
Rules of
Department of Highways and
Transportation
Division 10—Missouri Highways and
Transportation Commission
Chapter 16—Rest Areas

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**Title 7—DEPARTMENT OF
HIGHWAYS AND
TRANSPORTATION**
**Division 10—Missouri Highways and
Transportation Commission**
Chapter 16—Rest Areas

7 CSR 10-16.010 General Information

PURPOSE: This rule provides guidelines to interested persons regarding the placement of publication vending machines on highway rest areas and other Missouri Highways and Transportation Commission property for vending sale or distribution of publications to the public.

(1) Regulations 7 CSR 10-16.010 through 7 CSR 10-16.040 shall apply unless the state of Missouri through its appropriate designated agency decides to exercise its jurisdictional right to regulate and administer the vending of publications as provided in section 8.705, RSMo. Currently the Missouri Highways and Transportation Commission has the apparent authority to govern and regulate publication vending operations on rest areas and other Missouri Highways and Transportation Commission property, because the state agency for the blind designated in section 8.705, RSMo, has declined to exercise jurisdiction and control over the vending of publications in rest areas and other Missouri Highways and Transportation Commission property. However, the Missouri Highways and Transportation Commission may not operate any commercial vending machines or other commercial facilities itself in rest or recreation areas, as provided in section 226.790, RSMo.

(2) The Missouri Highways and Transportation Commission has granted to a licensee, an exclusive license to authorize publishing companies to use certain space at rest areas, to place vending machines for the vending of publications to the public. This licensee or a successor licensee shall operate all publication vending machines at all Missouri interstate highway rest and recreation areas, directly or by sub-licensing agreements with the publications to be vended or the agents of those publications. The licensee shall operate publication vending in highway rest and recreation areas in accordance with 7 CSR 10-16.010 through 7 CSR 10-16.040, and with the contract between the Missouri Highways and Transportation Commission and the licensee. However, that license shall be terminated effective with the date that the designated state agency in section 8.705, RSMo,

assumes jurisdiction and control of publication vending in rest areas, and all sub-licensing agreements granted to a publication or agent of a publication shall be terminated effective that date also.

(3) The licensee may enter into a nonexclusive licensing agreement with one (1) or more publication publishing companies, to locate, operate and maintain their publication vending machines at one (1) or more of the highway rest areas, in full compliance with 7 CSR 10-16.010 through 7 CSR 10-16.040.

(4) How to Obtain Information. Information regarding vending of publications in vending machines on interstate highway rest and recreation area property may be obtained in person, or by writing or phoning the Division Engineer, Maintenance and Traffic Division, Missouri Highways and Transportation Department, P.O. Box 270, Capitol Avenue and Jefferson Street, Jefferson City, MO 65102-0270. The phone number of the division engineer is (573) 751-2785.

*AUTHORITY: section 29 of Art. IV, Mo. Const., sections 226.020, 226.150, 226.750—226.790 and 227.030, RSMo (Supp. 1995), * Title 23, United States Code section 111(b) and Title 23, Code of Federal Regulations part 752. Emergency rule filed Jan. 19, 1996, effective Feb. 1, 1996, expired July 29, 1996. Original rule filed Jan. 16, 1996, effective July 30, 1996.*

**Original authority: 226.020, RSMo (1939); 226.150, RSMo (1939), amended 1977; 226.750—226.790, RSMo (1965); and 227.030, RSMo (1939).*

7 CSR 10-16.020 Definitions

PURPOSE: This rule provides definitions of terms.

Editor's Note: The following material is incorporated into this rule by reference:

1) Office of the Law Revision Counsel of the House of Representatives, United States Code, Title 23 section 111(b) (Washington: U.S. Government Print Office, 1990).

In accordance with section 536.031(4), RSMo, the full text of material incorporated by reference will be made available to any interested person at the Office of the Secretary of State and the headquarters of the adopting state agency.

(1) "Licensee" means the Association of Sheltered Workshop Managers, Inc., a not-for-profit Missouri organization, or a succes-

sor public agency or private not-for-profit entity which contracts with the commission, if the Association of Sheltered Workshop Managers, Inc. should ever cease to be the licensee at its own election or at the election of the commission.

(2) "Commission" means the Missouri Highways and Transportation Commission, and where appropriate, its authorized agents and representatives in the Missouri Highways and Transportation Department.

(3) "Publication" means a newspaper, pamphlet, newsletter or magazine printed and distributed to convey news and information or other matters of public interest, which may include advertisements.

(4) "Rest area" or "rest and recreation area" means a roadside facility along an interstate highway with parking facilities for the rest, safety or other needs of motorists. This term includes the facilities described in sections 226.750 through 226.790, RSMo, and in Title 23, United States Code section 111(b).

*AUTHORITY: section 29 of Art. IV, Mo. Const., sections 226.020, 226.150, 226.750—226.790 and 227.030, RSMo (Supp. 1995), * Title 23, United States Code section 111(b) and Title 23, Code of Federal Regulations part 752. Emergency rule filed Jan. 19, 1996, effective Feb. 1, 1996, expired July 29, 1996. Original rule filed Jan. 16, 1996, effective July 30, 1996.*

**Original authority: 226.020, RSMo (1939); 226.150, RSMo (1939), amended 1937; 226.790, RSMo (1965); and 227.030, RSMo (1939).*

7 CSR 10-16.030 Eligibility Criteria

PURPOSE: This rule provides eligibility criteria for publishers to place their publications in vending machines for sale to the public.

(1) The commission shall approve in advance the location and installation of all publication vending machines at rest areas. The approval shall be granted by a permit issued by the Missouri Highways and Transportation Department district engineer having jurisdiction over the proposed vending machine location, or by an authorized representative. This permit shall be at no cost to the licensee or the publisher.

(2) The licensee may operate publication vending machines itself in accord with 7 CSR 10-16.010 through 7 CSR 10-16.040, or else



a written sub-licensing agreement must be entered into between the licensee and publisher or publisher's agent, which shall become effective upon execution by both parties.

(A) Each agreement shall authorize the placement of one (1) or more vending machines in Missouri rest areas for a maximum period of one (1) year in compliance with the rules at 7 CSR 10-16.010 through 7 CSR 10-16.040, unless the agreement is terminated earlier by either party.

(B) A sub-licensing agreement between the licensee and a publisher or publisher's agent may not be assigned, transferred or delegated by either party to any other party.

(C) A sub-licensing agreement may be terminated at any time by either party upon at least thirty (30) days advance notice to the other; provided that any termination by the licensee of a sub-license shall only be for a breach of the sub-licensing agreement or the commission's rules in 7 CSR 10-16.010 through 7 CSR 10-16.040, or because the licensee is terminating its status as the commission's licensee.

(D) Barring termination or amendment by the licensee for a renewal period, a sub-licensing agreement shall renew automatically for an additional one (1)-year period, under the terms of rules 7 CSR 10-16.010 through 7 CSR 10-16.040 as they exist on the date of renewal.

(E) The commission reserves the right to remove any publication vending machine from a rest area at publisher's cost, if the machine is installed or maintained in violation of 7 CSR 10-16.010 through 7 CSR 10-16.040, or in violation of the applicable sub-licensing agreement.

(3) The total cost to purchase and install a publication vending machine, and of any improvements required by the commission, shall be borne by the publisher or its agent installing the vending machine. The publisher or its agent shall also bear the costs of maintaining the machine in good and operable repair, and of removing the machine when its sub-licensing agreement is terminated without renewal.

(4) The licensee is authorized to collect a fee of twelve dollars (\$12) per year from each publisher or its agent for each vending machine placed in a Missouri rest area, to cover the administrative and maintenance costs the licensee, or its affiliated organization or agent, shall sustain due to the installation and operation of the vending machine, and the debris the machine will generate. Payment of this annual sub-licensing fee to

the licensee is a legal condition precedent, before a publication vending machine may be installed or operated in a Missouri rest area.

(5) The visible contents of the publication as displayed in the vending machine shall not be offensive to members of the general public. The commission, through its authorized representatives, retains final approval of the manner in which a publication is ultimately displayed for sale or distribution in a vending machine in a rest area.

(6) Each publisher or its agent will restock its publication vending machines at all rest areas with the current edition of a publication at least as often as the publication is published, weekend or special editions excluded. At the same time, the publisher or its agent shall also remove any outdated issue from within each vending machine, and remove the debris of that publication which is not properly placed in rest area trash containers from the rest area grounds.

AUTHORITY: section 29 of Art. IV, Mo. Const., sections 226.020, 226.150, 226.750—226.790 and 227.030, RSMo (Supp. 1995), Title 23, United States Code section 111(b) and Title 23, Code of Federal Regulations part 752. Emergency rule filed Jan. 19, 1996, effective Feb. 1, 1996, expired July 29, 1996. Original rule filed Jan. 16, 1996, effective July 30, 1996.*

**Original authority: 226.020, RSMo (1939); 226.150, RSMo (1939), amended 1977; 226.750—226.790, RSMo (1965); and 227.030, RSMo (1939).*



Form No. M-460 (Rev. 10-94)

MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION PERMIT APPLICATION

Date, District, Excavation, Permit No, Utility, Route, County, Driveway, Town, Pipe, Inspector, Area Sup., Issued, Expires, Location Map Included, Log Point

Requests permission to perform the following work on State Highway right-of-way along the side. (Feet or miles) from (Kilometers) (Name of Applicant / Contractor) (State highway, County road, City street or County line)

Described as follows:

Signed (Applicant's Contractor) (Address) (City State Zip-code) (Telephone Number)

Signed (Applicant) (Address) (City State Zip-code) (Telephone Number)

Prior to issuance of a permit a deposit could be required. none, bond, check \$ is required. Make check payable to: Director of Revenue Credit Road Fund.

NOTE: The local government entity agrees to be responsible for inspecting and maintaining the sidewalk in a condition reasonably safe to the public and to indemnify and hold the Commission harmless from any claims arising from the construction and maintenance of said sidewalk.

LOCAL GOVERNMENT ENTITY AUTHORIZED SIGNATURE

Please refer to General Provisions on back side of this sheet before signing application.



GENERAL PROVISIONS

(Rev. 10-94)

Section 1. The signing of this application binds the applicant/contractor to the terms of this application, the permit when issued and the approved plans. If signed by Applicant's contractor or that contractor's authorized representative, the contractor will be held jointly responsible for all of the requirements of this permit until it is released by the District Engineer.

Section 2. It is understood by the Applicant that the Missouri Highway and Transportation Commission does not assume any responsibility for the removal or clearance of snow, ice, or sleet, or the opening of windrows of such materials, upon any portion of any driveway or entrance along any state highway even if snow, ice or sleet is deposited or windrowed on said driveway or entrance by its authorized representatives engaged in normal winter maintenance operations.

Section 3. Highway plant materials, including trees and shrubs, will be protected by Applicant. Such materials and turf which are disturbed will be restored as directed by the District Engineer. Trees and shrubs will not be trimmed, cut, moved or sprayed without specific permission from the District Engineer.

Section 4. In the case of Interstate and other limited access roadways, Applicant agrees, if permission is granted, to install, maintain, and service said facilities without entering and leaving the through traffic roadways and interchange ramps except at points provided for that purpose and without parking any equipment or storing any materials upon the medians, through roadways and ramps or the shoulders thereof. A temporary support pole to facilitate an aerial crossing may be placed in the median provided it is stipulated on the face of this permit application and adequate flaggers or law enforcement officers are utilized to protect the traveling public. Support poles will not be permitted within 30 foot of the edge of the traveled way. They shall be removed within one week unless specifically permitted otherwise at weekly intervals by the District Engineer.

Section 5. Construction material and equipment may be on the right of way only during the period of actual construction providing it is not on the roadway shoulders, in the ditch or blocking sight distance.

Section 6. Applicant agrees that construction inspection will be provided by applicant to assure compliance with the permit.

Section 7. Applicant/contractor will provide traffic control in accordance with the Manual on Uniform Traffic Control Devices.

Section 8. Location of parallel utility facilities:

- (a) Applicant will be expected to determine Commission's right of way location from commission's plans. Upon written request and adequate advance notice, the Commission will re-establish missing right of way markers for utility permits. This will be accomplished on a permit basis and then only if Commission has adequate personnel available.
- (b) Applicant will be responsible for staking between highway right of way markers as needed to assure accurate and uniform installation of the parallel facilities in the utility corridor.

Section 9. Applicant shall provide adequate preliminary engineering including planning, and coordination with all concerned parties to:

- (a) Confirm their contractor knows the rules and limitations for installations on highway right of way.
- (b) Provide preinstallation meetings to all parties on major installations. The established Missouri One-Call System will help identify other utilities located on the right of way.
- (c) Include the name and telephone numbers of the design engineer and construction manager, as well as the dimension of the facility from the right of way line on the permit application.

Section 10. Applicant is to provide adequate protection and marking of the underground facilities as follows:

- (a) Fiber optic cable crossings are to be encased in steel pipe or other approved encasement material in accordance with the utility policy from utility corridor to utility corridor. Variations due to encountering rock will be determined in the field by the District Engineer.
- (b) Warning signs will be installed at the right of way lines at road crossings (all underground utilities).
- (c) For parallel underground facilities, warning signs shall be installed and maintained at the right of way lines showing the offset location of the utility when the utility is permitted to locate beyond the normal six foot wide utility corridor.

Section 11. Applicant will construct the utility facility in such a manner that it may be accurately located both horizontally and vertically after installation. A detectable tape or trace wire will be installed with non-metallic buried facilities. Wherever feasible the metallic tracer line should be a part of the utility facility. Acceptable alternatives will be considered for approval.

Section 12. All voids resulting from boring casing or other facilities under the roadways or approaches will be filled to the satisfaction of the District Engineer. Method and materials must be approved by the District Engineer.

Section 13. Manhole covers will be installed as flush as possible with natural ground line so highway maintenance vehicles and equipment may operate over them. If necessary, soil is to be placed around the manhole to provide a smooth transition to the existing grade.



FORM NO. M-ED-P(1) (Rev. 10-94)

MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION PERMIT

PERMIT NO. 1-96-

This permit authorizes _____ to perform work on the right of way of _____ in _____ from _____ to _____

All work covered under this permit is to be in accordance with the attached permit application and the following:

- 1. Missouri Standard Specifications for Highway Construction, Missouri Standard Plans for Highway Construction, and The Manual on Uniform Traffic Control Devices (current editions) All utility facilities will be installed and located and all other work performed in accordance with the Commission's "Policy on Location of Utility Facilities on State Highways" and other policies of the Missouri Highway and Transportation Department. The Missouri Highway and Transportation Department has buried facilities located on the right of way.
2. No advertising signs or display material of an advertising nature is to be placed on or to extend over onto the right of way as covered in Section 227.220 R.S.Mo
3. The Applicant agrees to hold harmless the commission, its officers and employees from all liability, judgements, costs, expenses and claims growing out of damages of any nature whatsoever, to any person or property arising out of performance or non-performance of said work, or existence of said improvements.
4. All costs incurred due to the issuance of this permit shall be borne by the applicant, the applicants successors, and assigns.
5. It is understood that in granting this permit the Commission waives none of its power or rights to direct the removal, relocation, and/or proper maintenance in the future of anything within the right of way of the state highway at no cost to the commission.
6. The Applicant's deposit or bond may be held until the work has been completed and has been approved by the District Engineer's representative. The Applicant agrees that the Commission may, after the expiration date of this permit or extension thereof, use as much of the deposit as may be necessary to restore, correct, or complete any and all work started or done by the Applicant by whatever means the Commission deems necessary. The Commission may use the deposit to correct any hazard which the applicant / contractor does not correct upon notification.
7. The obtaining of this permit does not relieve the Applicant of the responsibility for obtaining other permits required by this or any other agency having jurisdiction.
8. Applicant agrees to keep a copy of the permit, permit application and an approved plan on the job site.
9. Roadway ditches, culverts and other such devices used to carry surface run-off will be kept open, free and clear at all times.
10. The state right of way is to be used for ingress and egress ONLY and the adjacent property should be so developed as to not force the use of this right of way for parking or to facilitate any other activity.
11. No driveway or improvement constructed on the highway right of way, shall be altered or relocated without permission of the District Engineer.
12. Restricted areas are those areas of right of way adjacent to the Applicant's property extending to the back of the shoulder and outside the limits of the driveway(s). All restricted areas shall be prohibited from being used for parking and traffic by curbing and/or suitable slopes, as indicated in this permit or on the approved plan(s). All restricted areas shall be seeded, sodded or covered with ornamental aggregate not over 2 inches in size. Low growing grasses, flowers, shrubs and evergreens if not over 30 inches in height and maintained at that height will be permitted within the restricted areas, provided they do not block sight distance nor are they an obstruction to the traveling public. Private electric lines will not be allowed on the right of way. All beautification of the right of way shall be approved by the District Engineer's representative before beginning any landscape work. Boulders and landscape timbers of limited height may be incorporated into the beautification plan based on the merits of the landscape plan.

Deposit Received \$ _____

Identification Number _____

Date: _____ By: _____

ATTENTION PERMITTEE: When telephoning or writing to the Missouri Highway and Transportation District Office regarding this permit, state your Permit number for proper identification. Also give the route designation and county name, both as shown on this permit.

Please refer to General Provisions on back side of the Permit Application.



7 CSR 10-16.040 Publication Vending Machine Specifications

PURPOSE: This rule provides publication vending machine specifications.

Editor's Note: The following material is incorporated into this rule by reference:

- 1) *United States Code, Title 23, section 111(b) (Washington: U.S. Government Printing Office, 1990); and*
- 2) *Code of Federal Regulations, Title 23 part 752 (Washington: U.S. Government Printing Office, April 1, 1995).*

In accordance with section 536.031(4), RSMo, the full text of material incorporated by reference will be made available to any interested person at the Office of the Secretary of State and the headquarters of the adopting state agency.

(1) Publication vending machines shall be of a standard size commonly used to vend newspapers or other publications. Publication vending machines shall not require an external power source for operation. Each machine shall be totally enclosed to protect its contents from rain or inclement weather. No vending machine shall dispense more than one (1) single publication. Final approval of the location, design and specifications of each vending machine shall be granted by the commission through its installation permit process.

(2) The publication vending machine may be located outside the immediate vending area, provided its location is consistent with the purpose of providing convenient access to travelers and shall not limit handicapped pedestrian accessibility to rest area facilities. A publication vending machine shall not be placed or installed inside a rest area building.

(3) Anchorage for machines is required and is the responsibility of the publisher or designated agent. Machines shall not be allowed to be anchored to rest area buildings, light posts, sign posts, bulletin boards, trash containers, trees, other vending facilities, picnic table covers, fences nor any other appurtenance of the rest area. Each vending machine shall be placed upon or adjacent to a paved surface so it is reasonably accessible to persons with disabilities.

(4) No publication vending machine shall be installed at a rest area or on other commission property without first receiving an installation permit from an authorized representative of the highway department district engineer over the district in which the vending machine shall be located, and without the

execution of any sub-licensing agreement with the licensee which is required by 7 CSR 10-16.010 through 7 CSR 10-16.040. If any publication vending machine is installed or operated at a rest area in violation of these rules, the machine shall be removed from the rest area and stored by the commission, and all removal and storage costs incurred shall be borne by the publisher or its agent before that machine may be obtained by the publisher or its agent.

(5) Publication vending machines shall have no advertisement displayed on the machine itself, other than the name of the publication contained within the machine.

(6) On a prominent place on each publication vending machine, the publisher or its agent shall display this notice or a notice with similar wording, "For Information Regarding Any Problems With Your Use of This Machine Call ___-___-____, or write _____." The notice shall provide the appropriate telephone number (with area code) and the mailing address of a contact person or agent, for refund requests or other vending problems.

(7) Each publisher and its agents shall be liable for their publication vending machines and the contents thereof, and shall carry sufficient liability insurance to protect the state of Missouri, the commission, the licensee and their officials, agents and employees from any liability resulting from the placement or operation of their vending machines in Missouri rest areas.

(8) No publication of any type shall be sold, distributed, given away, issued or distributed at a Missouri rest area except in a publication vending machine properly permitted, and installed, maintained and operated in compliance with the commission's rules 7 CSR 10-16.010 through 7 CSR 10-16.040, and any required sub-licensing agreement; except a publication issued, vended or distributed by the state of Missouri or an agency thereof may be displayed, vended or distributed at a rest area pursuant to agreement between the state agency and the commission. Publication vending machines in Missouri rest areas shall be installed, operated and maintained in accordance with applicable federal law, including but not limited to, Title 23 *United States Code* section 111(b) and Title 23 part 752. Pursuant to federal law, the commission shall ultimately control the operation of all publication vending machines through its rules at 7 CSR 10-16.010 through 7 CSR 10-

16.040, and under its licensing agreement with the licensee.

(9) If the state agency for the blind elects to assume the authority granted by law to govern and regulate vending of publications at rest areas, the licensee shall be notified immediately of that fact by commission representatives, and the licensee shall promptly terminate its sub-licenses with each publisher or its agent in accordance with the written instructions received by the licensee from the commission and/or the state agency for the blind. If the licensee decides to terminate its status as the commission's licensee under 7 CSR 10-16.010 through 7 CSR 10-16.040, and no successor licensee is found to replace that entity before the date it terminates its status, the licensee shall terminate each of its existing sub-licenses with publishers or their agents to operate publication vending machines at state rest areas. Until a successor licensee is found and new sub-licensing agreements have been executed, each publisher and its agent must not stock, supply, operate or install any publication vending machines in a Missouri rest area, because the commission is prohibited by state law from operating any commercial facility in a rest area itself.

AUTHORITY: section 29 of Art. IV, Mo. Const., sections 226.020, 226.150, 226.750—226.790 and 227.030, RSMo (Supp. 1995), Title 23, United States Code section 111(b) and Title 23, Code of Federal Regulations part 752. Emergency rule filed Jan. 19, 1996, effective Feb. 1, 1996, expired July 27, 1996. Original rule filed Jan. 16, 1996, effective July 30, 1996.*

**Original authority: 226.020, RSMo (1939); 226.150, RSMo (1939), amended 1977; 226.750—226.790, RSMo (1965); and 227.030, RSMo (1939).*