Bill as Introduced

SB 173 – AS INTRODUCED

2003 SESSION

03-1142
06/09

SENATE BILL *173*

AN ACT relative to certain historical and recreational facilities.

SPONSORS: Sen. Johnson, Dist 2

COMMITTEE: Transportation

ANALYSIS

This bill makes recreational and cultural interest signs available to alpine and Nordic ski areas that are recognized by the state as bona fide ski areas.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

03-1142
06/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT relative to certain historical and recreational facilities.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Findings. The general court finds that alpine and Nordic ski areas in New Hampshire hold a special cultural, historical, economic, and recreation value unlike any other activity in the state. As such, the general court finds that alpine and Nordic ski areas that are duly recognized by the state of New Hampshire as bona fide ski areas shall be eligible for placement upon federally designated "Brown" signs as outlined in the federal "Manual on Uniform Traffic Control Devices" (MUTCD).

2 New Paragraph; Definitions; "Recreational and Cultural Interest Area" Signs. Amend RSA 236:70 by inserting after paragraph XIX the following new paragraph:

XX. The words "recreational and cultural interest area sign" shall mean a sign that meets the physical standards set by the federal government in the "Manual on Uniform Traffic Control Devices" (MUTCD), which shall be used as directional, informational, or supplemental guide signs. Recreational and cultural interest signs shall be available to alpine and nordic ski areas that are recognized by the state in state-sponsored publications and shall be used on the primary or secondary highways and roads of and within the state. Recreational and cultural interest signs shall be designed to direct the traveling public to the recreational facility.

3 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 67
SB 173 – FINAL VERSION

03/13/03 0592s
03/13/03 0640s

2003 SESSION

03-1142
06/09

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- -

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CHAPTER 67
SB 173 - FINAL VERSION

03/13/03 0592s
03/13/03 0640s

03-1142
06/09

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67:1 Findings. The general court finds that alpine and Nordic ski areas in New Hampshire hold a special cultural, historical, economic, and recreation value unlike any other activity in the state. As such, the general court finds that alpine and Nordic ski areas that are duly recognized by the state of New Hampshire as bona fide ski areas shall be eligible for placement upon federally designated "Brown" signs as outlined in the federal "Manual on Uniform Traffic Control Devices" (MUTCD).

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XX. The words "recreational and cultural interest area sign" shall mean a sign that meets the physical standards set by the federal government in the "Manual on Uniform Traffic Control Devices" (MUTCD), which shall be used as destination, directional, informational, or supplemental guide signs. Recreational and cultural interest area signs shall be available to alpine and nordic ski areas that are recognized by the state in state-sponsored publications and shall be used on the primary or secondary highways and roads of and within the state. Recreational and cultural interest area signs shall be designed to direct the traveling public to the recreational facility. The ski area listed on the sign shall pay for all costs associated with signs approved under this section.

67:3 Effective Date. This act shall take effect 60 days after its passage.

(Approved: May 27, 2003)
(Effective Date: July 26, 2003)

Amendments

Senate Transportation
March 6, 2003
2003-0592s
05/09

Amendment to SB 173

Amend RSA 236:70, XX as inserted by section 2 of the bill by replacing it with the following:

XX. The words "recreational and cultural interest area sign" shall mean a sign that meets the physical standards set by the federal government in the "Manual on Uniform Traffic Control Devices" (MUTCD), which shall be used as directional, informational, or supplemental guide signs. Recreational and cultural interest area signs shall be available to alpine and nordic ski areas that are recognized by the state in state-sponsored publications and shall be used on the primary or secondary highways and roads of and within the state. Recreational and cultural interest area signs shall be designed to direct the traveling public to the recreational facility. The ski area listed on the sign shall pay for all costs associated with signs approved under this section.

Committee Minutes

Transportation Committee

Hearing Report

To: Members of the Senate

From: Liz Ignacio
Legislative Aide

Re: **SB 173** – *AN ACT relative to historical recreational facilities.*

Hearing date: February 19, 2003

Members present: Sen. Kenney, Sen. Morse, Sen. Martel, Sen. Flanders

Members absent: Sen. Below

Sponsor(s): Sen. Johnson, Dist. 2

What the bill does: This bill makes recreational and cultural interest signs available to alpine and Nordic ski areas that are recognized by the state as bona fide ski areas.

Who supports the bill: Senator Johnson, Bruce Berke: Ski NH, Senator Flanders, Eric Webster: Ski NH

Who opposes the bill: No one spoke in opposition.

Summary of testimony received:. Senator Johnson sponsored the bill to assist the ski industry to better serve our citizens and tourists in NH. SB 173 will open opportunities for all ski areas to have a consistent presence and appearance on primary and secondary highways and roads within the state. Bona fide alpine and Nordic ski areas recognized by the state will be eligible for the federal government's "Brown Sign" program. All signs will be required to meet the physical standards of the federal DOT's Manual on Uniform Traffic Control Devices. For example they will all be brown, rectangular, and have a white legend and border.

Senator Kenney asked if these signs would be seasonal. The Ski NH representatives said that ski areas are working to diversify activities offered year round and don't foresee a problem with leaving the signs up all year.

Senator Morse asked what other industries/ facilities might be interested in brown signs in the future. The Manual on Uniform Traffic Control Devices specifies that cultural and recreational facilities include ski areas, parks, campgrounds, and gaming territory.

Senator Morse also asked if the ski areas would have a problem amending the bill to give ski areas the responsibility of paying for the cost of the signs. Senator Johnson and Ski NH reps said the ski areas would be happy to pay for the signs.

Funding: No fiscal impact.

Future action: An amendment is being worked on to define that the individual ski areas will pay for the cost of fabrication and placement of the signs.

ei [file: SB 173 report] Date: 2/24/03

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Date: February 19, 2003
Time: 3:00 p.m.
Room: LOB Room 104

The Senate Committee on Transportation held a hearing on the following:

SB 173 relative to certain historical and recreational facilities

Members of Committee present:

Senator Kenney
Senator Martel
Senator Below
Senator Flanders
Senator Morse

The Chair, Senator Joseph D. Kenney, opened the hearing on SB 173 by calling on Senator Johnson, prime sponsor of the bill, to provide testimony.

Senator Carl R. Johnson, D. 3: Senator Johnson from Senate District 2. District 2 is made up of two towns in Belknap County, twenty-six towns in Grafton County, and two towns in Merrimack County. A total of thirty-two towns.

Senator Robert B. Flanders, D. 7: You're not gonna name them?

Senator Carl R. Johnson, D. 3: Not today. I am the sponsor of SB 173 and I am supporting the measure to ensure that ski areas throughout New Hampshire have similar access to reasonable sign visibility for their respective ski areas. I look at this, not only as a good bill for the ski areas, but also a good bill for the entire State of New Hampshire, because we are all concerned about the economy on a daily basis and they certainly contribute a lot of money to the economy in the State of New Hampshire.

This bill seeks to have state recognized ski areas eligible for the federal government's brown sign program. This program is for recreational and cultural facilities according to the federal government's Department of Transportation's Manual on Uniform Traffic Control Devices. The Manual specifically states that recreational facilities shall include ski areas.

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And, while some ski areas in New Hampshire are benefiting from the use of these signs today, the passage of this bill will ensure that all ski areas in New Hampshire may some day be listed on a destination guide sign.

New Hampshire's ski industry has a long and positive history in our State. This bill will enable these businesses to serve our tourist trade here in New Hampshire and, as many of us know, the tourism business in this State is critical to our economy and the State revenues that serve to fund the State budget.

And, although it is not referenced in the specific language of the bill, representatives of the ski area and industry have told me that its members would willingly bear the cost of fabrication and placement of these signs.

So, with that, Mr. Chairman and members of Committee, I thank you for your attention and hope that you would give this bill your every consideration and pass it out of committee as Ought to Pass.

I will try to answer any questions and we have a gentleman behind us who is from one of the ski areas, which happens to be a ski area that my granddaughter works at as a snowboard instructor. I didn't realize that until today. So, I'm sure that he would be willing to make some comments.

Please see Senator Johnson's typewritten testimony attached hereto and referred to as Attachment #1.

Senator Joseph D. Kenney, D. 3: They call them snowboard mountains now. Yes, Senator Martel?

Senator Andre Martel, D. 18: Thank you, Mr. Chairman. Senator Johnson, this is a very significant ski area and privately owned. Right?

Senator Carl R. Johnson, D. 3: Yes. I understand that. And, I know in Manchester you have a pretty popular ski area there.

Senator Joseph D. Kenney, D. 3: Any further questions? Senator Morse?

Senator Chuck Morse, D. 22: Senator Johnson, it says a bona fide ski area What is a bona fide ski area?

Senator Carl R. Johnson, D. 3: Well, that's a good question. I guess we could get an answer for that.

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Senator Chuck Morse, D. 22: I don't know if that RSA states the cost of putting the signs up, but traditionally, these sign bills would have a paragraph that talks about the cost.

Senator Carl R. Johnson, D. 3: That's correct.

Senator Chuck Morse, D. 22: Did you immediately move for an amendment that has that in it?

Senator Carl R. Johnson, D. 3: I currently would be. Yes. I don't have any objection. I think they have stated that they would be willing to pay for the cost of the signs.

Senator Joseph D. Kenney, D. 3: Very well. Thank you, Senator Johnson.

Senator Carl R. Johnson, D. 3: Thank you.

Senator Joseph D. Kenney, D. 3: Next to speak would be Bruce Berke of Ski NH.

Bruce Berke: Mr. Chairman, if I may, I would like to bring Eric Webster up with me, who also signed in. Eric is with Ragged Mountain Ski Area and I thought this would probably expedite your hearing.

Senator Joseph D. Kenney, D. 3: Leave your skis behind, but come on up.

Mr. Berke: Thank you very much for the opportunity to speak in favor of SB 173 today. For the record, my name is Bruce Berke and I am here today representing Ski NH. I forgot to put my badge on.

The bill before you, in essence, opens up the opportunity for ski areas to have a distant presence on the State's highways and that distant presence would involve brown signs. Brown signs today are used for several ski areas in the State of New Hampshire. Some of them are publicly owned ski areas. Those include Canon Mountain, which is obviously owned by the State, Gunstock Ski Area, which is owned by Belknap County, and Sunapee still has some brown signs and, as you know, that is privately leased, but it is still a state park. Other ski areas that have some brown signs include Attitash and Cranmore Ski Area up in the Mount Washington Valley area, but there are many other ski areas in the State that do not have similar signage.

We did some research with the federal government's sign program and the program that Senator Johnson referenced in his testimony, the federal manual from the DOT, talks about recreational and cultural interest area

signs. I will leave eleven or twelve pages with you from the manual that describe that ski areas, first of all are eligible, and talks about traffic generators and all of the definitions that go into it. Ski areas really fit very nicely, both from a recreational perspective and also a cultural perspective because of the historical significance that the ski industry has played here in New Hampshire.

The particular types of signs that the ski industry is looking for are destination guide signs and they talk about when recreational or cultural interest area destinations are shown on supplemental guide signs, the signs should be rectangular with a white legend and border on a brown background, and that these signs may be posted at the first point where an access or crossroad intersects a highway where recreational or cultural areas are a significant destination along these byways. Then it gives a little bit more by way of definition there.

So, to answer Senator Martel and Senator Morse's questions relative to the language of bona fide interests of ski area, I thought there was some language in there on line 12 of the bill that talks about being recognized in State-sponsored publications and that would be the state tourism guidebooks where brochures are kept at State rest areas. That would be a State recognized ski area, one that has that position with the State publications or State facilities.

One of the things that the ski industry, besides being willing to pay for the cost of making and placing these signs, has talked about is that currently some of them have some supplemental guide signs today that are green and white. Bretton Woods has one of these signs; Loon Mountain has one sort of. It says Loon Mountain Highway instead of Loon Mountain Ski Area.

And, the ski areas would be willing to give up that sign, give up that green and white guide sign in exchange for the brown sign. So, there would be a consistent message to the visiting guest here in New Hampshire that, when you see the brown sign, that's likely going to be a ski area. That would really be helpful, not only for the ski industry, but for the visiting guest that helps contribute to the State's economy.

With that, I would just like to introduce Eric. He is the Managing Director of Ragged Mountain in Danbury or Webster and he has a few thoughts to share.

Eric Webster: Thank you. Once again, my name is Eric Webster. I am representing Ragged Mountain Resort as the Managing Director, and I also sit on the board of Ski NH. I just want to reinforce what Bruce said that the

resorts in the State would definitely be willing to bear the cost of fabrication and placement of these signs. That's the number one thing.

Secondly, on behalf of a resort that is not represented by much signage and certainly not a brown sign, mostly due to our location and what we are, I would just like to make sure that all the resorts, the bona fide resorts, I guess, sort of have the similar signage on our State's highways.

Mr. Berke: And, the last point I would like to make is that my client thinks that I am not a very good lobbyist getting this bill scheduled for a hearing right smack dab in the middle of Massachusetts vacation week. That's why you don't see more representation from the ski industry here today.

Senator Robert B. Flanders, D. 7: Mr. Chairman?

Senator Joseph D. Kenney, D. 3: Yes.

Senator Robert B. Flanders, D. 7: Do we know whether the State of New Hampshire makes these signs, the brown signs?

Mr. Berke: I don't know.

Senator Robert B. Flanders, D. 7: Last year when we had the sign things, they are not here today, but they insisted that they put the signs up. That is something that I remember from last year. So, if they make the signs and we amend this to cost and so forth, they would make them and they would put them up, hopefully with the help of the ski areas.

Senator Joseph D. Kenney, D. 3: Good. Senator Morse?

Senator Chuck Morse, D. 22: I believe you will find language for the cost because we worked on this several times. There is language out there that says how they want it done.

The only question I have is, in that information that you dug out, what are we opening ourselves up to besides the ski areas? I don't have any problems in supporting the ski industry, but in that paragraph, it must state other industries.

Mr. Berke: Within the federal guidelines?

Senator Chuck Morse, D. 22: Yes.

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Mr. Berke: The federal guidelines also talk about recreational attractions, including such facilities as parks, campgrounds, gaming facilities and ski areas. The traffic generators or attractions are open to the general public for the purpose of play, amusement or relaxation. There would be some other facilities in the State of New Hampshire that might pursue this as well, but this specific legislation would be limited to ski areas.

Senator Joseph D. Kenney, D. 3: A couple of questions, Bruce. Within our own State has there been any opposition to this legislation?

Mr. Berke: I haven't discussed this legislation with the Department of Transportation. I have had some discussions with them over the last several years relative to signs, and we, under the current structure that they have at DOT, as I understand it and the ski industry understands it, we have not been able to develop a policy that would allow for uniform signage for the ski industry. So, the ski industry decided this year to put an initiative forward that would allow for that.

Senator Joseph D. Kenney, D. 3: Another question. Are these brown signs that we're considering here, are they considered seasonal in nature?

Mr. Berke: I don't know whether brown signs are. I know that the blue business, tourist business signs, are often considered seasonal and you will see the burlap or plastic over them in the off season. But, I don't believe that the brown signs are.

Senator Robert B. Flanders, D. 7: If I can make a comment. I have actually done negotiating with brown signs, but green signs for state parks, for example, has them closed and the signs are still up. The sign for the state park is still up. The one in Washington in Senator Disnard's area are still up. They stay up year round as far as I know.

Mr. Berke: And, if I may add, the ski areas throughout the State are becoming more and more year round destination resorts. If you go out to an area like Pat's Peak, they may have some camps in the summer time, but they are holding weddings, two or three per day practically, out in Henniker. So, there is a lot of activity at these areas on a year round basis.

Mr. Webster: Every resort is trying to develop a year round business. Gunstock with camping and adventure centers. Waterville Valley with skate parks for kids. Loon runs the gondola. Horseback riding.

Senator Joseph D. Kenney, D. 3: I guess my reason for asking the question is, from my local experience, both with campgrounds, the blue signage, once they have closed, then you will, they have to cover that signage. The administrative rules for blue signs may be as such for seasonal signs, but I am just wondering if it was brown signs, are they different for brown signs.

Mr. Berke: I don't think I have ever seen a brown sign covered up.

Senator Joseph D. Kenney, D. 3: Are there any other questions of the Committee on SB 173? With that, I guess I will go ahead and close the hearing.

Senator Robert B. Flanders, D. 7: Did I sign up on that?

Senator Joseph D. Kenney, D. 3: You did sign up on that. Did you want to speak, Senator? We have one more speaker. Senator Flanders

Senator Robert B. Flanders, D. 7: I will only be a minute. I intended to sign up as a co-sponsor to Senator Johnson on this bill. My name is Bob Flanders. I represent Senate District 7, which starts over in Hancock and ends up in Franklin and Canterbury. I won't go in between.

I just want to relay a story about the two ski areas that are in my district, one being Pat's Peak, which is in Henniker, a little bit off the beaten path. I have recently spoken with the management at Pat's Peak and they used to have signs on 89 and on 202 and 9 so that people coming up could find Pat's Peak. Those signs are no longer there. They very much would like to have these signs come back.

The other more interesting one is Crotched Mountain. We have an outfit coming from Colorado who is spending $8.5 million to redo a ski area in Bennington and when it was Onset, they had a sign in Goffstown and one in New Boston. If you have ever been to Francestown, you can't get there from here and they really do need the signs to help that. If they are willing to come in and spend $8.5 million to employ people in this area, I think we ought to do what is necessary to allow them some signage so people can find them.

If you go up the turnpike, you don't have any trouble knowing where Loon Mountain is; you don't have any trouble knowing where Waterville is. I think these smaller ski areas need some help, too, with their locations.

I very much support this and wish I was a co-sponsor. Thank you very much.

Senator Joseph D. Kenney, D. 3: Thank you. Any questions? If not, then we will go ahead and close the hearing and thank you for coming.

Hearing concluded at 3:15 p.m.

Respectfully submitted,

Gloria Lamoureux

Recorded by Gloria Lamoureux
Senate Secretary
Transcribed by L. Gail Brown
2/26/03

1 Attachment

ATTACHMENT #1

Testimony on Senate Bill 173
Senate Transportation Committee
Room 104 – Legislative Office Building
February 19, 2003

Thank you Mr. Chairman:
For the record, I am Carl Johnson, State Senator from District Two.

I am the sponsor of Senate Bill 173 and I am supporting the measure to ensure that ski areas throughout NH have similar access to reasonable sign visibility for their respective ski areas.

This bill seeks to have state recognized ski areas eligible for the federal government's "Brown Sign" program. This program is for recreational and cultural facilities according to the federal government's Department of Transportation's Manual on Uniform Traffic Control Devices (MUTCD).

The Manual specifically states that recreational facilities shall include ski areas. And while some ski areas in NH are benefiting from the use of these signs today, the passage of this bill will ensure that all ski areas in NH may some day be listed on a Destination Guide Sign.

New Hampshire's ski industry has a long and positive history in our state. This bill will enable these businesses to serve our tourist trade here in NH and as

many of us know, the tourism business in this state is critical to our economy and the state revenues that serve to fund the state budget.

And although it is not referenced in the specific language of the bill, representatives of the ski industry have told me that its members would willingly bear the cost of fabrication and placement of these signs.

Thank you for your attention to this matter this afternoon and I urge you to give this bill your every consideration for passage.

Senator,

Here is a statement you may use for the ski area sign bill if you wish

- Bruce Barker

Speakers

SENATE TRANSPORTATION COMMITTEE

Date 2/19/03 Time 3:00 p.m. Public Hearing on **Bill SB 173**

relative to certain historical and recreational facilities.

Please check box(es) that apply.

SPEAKING	FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
☑	☑	☐	Carl Johnson	Sen. Dist 2
☑	☑	☐	Bruce Berke	SKI NH
☒	☒	☐	Bill Flanders	SEA DS 7
☐	☑	☐	Eric Webster	Rep. NH
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Voting Sheets

Senate Transportation Committee

EXECUTIVE SESSION

Bill # 173

Hearing date: 3/5/03 **Room:** LOB 104

Motion of: OTP w/A law to be done

Made by Senator:			***Seconded by Senator:***		
	Kenney	☐		Kenney	☐
	Morse	☐		Morse	☑
	Below	☐		Below	☐
	Flanders	☑		Flanders	☐
	Martel	☐		Martel	☑

5-0

Committee Member	***Present***	***Vote***	***Reported out by***
Senator Kenney, Chairman	☑		S. Morse
Senator Morse, Vice Chair	☑		
Senator Below	☑		
Senator Flanders	☑		
Senator Martel	☑		

***Amendments:**

NOTES:

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date:

THE COMMITTEE ON Transportation

to which was referred Senate Bill 173

AN ACT relative to certain historical and recreational facilities.

VOTE: 5-0

2003-0573S

Having considered the same, report the same with the following amendment and recommend that the bill: **AS AMENDED OUGHT TO PASS.**

Senator Joseph D. Kenney
For the Committee

SB173 Docket

Next|Prev|Results List|Main|Bill Status

Bill Title: relative to certain historical and recreational facilities.

Date	Body	Description
1/30/2003	**S**	Introduced and Ref. to Transportation; SJ 3, Pg.39
2/7/2003	**S**	Hearing; February 19, 2003, Room 104, LOB, 3:00 p.m.; SC9
3/7/2003	**S**	Committee Report; Ought to Pass with Amendment{0592}, [03/13/03]; SC13, Pg.19
3/13/2003	**S**	Committee Amendment{0592}, AA, VV; SJ 8, Pg.96
3/13/2003	**S**	Sen. Johnson Floor Amendment{0640}, AA, VV; SJ 8, Pg.96
3/13/2003	**S**	Ought to Pass with Amendments{0592},{0640}, MA, VV; OT3rdg; SJ 8, Pg.96
3/13/2003	**S**	Passed by 3rd Reading Resolution; SJ 8, Pg.102
3/13/2003	**H**	Introduced and ref to Public Works; HJ24, p630
3/26/2003	**H**	Hearing Apr 8 1:15 RM201,LOB
4/23/2003	**H**	Maj Report OTP for May 8 (Vote 13-0;CC)
5/8/2003	**H**	Passed; HJ 40, p1280-1281 + 1290
5/15/2003	**S**	Enrolled; SJ 16, Pg.394
5/15/2003	**H**	Enrolled; HJ 45, p1435
5/27/2003	**S**	Signed by the Governor on 5/27/2003 Eff- 7/26/2003 Chap 0067

Next|Prev|Results List|Main|Bill Status

Docket Abbreviations