng/documents/SGSM/>.

“TODS” means the Tourist Oriented Directional Signs Program as authorized by N.J.A.C. 16:41D.

“Trailblazer sign” means a guide sign that is erected on a crossroad leading away from the participating highway that identifies the participating facility and provides directional information to it.

“Vendor” means a contractor procured by the Department to implement the Logo Program, pursuant to N.J.S.A. 27:7-21.12.a and b.

“Winery” means a facility that is licensed by the State of New Jersey as a farm winery or plenary winery, and which offers samples to visitors and sells wines that it produces, to consumers on the winery premises.

“Zone 1” means the following counties of the State: Bergen, Essex, Hudson, Hunterdon, Morris, Passaic, Somerset, Sussex, Union, and Warren.

“Zone 2” means the following counties of the State: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Middlesex, Monmouth, Ocean, and Salem.

SUBCHAPTER 3. ELIGIBILITY REQUIREMENTS

16:41E-3.1 Eligible facilities

(a) Only the following service types are eligible to participate in the Logo Program:

1. Gas facilities;
2. Food facilities;
3. Lodging facilities;
4. Camping facilities; and
5. Attractions including, but not limited to: amusement parks; arts and cultural sites; historical sites; golf courses, ski slopes, and equestrian facilities; natural attractions and parks; stadiums or athletic arenas; and breweries, distilleries, or wineries.

(b) The following types of facilities are ineligible to participate in the Logo Program:

1. Public or private schools, colleges, and universities including, but not limited to, child learning facilities, day-care facilities, grade schools, high schools, vocational and technical schools, and seminaries;
2. General business or office facilities, such as, but not limited to, automobile dealerships, banks, commercial stores, funeral homes, industrial parks and plants, malls, office parks, pharmacies, television and radio stations, and shopping centers;
3. Cemeteries (public or private);
4. Medical facilities including, but not limited to, research facilities, infirmaries, treatment centers, retirement facilities, nursing homes, humane and shelter facilities, veterinary clinics and emergency facilities, extended care facilities, health clubs, sanitariums and asylums, and veterans facilities;
5. Governmental and military facilities, such as, but not limited to, armories, arsenals, cemeteries, courthouses, civil defense facilities, forts or bases, research facilities or experimental facilities, maintenance facilities, power plants, and offices;

- 6. Libraries; and
- 7. Religious facilities including, but not limited to, cathedrals, chapels, churches, mosques, shrines, synagogues, and temples.

16:41E-3.2 General eligibility requirement

(a) Each eligible facility must satisfy the following general requirements to participate in the Logo Program:

- 1. The facility shall comply with all applicable local, State, and Federal laws concerning public accommodations, including the Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 328 (1990);
- 2. The facility shall have all required municipal approvals needed to allow it to provide the goods, services, or activities that establish its eligibility for the Logo Program;
- 3. The facility shall have all licenses, certifications, and approvals that are required to provide the public with the goods and services identified by the logo sign;
- 4. The facility shall have modern rest rooms; and
- 5. The complete route to the facility shall be capable of being identified through trailblazer signs.

16:41E-3.3 Specific eligibility requirements

(a) Each eligible facility must also satisfy the following specific requirements of its service type:

- 1. Gas facilities:
 - i. Shall be located within three miles of the highway;
 - ii. Shall be continuously open to the public for a minimum of 16 hours each day, seven days per week;
 - iii. Shall offer conventional fuels, such as, but not limited to, gasoline, for sale to the public as its principal use;
 - iv. Shall offer the following vehicle services and products free or for sale:
 - (1) Motor oils, for cars, trucks, and other vehicles;
 - (2) Compressed air for tire inflation; and
 - (3) Water for batteries and radiators; and
 - v. May offer alternative fuels, such as, but not limited to, diesel fuels, flex fuels, and electric recharge facilities.
- 2. Food facilities shall:
 - i. Be located within three miles of the highway;
 - ii. Be open a minimum of 10 hours per day, six days per week and serve at least two meals per day, including the following:
 - (1) A menu of fresh and/or prepared foods; and
 - (2) Hot and cold beverages;
 - iii. Have a seating area of at least five tables for the consumption of foods on the premises; and
 - iv. Include supermarkets and mall food courts provided that they comply with the provisions set forth in (a)2i, ii, and iii above.
- 3. Lodging facilities shall:
 - i. Be located within three miles of the highway;
 - ii. Be continuously open to the public for a minimum of seven days per week, 360 days per year;
 - iii. Offer at least 10 units, each with a private bath and toilet facilities; and
 - iv. Have off-street parking for each unit.
- 4. Camping facilities:
 - i. Shall be located within 10 miles of the highway;
 - ii. Shall be open a minimum of seven days each week, 365 days per year, unless designated as seasonal;
 - iii. Shall offer at least 10 camp sites and 10 parking spaces;
 - iv. Shall have connections for water and electrical service; and
 - v. Camping facilities that offer sites for recreational vehicles shall offer sanitary disposal facilities.
- 5. Attractions:
 - i. Shall be located within 10 miles of the highway;
 - ii. Shall be open to the general public for a minimum period of five days per week over 16 consecutive weeks per year, except:
 - (1) Where admission is by reserved seating, the facility shall be open to the general public for an average minimum period of three days per week over 16 consecutive weeks per year. The Department may waive this requirement where it determines that the general public is aware of

the schedule of the facility. In such a case, its logo sign panel shall display a supplemental message indicating that it is seasonal.

iii. The following attractions shall meet the following minimum criteria for annual attendance:

Facility	Annual Attendance Required
Athletic arenas, auditoriums, convention halls, stadiums, event centers	200,000
Historic sites or monuments	25,000
Golf course, ski slopes, equestrian facilities	50,000
Museums	50,000
Concert halls, performing arts facilities, theatres	100,000
Amusement parks, zoos, aquariums	50,000
Natural parks	50,000
Arboretums, sculpture gardens	25,500

16:41E-3.4 Restrictions on eligibility

(a) A facility shall not be allowed to participate in the Logo Program if any of the following circumstances exist:

- 1. The facility maintains a sign in violation of the Roadside Sign Control and Outdoor Advertising Act, N.J.S.A. 27:5-5 et seq., or the outdoor advertising rules, N.J.A.C. 16:41C;
 - 2. The Department or another governmental entity has already provided the facility with a guide sign on a participating highway. This provision shall not apply to the display of information on a sign for which the Department has granted a State outdoor advertising permit pursuant to N.J.A.C. 16:41C;
 - 3. The Department determines that a motorist cannot conveniently leave the highway, reach the facility, and then re-enter the highway in the same direction of travel;
 - 4. The Department determines that the installation of any sign required for participation in the Logo Program including, but not limited to, logo sign panels, specific service signs, and trailblazer signs, would cause an unsafe condition, create an unnecessarily complex traffic maneuver, or fail to meet the requirements of the MUTCD, State law, or the Department's Supplemental Guide Signing Manual, which can be found at <http://www.state.nj.us/transportation/eng/documents/SGSM/>; or
- (b) A participating facility that fails to continuously meet all eligibility requirements of this chapter may be terminated from the Logo Program pursuant to N.J.A.C. 16:41E-8.

16:41E-3.5 General standards

- (a) Distances for participation requirements of N.J.A.C. 16:41E-3.2(a) shall be measured from the end of the exit ramp of the participating highway to the beginning of the facility's closest driveway.
- (b) If a facility qualifies for a sign through the Logo Program and also qualifies for a sign through the Department's Supplemental Guide Signing Manual, the facility may participate only in the Logo Program.

16:41E-3.6 Waivers

- (a) A waiver from the distance requirements of N.J.A.C. 16:41E-3.5(a) may be allowed if the facility is located solely in a straight-ahead direction along the cross road from the participating highway. The waiver will allow no more than the following distance from the highway to the facility:
 - 1. Five miles for food facilities;
 - 2. Five miles for lodging facilities;
 - 3. Fifteen miles for camping facilities; and
 - 4. Fifteen miles for attractions.
- (b) No waiver will be granted for gas facilities located further than three miles from the highway.
- (c) A waiver from the required hours of operation may be allowed for food, lodging, and camping facilities, where there is a participating facility of the same service type at the same intersection and in the same

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direction of travel. The waiver will allow no less than the following hours of operation:

1. Food Facilities: Eight hours per day, six days per week.
2. Lodging Facilities: Seven days per week, 270 days per year.
3. Camping Facilities: Seven days per week, 270 days per year.

(d) The annual contract with a facility that participates through a waiver from the hours of operation shall not be renewed if it prevents the participation of a fully qualified facility.

SUBCHAPTER 4. PROGRAM PARTICIPATION

16:41E-4.1 Application

(a) Applications shall be submitted to the Department's vendor on forms approved by the Department. Application forms can be found at: <http://www.state.nj.us/transportation/business/signs/logo/> or can be obtained from the vendor. Applications shall include, but are not limited to, the following information: corporate or company name of applicant, address and phone number of applicant, contact person for the application, and name and physical address of the facility. Incomplete applications will be returned to the applicant.

(b) No application will be approved unless the facility satisfies all requirements of this chapter and is in full operation.

(c) Facilities that are determined to be ineligible will be notified and may appeal the determination as set forth in N.J.A.C. 16:41E-8.

16:41E-4.2 Waiting list

(a) Where the number of approved applicants exceeds the spaces available on the specific service sign, priority will be given to the earliest approved applications. Approved applicants that cannot be provided a space will be placed on a waiting list at no cost. When a space becomes available, such as by the withdrawal of an existing business from the program or by the Department's authorization of more than six businesses of one service type pursuant to N.J.A.C. 16:41E-6.4, the earliest approved applicant on the waiting list will be offered admittance to the program.

16:41E-4.3 Entry into a contract

(a) All approved applicants who elect to participate in the Logo Program shall do so by entering into a standard contract that has been approved by the Department.

(b) The contract will provide for the fabrication and erection of one logo sign panel on one specific service sign and one logo sign panel on one specific service ramp sign.

(c) The annual contract period between the applicant and the vendor will be determined by contract.

(d) A participating facility may elect to renew its contract if it has paid all fees, meets all eligibility requirements, and is not otherwise required to have its sign removed pursuant to other provisions of this chapter or any other applicable law. When a facility does not meet all eligibility requirements for any reason, it may not renew its contract.

(e) If an applicant enters into a contract during the contract period that results in a term that is less than 12 months, the contract term will be the balance of the current contract year plus the next complete contract year. The fees for the balance of the current contract year will be prorated and added to the fee for the following full contract year.

(f) The Department may terminate any contract, at its sole discretion, for its convenience or necessity. If the Department terminates a contract for convenience or necessity, it will provide 30 days written notice to the participating facility. The facility shall only be entitled to the pro-rata reimbursement of fees paid by the participating facility.

SUBCHAPTER 5. FEES

16:41E-5.1 Fees

(a) Annual fees for each logo sign panel (per direction of travel) are as follows:

1. Zone 1 (Bergen, Essex, Hudson, Hunterdon, Morris, Passaic, Somerset, Sussex, Union and Warren counties) \$2,400; and
2. Zone 2 (Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Middlesex, Monmouth, Ocean, and Salem counties) \$2,000.

(b) Non-annual fees shall be as follows:

1. Re-fabrication and re-installation of a new logo sign panel necessitated by a change initiated by the facility, such as a change of name, a change of artwork, or a change of operations that requires a supplemental message: \$125.00 for each logo sign panel;

2. Covering of a panel due to seasonal closing, temporary closure, or other reason: \$50.00 per occurrence;

3. Erection of trailblazer sign—up to three trailblazer signs shall be included in the initial installation fee. A fee of \$100.00 shall be charged for each additional trailblazer sign.

i. Where a TODS sign panel is required in place of a logo trailblazer sign pursuant to N.J.A.C. 16:41E-7.3(d), a fee of \$200.00 shall be charged for each TODS sign panel and each TODS trailblazer sign thereafter for the initial installation only;

4. Where it is necessary to re-order one or more specific service signs at an interchange as a result of the Department authorization of more than six logo sign panels pursuant to N.J.A.C. 16:41E-7.4, each new participant, which was accommodated at that time by the authorization, shall be charged a fee of \$200.00 and only for the initial installation; and

5. Where an existing logo sign panel is relocated to a new position on a specific service sign at a current participant's request, the participant shall be charged a fee of \$500.00 per panel for the relocation.

SUBCHAPTER 6. SIGN REQUIREMENTS

16:41E-6.1 General requirements

(a) All signs erected under the Logo Program including, but not limited to, logo sign panels, specific service signs, and trailblazer signs, shall be designed, fabricated, located, and installed in accordance with the standards and guidance of the MUTCD, as the Department, through its engineering judgment, shall determine.

(b) The Department may remove, relocate, or redesign any sign if it determines that such an action would result in a safer, more effective, or more convenient condition for the general motorist.

(c) No sign will be fabricated or erected prior to the approval of the application, the execution of a contract, and the payment of all fees by the participating facility.

16:41E-6.2 Logo and logo sign panels

(a) Symbols or trademarks used for a logo shall be reproduced in the colors and general shape that is consistent with the facility's customary use.

(b) A logo sign panel shall not display information that may confuse or adversely affect the safety of the driving public, as determined by the Department, through its engineering judgment.

(c) The following logo sign panels are prohibited:

1. Any logo sign panel that resembles an official traffic control device.

2. Any logo sign panel that displays the symbol, trademark, or name of more than one business.

(d) A logo sign panel may include an approved supplemental message in accordance with the following requirements:

1. No more than one supplemental message may be displayed on a logo sign panel;

2. The supplemental message shall be only one of the following:

i. "RV Access";

ii. "24 Hrs," "Closed Sunday" (or another specific day);

iii. "EV Fuel"; or

iv. Such other message as the Department, in its engineering judgment may approve and which is allowed by the MUTCD;

3. A supplemental message shall be displayed within the dimensions of the standard logo sign panel; and

4. Where the operation of a facility no longer conforms to the supplemental message, a new sign panel shall be re-fabricated and re-installed at the expense of the facility.

(e) Logo sign panels shall be located on the specific service sign as determined by the Department, in its engineering judgment. Where the Department determines that a logo sign panel should be relocated to improve legibility of a specific service sign, it shall relocate the logo sign panel at no cost to the facility. Where a facility requests the relocation of its logo sign panel and the Department can accommodate

that request, a fee shall be charged for the relocation pursuant to N.J.A.C. 16:41E-5.1.

16:41E-6.3 Specific service signs

(a) Each specific service sign shall display no more than six logo sign panels. Where more than six businesses of one service type are eligible for logo sign panels, additional logo sign panels may be provided at the discretion of the Department and pursuant to N.J.A.C. 16:41E-6.4.

(b) The order of the specific service signs at an interchange shall be based on their service type as prioritized by the MUTCD as follows: gas; food; lodging; camping; and attractions. If a sign contains logo sign panels of more than one service type, its order shall be determined by service type of the logo sign panel located on the top left side of the sign.

(c) No more than four specific service signs may be built at any interchange approach.

16:41E-6.4 Display of additional logo sign panels at an interchange

(a) Where more than six businesses of one service type are eligible for logo sign panels at the same interchange, the Department may, at its sole discretion, authorize the display of additional logo sign panels of that same service type, subject to the following:

1. At every eligible interchange there shall be the capability to erect specific service signs which, in total, can display at least two logo sign panels for gas, at least two logo sign panels for food, and at least two logo sign panels for lodging.

2. No more than 12 logo sign panels of any service type shall be displayed on more than two specific service signs at any interchange.

(b) Where the Department authorizes more than six logo sign panels of the same service type at one intersection, it shall determine whether the additional panels will be displayed by redesign of existing specific service signs or by the erection of a new specific service sign.

1. The Department may authorize the erection of a specific service sign on "U" channel supports in compliance with MUTCD requirements.

(c) If necessary, specific service signs shall be re-ordered, at no cost to the applicant, to maintain the order required by the MUTCD and N.J.A.C. 16:41E-6.3(b).

16:41E-6.5 Trailblazer signs

(a) A trailblazer sign is required along crossroads where the route to the business requires a direction change or where the Department determines that guidance is needed for any reason. If a trailblazer sign is required but cannot be installed, the Department will not erect a logo sign. A private sign shall not be a substitute for a trailblazer sign.

(b) Up to three trailblazer signs shall be included in the initial installation fee.

(c) A trailblazer sign shall not be required at the point where the facility is visible from the roadway, if the Department determines that the route to the facility is clear and readily apparent. A trailblazer sign may be required at such point, if the Department determines that a trailblazer would aid the safe or convenient movement of traffic.

(d) Where a trailblazer sign is required and would be erected in a right-of-way that is not under the jurisdiction of the Department, the trailblazer sign shall not be erected unless the entity having jurisdiction authorizes the Department to erect the trailblazer sign without payment of any fee.

(e) Where both logo trailblazer signs and TODS signs will be used at the same intersection, the design and placement shall conform to the TODS Program requirements, and the needed logo sign information shall be incorporated with the TODS sign. TODS and Logo facilities shall be accommodated on the TODS sign structure(s) on a first-come, first-served basis to the extent that there is space available.

(f) Where the Department or another governmental entity has already provided the facility with a guide sign along any crossroad where a trailblazer sign is required, the Department may elect to replace that guide sign with a trailblazer sign in order to provide a uniform path of signage to the facility.

(g) If conditions do not allow for construction of sufficient TODS structures to accommodate all Logo trailblazer signs, signage may be provided as the Department determines.

16:41E-6.6 Inspection, maintenance, and replacement of signs

(a) All signs erected as part of the Logo Program including, but not limited to, specific service signs, logo sign panels, and trailblazer signs, will be inspected in accordance with a schedule approved by the Department.

(b) Any damaged or missing signs will be repaired or replaced as soon as practicable as determined by the Department and at no cost to the participant. No refund or credit will be given to any participant for the loss of use of any sign that is damaged or missing, except as provided in N.J.A.C. 16:41E-7.1(c).

(c) Where a Department highway improvement project requires the removal or cover of a specific service sign for more than 30 days, a credit, pro-rated on a monthly basis, will be applied on behalf of the contracting facility towards the renewal of its contract for the following year.

SUBCHAPTER 7. TEMPORARY CLOSURE

16:41E-7.1 Closure of a facility

(a) A facility may close for a period of seven consecutive days because of an emergency or to make planned repairs.

1. The facility shall notify the vendor no later than two days after a closure due to emergency.

2. The facility shall notify the vendor no less than seven days in advance for a planned repair.

3. The Department may cover the logo sign panel until the facility reopens if it determines that the public interest is adversely affected.

4. No refund shall be given for fees paid.

(b) If a closure exceeds seven consecutive days, the facility shall obtain authorization from the Department to remain in the Logo Program for the duration of the closure, which period shall not exceed 90 days.

1. Authorization shall be given upon a determination that the public interest is not adversely affected and the cause of the closure is likely to be corrected within 90 days.

2. If a closure exceeds seven days, the Department shall cover the logo signs until the facility reopens.

3. No refund shall be given for fees paid.

(c) If a facility is closed for 90 days or more, the Department may determine that it no longer meets the requirements of the program and proceed to permanently remove the facility from the Logo Program pursuant to N.J.A.C. 16:41E-9.1.

SUBCHAPTER 8. DETERMINATIONS AND APPEALS

16:41E-8.1 Departmental determinations

(a) If the Department determines that a participating facility is not in compliance with the requirements of this chapter or the MUTCD, it will direct the facility to comply within 30 days. The Department may extend this time for good cause if public safety and the public interest are not adversely affected.

(b) The Department's determination may be appealed by the participating facility as provided by this chapter.

(c) If the Department's determination is not appealed or the participating facility has not complied with the requirements within the time provided, the Department may deem the facility to be in breach of its contract. The facility will be notified by mail within 30 days. The Department may terminate the contract, remove, or cover the logo sign panel and any trailblazer signs associated with the logo sign panel. The space may be allocated to another eligible business.

(d) If the Department determines that the participating facility's failure to meet all requirements of this chapter would result in an immediate health or safety hazard, the Department may cover the logo sign panel upon written notice to the participating facility.

(e) Where a participating facility ceases to satisfy any requirements due to a change in the policies, guidance, or rules of the Department, FHWA, or MUTCD, the logo sign panels, specific service signs, and trailblazer signs shall be maintained until the end of the contract term.

ADOPTIONS

TRANSPORTATION

16:41E-8.2 Appeals

(a) Appeals may be made by the applicant for the Logo sign through an informal meeting or a formal hearing on all matters, except the Department's exercise of its engineering judgment.

(b) An informal meeting shall be initiated by the submission of a letter to the Manager of the Logo Program at the following address:

New Jersey Department of Transportation
Office of Outdoor Advertising and Wireless Services
TODS & Logo Program
PO Box 600
Trenton, NJ 08625
(Fax) 609-530-2624

The letter shall include a statement describing the nature of the appeal and the facts on which the appeal is based. The letter must be received within 30 days of the date of the Department's denial or determination.

1. Within 15 days of the receipt of an appeal letter, the Manager of the Logo Program will schedule an informal meeting to resolve the dispute. A written decision will be issued within 30 days of the meeting.

(c) If the dispute is not fully resolved through an informal meeting, the applicant may request a formal hearing by submitting a letter to the Director of the Division within 30 days of the issuance of the written decision from the informal meeting. The request shall be sent to:

Director, Division of Right of Way
New Jersey Department of Transportation

PO Box 600
Trenton, NJ 08625
(Fax) 609-530-2624

1. The Director will schedule a formal hearing within 15 days of receipt of the written request. The Director may conduct the hearing or designate a hearing officer. If a hearing officer conducts the hearing, he or she will make written recommendations to the Director and provide any other information requested by the Director.

2. At the hearing, the appellant will be accorded an opportunity to present information regarding the denial or determination. The Director's decision will be based on the information presented at the hearing, any recommendation of the hearing officer, this chapter, the Supplemental Guide Signing Manual, and the MUTCD.

3. The Director shall issue a written decision within 30 days of the hearing to the person who requested the appeal. The Director's written decision shall be the Department's final agency decision.

SUBCHAPTER 9. TERMINATION OF PROGRAM

16:41E-9.1 Termination

The Department may, in its sole discretion, terminate the Logo Program for its convenience or necessity. If the Department terminates the Logo Program, it will remove the logo signs and reimburse the annual fees paid by the participating facilities after proration on a monthly basis.
