**Section 542.400 Criteria for Business Signs**

a) For those sections of freeway routes where business signs are to be installed, any business establishment meeting the following criteria will be considered for placement of a business sign on a specific service panel.

b) General Criteria

1) GAS: Must be open 7 days a week for a minimum of 12 hours a day. It shall have normal service station goods and services, which are on-site phone access, gas, oil, water, and restroom. An attendant must be present at the business at all times the business is open.

2) FOOD: Must be open any 6 days a week and serve at least two meals per day, or remain open for a minimum of 6 hours each day. It shall be certified by the Illinois Department of Public Health or local health department and have a restroom and on-site phone access.

3) LODGING: Must be open 7 days a week. It shall have on-site phone access, restroom and sleeping accommodations. At least half of the accommodations shall be available to the general public and shall not be restricted to members only.

4) CAMPING: Must be open 7 days a week for at least 6 months of the year. It shall have camping and parking accommodations, restroom, on-site phone access, and drinking water. At least half of the accommodations shall be available to the general public and shall not be restricted to members only.

5) 24-HOUR PHARMACY: Must be open continuously 24 hours

per day, 365 days per year, with an Illinois-licensed pharmacist present and on duty in the pharmacy at all times.

c) Distance to Business

1) In a nonurbanized area, a business providing gas, food, lodging, or a 24-hour pharmacy must be within three road miles from a freeway interchange, while a business providing camping must be within 20 road miles.

2) In an urbanized area, a business providing gas, food, lodging or a 24-hour pharmacy must be within one road mile from a freeway interchange, while a business providing camping must be within five road miles.

3) The distance to each business establishment will be measured as the travel distance between the end of the appropriate exit ramp and the business establishment. The distance to a business on a crossroad will be measured along the centerline of the crossroad from the end of the appropriate exit ramp to the center of the primary entrance to the business. Where the business is located along an intersecting road, the distance will be measured along the centerline of the crossroad to the centerline of the intersecting road and then measured along the centerline of the intersecting road to the center of the primary entrance to the business. Where an entrance serves more than one business, the driving distance using the proper marked driving aisles from the entrance to the parking space available for patrons nearest the business will be added to the distance measured along the crossroad or intersecting road. In the event the Department cannot determine which business establishment is closest to the appropriate exit ramp, priority for the available space will be determined by lottery, coin toss, or any other fair and impartial method determined by the Department. The affected businesses will be allowed to witness such action.

4) Signing will be allowed for a business establishment on each freeway from which it qualifies. If a business establishment meets the criteria at more than one interchange on any one freeway, signing will be allowed only from the interchange providing the most direct and best route in each direction from that freeway to the business establishment. In determining the most direct and best route, the Department will consider all relevant conditions including the directness of the route, congestion of the route, speed of travel, length of travel, and ease of locating the facility.

d) Business Signing Priorities

1) A specific service panel shall have a maximum of six business logo signs. Where there are more businesses of a specific service type eligible for and desiring signing than the number of signs and service panels permitted, those businesses nearest the exit ramp intersection with the crossroad will be given first priority for signing. Because each exit at an interchange is treated separately, a business establishment may be eligible to sign for only one direction of travel along a freeway.

A) When additional requests are received for a service type that has an existing full specific service panel, the Department may install a second specific service panel for that service type. When additional requests are received for a service type that has an existing full panel and there are four existing service panels at the interchange, a second specific service type may be combined with an existing specific service panel based on the requirements of Section 542.300(a)(1) and the following:

i) The service type that is full may be displayed on the service panel displaying a service type of lesser priority (see Section 542.300(a)(4)) that has the least number of logo signs installed.

ii) A service type that is full will only be combined with a service type of higher priority as a last option.

iii) At least one space will remain available for the existing service type that is being combined at the time the service panel is being modified.

iv) An existing service panel displaying more than three existing Level 1 signs will not be modified.

v) If there is more than one service type requesting Level 2 signs at the same time, the service type with the highest priority will be considered first in determining the ability to display Level 2 signs.

B) When considering a second specific service panel, the Department will take into consideration the number of other services available at the interchange, the interest expressed by qualified businesses and tourism attractions in the logo signing program, and the anticipated future development of the area.

2) A business with Level 1 signs will not have its signs removed because of a nearer business as long as it continues to meet the established criteria and continues to pay annual fees. A business with Level 1 signs cannot choose to have its signs relocated to a second specific service panel. This provision does not apply to Level 2 signs (see subsection (d)(7)).

3) Once businesses are selected for a particular panel, the eligible business closest to the interchange from which an application was received will have its sign placed on the available space closest to the top left of the panel, and the second closest business will be on the next available space horizontally. On panels for single-exit interchanges, after spaces on the top row are filled, signs will be placed along the next row or rows in the same manner. Signs will be arranged similarly for double-exit interchanges, except the business at the first exit will have signs on the top portion of the panels and businesses at the second exit will have signs at the bottom portion of the panels. If a business leaves the program and subsequently reapplies and is accepted back into the program, its new sign will be placed on the panel in the same place as its previous sign if the space is available or, in the event the previous space has been assigned to another business, in the closest available space to its previous space. Once placed on a panel, requests from a business to relocate its business sign to other available locations on the panel will not be honored.

4) The Department will remove individual business signs within 15 calendar days after a business leaving the program for any reason and such empty space on the specific service panel will constitute public notice that such space is available for another qualifying business. When such removal of individual business signs causes space to become available on any specific service panel and where the panel had, up to that time, the maximum number of individual business signs allowed, the qualifying business closest to the interchange that submits a valid application, including the required application fee, within 45 calendar days after such removal, not counting the removal date, and that is open to the public on or before the end of the 45 day time period, will be allowed to display its business sign in the available space. If no qualifying business submits its application within the 45 day period, the first qualifying business that submits a valid application and that is open to the public at the time the application is submitted, will be allowed to display its business sign in the available space. When the Department installs a second specific service panel, the qualifying businesses closest to the interchange that submit a valid application within 45 calendar days after the installation date of the service panel, and that are open to the public on or before the end of the 45-day time period, will be allowed to display their business signs in the available spaces. The installation of a second specific service panel will constitute public notice that the space is available for qualifying businesses.

5) When a business closes due to remodeling, or due to an act of God, including, but not limited to, fire or flood, the business shall notify the Department in writing of the closure within 30 calendar days. The complete demolition of a business' building will be considered to be remodeling as long as the new business building is constructed on the existing site. Following closure, the business signs will be removed and returned to the business. If the business remains closed after six months, the space will be declared available. In any event, if the allowable closure period extends to the subsequent fiscal year, the annual rental fee for the business must be paid for that year or the space will be declared available. If the business does not notify the Department in writing within 30 calendar days after the closure, and the Department becomes aware of such closure, the closure will be considered permanent, the business will lose its signing priority and the space will be declared available. When a space is declared available, a new application must be submitted for inclusion in the program and its priority will be evaluated among all the other eligible businesses desiring signing at the interchange in question.

6) Loss of Signing Priority

A) If any of the following changes occur, the business will lose its signing priority and the space will be declared available:

i) When the service type changes (i.e., a gas station changing to a food establishment).

ii) When a business closes its current location to move to a new location.

iii) When the business closes permanently.

B) If the business reopens, wishes to take part in this program and is still eligible for signing under this program, and if a space has been declared available, the business shall submit a new application and its priority will be evaluated among all the other eligible businesses desiring signing at the interchange in question.

7) Level 2 signs will be removed by Department personnel, regardless of how long they have been installed, when the business no longer meets the requirements of this Part, is in arrears on annual payments, or for any of the reasons listed in subsection (d)(6). If not already removed for any other reason, businesses with Level 2 signs that have been installed more than five years will have their signs removed at the end of the fifth fiscal year for which they have prepaid. Removal will only apply if there are no spaces available on the second specific service panel displaying the Level 2 signs at the end of the fifth fiscal year. Businesses with Level 2 signs that are removed for this reason that wish to have their signs reinstalled will be required to reapply and their priority will be evaluated among all the other eligible businesses desiring signing at the interchange in question. The available spot or spots on the second specific service panel will be filled as specified in subsection (d)(4). When Level 1 signs are removed because a business is no longer part of the program, the business with Level 2 signs at the same interchange, of the same service type, and that is closest to the interchange will have its business signs relocated to the removed Level 1 signs' former spaces. The relocated signs will become Level 1 signs and will no longer be subject to removal after a five year period. Businesses cannot choose to keep their signs on the second service panel.

e) Location of Business

1) Business on the Crossroad

Where a business establishment providing gas, food, lodging, camping, or a 24-hour pharmacy is on the crossroad, it will be signed on a freeway panel if it is visible to the motorists from the crossroad, or if a sign is on the business site advising motorists of the appropriate entrance to the establishment.

2) Business Not on the Crossroad

A) Where a business establishment providing gas, food, lodging, or a 24-hour pharmacy is not on the crossroad, it will be signed on a freeway panel if it is visible to the motorists from the crossroad, or if it is visible from a road intersecting the crossroad and has a trailblazer assembly placed on the crossroad advising motorists where to turn. The Department will place such trailblazer signs on state highway crossroads for the fee established in Section 542.600(b)(2). Where the crossroad is under local agency jurisdiction, trailblazer signs will not be required if legible signs with directional information are present advising motorists where to turn. If such signs are not present, a business needing the signing will be allowed to participate in the program only if the business can arrange with the appropriate local agency for the erection and maintenance of such legible signs with directional information on all roads under the jurisdiction of the local agency. This provision applies to those businesses that receive approval of their applications on or after January 1, 2012.

B) A campground not on the crossroad can be signed on a freeway panel regardless of the number of turns required if legible signs with directional information are present advising motorists where to turn. The Department will erect trailblazer signs along State-maintained highways for the fee established in Section 542.600(b)(2).

f) No business will be allowed more than one space on an individual specific service panel; however, a business could qualify for a business sign on more than one type of panel; e.g., both food and lodging.

(Source: Amended at 35 Ill. Reg. 18905, effective October 26, 2011)