

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #5

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: West Virginia Parkways Authority TITLE NUMBER: 184

CITE AUTHORITY: W.Va. Code 17-16A-6; 13; 29A-3-3

RULE TYPE: PROCEDURAL INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE _____

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES _____ NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: Series 4

TITLE OF RULE BEING PROPOSED: Rule Providing for Sign, Kiosk or Monument Placement at Turnpike Travel
Plazas, Rest Areas, Welcome Center and Tamarack

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS August 11, 2010

Gregory C. Barr
Authorized Signature
GENERAL MANAGER

JOE MANCHIN III
Governor



WEST VIRGINIA PARKWAYS
ECONOMIC DEVELOPMENT AND TOURISM
AUTHORITY

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July 9, 2010

West Virginia Secretary of State's Office
West Virginia State Capitol
Building 1, Suite 157-K
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0770

Re: *West Virginia Parkways Authority Procedural Rule, Title 184, Series 4*

This is to advise that on July 8, 2010, the West Virginia Parkways Authority Board voted to approve a new Procedural Rule, Title 184, Series 4, Rule Providing for Sign, Kiosk or Monument Placement at Turnpike Travel Plazas, Rest Areas, Welcome Center and Tamarack. No comments were received concerning this rule, either orally or written, during the comment period and no amendments were made to the rule from the initial filing version.

As the General Manager of this agency, I am submitting this rule for final filing with an effective date of August 11, 2010.

Sincerely,

A handwritten signature in black ink that reads "Gregory C. Barr".

Gregory C. Barr
General Manager

GCB/tgn

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

184CSR9

**TITLE 184
PROCEDURAL RULE**

West Virginia Parkways Authority

SERIES 4

**RULE PROVIDING FOR SIGN, KIOSK OR MONUMENT PLACEMENT AT TURNPIKE
TRAVEL PLAZAS, REST AREAS, WELCOME CENTER AND TAMARACK**

§184-4-1. General.

1.1 Introduction and Scope.

The West Virginia Parkways Authority ("Parkways Authority") must comply with all U.S. Department of Transportation Federal Highway Administration rules and regulations regarding the placement of signs on the Turnpike and the controlled access right of way in accordance with the Manual on Uniform Traffic Control Devices (MUTCD). As is the case with the West Virginia Division of Highways, the Parkways Authority has the latitude of allowing signage and monuments to be placed within the confines of the Turnpike's travel plazas, rest areas, Tamarack and welcome center. The Authority currently operates: three full service Travel Plazas located at Morton (milepost 72 northbound), Beckley (exit 45 north and southbound), Bluestone (milepost 18 northbound); a West Virginia Welcome Center (Exit 9 north and southbound); and Rest Areas at Milepost 69 southbound (full service) and at Milepost 19; and the Tamarack facility located at Exit 45.

1.2. Authority. ~ W. Va. Code 17-16A-6; 13; 29A-3-3.

1.3. Filing Date. ~ March 5, 2010

1.4. Effective Date. ~ April 13, 2010

§184-4-2 Application Procedures

2.1. Only not-for-profit groups or organizations may apply. An individual may not submit an application but may work through a not-for-profit group to sponsor a sign, kiosk or monument. Such sponsorship must be identified by the group in the request. The Parkways Authority staff and Board will decide what evidence is

acceptable and sufficient for the determination of approval. Eligibility to apply as a not-for-profit group or organization shall be determined by whether the applicant is and continues to be recognized by the Internal Revenue Service as a qualified non-profit entity under Section 501(c)(3) of the Internal Revenue Code. **Applicants who are denied for any reason may not reapply for 12 months.**

2.2. The Parkways Authority staff and Board will consider each request to place a sign, kiosk or monument on the properties of the travel plazas, rest areas, Tamarack and welcome center based upon any or all of the following criteria:

- Property availability
- Size and design
- Location placement
- State, local or regional significance
- Creation of positive public interest
- Enjoyment for the traveling public
- Foster respect and appreciation of otherwise under-recognized aspects of West Virginia's culture and heritage
- Commemoration of places, events, or persons prominently identified with the history or prehistory of the nation, state or region and possession of some degree of unique significance in West Virginia in terms of history, architecture or cultural life
- A natural site must possess unusual qualities or unique geological, scenic or historical qualities for the area or region

2.3. If a sign, kiosk or monument is to be placed at an eligible Turnpike location that is named

in honor of an individual or group, there should be evidence of community support and acceptance. An example of support could be from state and federal legislators representing the area of the facility, resolutions passed by local, publicly elected bodies in the area of the facility, or supportive action by or letters from local organizations such as local chambers of commerce or service clubs.

2.4. If a naming request is submitted for a person who has recently died, the Authority shall not act on the request for at least twelve months after the date of passing to allow for a respectful period of mourning. The Authority shall exercise extra caution in placing a sign, kiosk or monument in honor of a living person, giving extra consideration to the appropriateness of the timing of the naming in context of the individual's life and current standing in the community. Consideration shall be given to whether the person or group made a significant contribution to the State of West Virginia or the community and region in the proposed area of the travel plaza, rest area, Tamarack facility or welcome center and whether that person or group had a positive long-term effect on the lives of the people that they represented. Significance implies contributions or leadership of an outstanding nature. Individuals who, for example served in the military or in Congress must have served with distinction in some other capacity that is not purely of local note or importance. The Authority shall not single out individuals to be recognized when many people have shared equally in an event of historical importance.

2.5. This policy does not permit proposals for commercial advertisements within the travel plazas, rest areas, welcome center or other properties. The Authority currently has travel kiosks located inside the plazas advising tourists of: tourist attractions; entertainment; hotels; motels; restaurants; gas stations; etc. The kiosks contemplated by this rule are for education and as a public service to motorists on the West Virginia Turnpike, to stimulate tourism and recognize economic development opportunities for the region and the State of West Virginia.

2.6. **An application fee of \$25.00 will be charged for each request submitted to the Authority and applicant shall be responsible for reimbursing the Authority for all expenses it incurs during the application and review process.**

§184-4-3 Placement and Design

3.1. Selection of the site for a sign, kiosk or monument will be the sole responsibility of the Parkways Authority. Ideally, these markers should be located in an area where they are readily visible to patrons; however, they will not be placed in an area where motorists would have to pull over for viewing as this could be dangerous and obstructive. Placing these signs in an area where traffic is flowing could create a visual distraction for drivers. Recognition of the signs should not distract the driver and should be simple and devoid of flashing or moving features.

3.2. The Parkways Authority reserves the right to reject any and all requests if they do not meet the criteria set forth above. The sponsoring organization must submit their design, types of materials to be used, size, color schemes, and other details for approval by the Authority. No revisions can be made to the approved plans without written approval by the Authority. No parties shall be allowed to enter the travel plazas, rest areas, welcome center or other properties to construct, rehabilitate or remove the signs, kiosks or monuments without the express written permission of the Parkways Authority obtained in advance. The Parkways Authority reserves the right to remove and/or relocate any sign, kiosk or monument if the property is needed for any purpose or its presence is a hindrance to construction, maintenance, rehabilitation, or any other Parkways purpose. The sponsoring organization will be notified in the event the sign, kiosk or monument has to be removed and/or relocated. Otherwise, there is no set limit of time that the sign, kiosk or monument may remain at the travel plaza, rest area or welcome center once permission has been granted to allow it to be placed. **No more than two (2) requests per year may be approved for each of the locations previously identified in the Introduction.**

3.3. The Parkways Authority will not provide the funds, the labor or the materials for the construction of any sign, kiosk or monument. Cost of fabrication and placement will be the sole responsibility of the organization making the request to the Authority. Additionally, continued maintenance or replacement of the signs, kiosks or monuments will be the responsibility of the requesting party and they must be kept in good condition. The organization making the request shall be responsible for providing a periodic maintenance inspection plan. The Authority's Maintenance Department will monitor the condition of the sign, kiosk or monument and notify the sponsoring organization of any concerns regarding condition and required maintenance.

§184-4-4 Selection.

4.1. The final selection of successful applicants will be made by the Authority in its sole discretion. As applicants are approved, a list will be developed and all approved sites will be monitored by the Authority for continuing compliance with the provisions of this rule.

The Authority reserves the right to suspend or discontinue accepting applications under this rule as it deems appropriate.

Contact Information

Requests should be submitted to:

Gregory C. Barr
General Manager
WV Parkways Authority
P. O. Box 1469
Charleston, WV 25325