

WVPA Revenue Generation Policy (RGP)

September 2018

I. Introduction

- A. The West Virginia Turnpike (Turnpike) is a multi-lane toll highway, 88 miles in length, between Princeton and Charleston, West Virginia. It is signed as Interstate 77 for the entire length, and Interstate 64 runs concurrently from Charleston to south of Beckley.

- B. The West Virginia Parkways Authority (WVPA) is responsible for the maintenance and upkeep of the Turnpike and the collection of tolls to meet that core mission and debt service of bonds. The WVPA is a state agency operating as a separate unit of the West Virginia Department of Transportation (WVDOT).

- C. The WVPA has developed a Sponsorship Program (SP) to maximize the revenue-generating capacity of its Assets to enhance the services and facilities it is able to offer to both residents and visiting travelers. All funds generated through the SP will be dedicated to highway maintenance, upkeep and improvements.

- D. The WV Division of Highways (WVDOH) functions as the liaison with the Federal Highway Administration (FHWA) and in a supervisory role W.Va. Code §17-16A-1, et seq.) to ensure that:
 - 1. The Request for Proposals (RFP) soliciting corporate sponsor proposals, the selection process and all resulting sponsor agreements comply with the WV Department of Administration and WVPA regulations for vendor selection.

 - 2. The guidelines established by the FHWA governing public highway sponsorships are met in the sponsorship agreements and implementation of the program. This includes, but is not limited to, FHWA Order 5160.1A (Exhibit A), with specific reference to Section 5, Title 23, U.S.C. 111 regarding Rest Areas, as defined In Section 11, Article B. of this Policy.

- E. Federal Highway
FHWA Order 5160.1A (Exhibit A), Section 5, Title 23, U.S.C. 111 regarding Rest Areas (Exhibit B).

II. Definitions

“Acknowledgment” means signage or other recognition of a sponsor, limited to the sponsor’s name or logo.

Acknowledgment Plaques are intended only to inform the traveling public that a highway-related service, product or monetary contribution has been sponsored by a person, firm or entity. Acknowledgment plaques are installed only in the same sign assembly below a primary sign that provides the road user specific information on accessing the service being sponsored. Consistent with the MUTCD, a plaque legend is displayed on a separate substrate from that of the sign below which it is mounted.

Acknowledgment Signs are intended only to inform the traveling public that a highway-related service, product or monetary contribution has been sponsored by a person, firm, or entity. Acknowledgment Signs are installed only as independent sign assemblies.

“Advertisements/Advertising Signs” means any visual communication from a sponsor that directs the public’s attention to a particular product, service, program or call to action. This applies to signs or other devices that promote commercial products or services through slogans or information on where to obtain the products and services. Advertising Signs may only be placed in accordance with Section 5, 23 U.S.C 111.

“Advertiser” refers to any individual, firm, association, organization, partnership, business trust, corporation, or company that receives the benefits of Sponsor Acknowledgements upon execution of a sponsorship agreement for purposes of advertising in a rest area only.

“Authorized Representative” means RFP respondent who doesn’t seek to become a Sponsor but acts as an agent on behalf of prospective Sponsor(s).

“In-Kind Contribution” means a contribution other than cash or real property that would serve a useful purpose for WVPA operations or the provision of services. Examples of in-kind contributions include, but are not limited to equipment, materials or business services.

“RFP” means a Request for Proposals, an open and competitive formal proposal process to provide the opportunity for eligible participants to express their interest to participate in the WVPA SP.

“RFP Respondent” refers to any individual, firm, association, organization, partnership, business trust, corporation, or company that represents prospective Sponsor(s) and who may respond to the RFP on behalf of one or more clients.

“Sponsor” refers to any individual, firm, association, organization, partnership, business trust, corporation, or company that receives the benefits of Sponsor Acknowledgements upon execution of a sponsorship agreement.

“Sponsorship” means a mutually beneficial business arrangement whereby the sponsor provides financial support, in-kind contributions, or other accepted resources to benefit a WVPA Asset or service or to assist the WVPA in raising revenue for operating or capital needs in return for a benefit, which can include sponsorship recognition as defined in this Policy. Sponsorship may allow a sponsor a limited right to associate the sponsor’s name, products or services with the WVPA asset, service or program.

“Sponsorship Agreement” is a written contractual relationship between the WVPA and a sponsor or authorized representative, for a specified term. This agreement clearly indicates the contribution, the contribution value, and the obligations of the parties. The Sponsorship Agreement must clearly identify the WVPA asset or assets being made available and all obligations of the parties. All Sponsorship Agreements are subject to the provisions of this policy and the approval of the WVPA, WVDOH and the FHWA.

“Sponsorship Eligible WVPA Asset” means any item of marketable value in accordance with WVPA. The marketing value may be in the form of Acknowledgment Plaques or Signs as defined in this policy for assets visible to the traveling public. The marketing value could be in the form of Advertising as defined in this policy for the inside of facilities, such as Rest Areas and Travel Plazas, vehicles, programs, services, purchases or other assets that may be defined in the RFP and in compliance with FHWA Order 5160.1A.

“WVPA Assets” means any item of marketable value owned by the WVPA

III. Responsibilities

A. Parkways Authority

1. Develop RFPs for eligible WVPA assets.
2. Evaluate proposals.
3. Enter into sponsorship agreements.
4. Overall administration and monitoring to assure compliance with policy.
5. Determine which eligible assets will be offered for sponsorship.

6. Maintaining an active file of all Sponsorship Agreements and action-related communications with WVPA personnel, sponsors and media.

B. Sponsor

1. Provide financial support, in-kind contributions, or other accepted resources to benefit WVPA asset or service.
2. Act in good faith in accordance with provisions of any executed sponsorship agreement.
3. Assist the WVPA in raising revenue.

C. Division of Highways

1. Approve standard forms and agreements.
2. Act as the liaison with FHWA for responsibilities denoted under Section III.D.
3. Review of WVPA's proposed eligible asset list to determine compliance with federal eligibility requirements with respect to sponsorship or advertising.

D. Federal Highways Administration

1. Review State policy on sponsorship acknowledgment in the highway right-of-way for consistency with (1) its directive and (2) the Manual on Uniform Traffic Control Devices (MUTCD) and approve if consistent.
2. Review State sponsorship agreements for acknowledgement on Interstate highways for consistency with (1) its directive and (2) the MUTCD and approve if consistent.
3. Perform periodic review or risk-based assessment of State policy and agreements on sponsorship acknowledgement in the highway right-of-way.

IV. Policies, Procedures, and Limitations

A. General

1. This Policy is not applicable to gifts, grants, or unsolicited donations for which there are no benefits granted to the donor and where no business relationship exists pursuant to a Sponsorship Agreement as defined herein.
2. This Policy is not applicable to the naming of WVPA facilities outside of a Sponsorship Agreement as defined herein. Specifically, the roadway itself is not available as an asset for naming purposes.
3. No Sponsorship Agreement shall impair or diminish the authority of the WVPA and the WVDOH and their responsibilities with respect to any facility or service that is the subject of said agreement.
4. This Policy shall be incorporated into any new Sponsorship Agreement entered into between the WVPA and any other party, including any party selected pursuant to the RFP process as further defined herein.
5. This Policy shall be effective immediately upon the required approval of the FHWA and the WVDOH.
6. Not all eligible facilities, services, or programs will be included in the RGP Program. It will be left to the discretion of the WVPA Board, with input from the General Manager as to whether a specific facility, service, or program will be included in the SP.
7. Sponsorship fabrication details prior to the installation of any sponsorship acknowledgment sign or plaque associated with this program will be the responsibility of the Traffic Engineering Division of the WVDOH and the WVPA, who will be performing any and all installations of such acknowledgments.
8. This Program shall comply with: a) W.Va. Code §5-11-1 et seq., b) all laws enforced by the United States Equal Employment Opportunity Commission, and including but without limitation c) any and all federal or state laws, rules, regulations, orders, polices, guidelines, and practices on non-discrimination and equal employment opportunity.

B. Advertising

This policy shall be applied and interpreted consistent with all applicable federal, state and local laws, including but not limited to FHWA Order 5160.1A

(<https://www.fhwa.dot.gov/legsregs/directives/orders/51601a.cfm>) in its entirety. Specific attention is drawn to Title 23, U.S.C. 111 regarding Limited Activities at Rest Areas and, as applicable for this Policy, the three Turnpike Travel Plazas.

Limited Activities – This Policy shall permit limited commercial activities within a rest area if the activities are available only to customers using the rest area and are limited to:

1. Commercial advertising and media displays, if such advertising and displays are:
 - a. Exhibited solely within any facility constructed in the rest area;
 - b. Not legible from the main traveled way.
2. Items designed to promote tourism in the state, limited to books, DVD's and other media.
3. Tickets for events or attractions in the State of a historical or tourism-related nature.
4. Travel-related information, including maps, travel booklets, hotel coupon books and Courtesy Patrol contact numbers.

A Sponsor will be recognized only upon successful execution of a Sponsorship Agreement. The WVPA's recognition of any Sponsor is provided to indicate the choice to accept funding or other financial support from the Sponsor and to convey its appreciation for the Sponsor's support of the WVPA operating and capital expenditures, such as facilities, services, programs or activities. Pursuant to this Policy, the following will apply to all Sponsor recognition:

1. Sponsorships accepted will be recognized with acknowledgement or advertising (where permissible) opportunities commensurate with the relative value of the sponsorship to the WVPA. The WVPA will determine on a case-by-case basis what sponsorship recognition is appropriate for a particular opportunity.
2. The WVPA retains all editorial control of and details regarding sponsor recognition, including the placement, size and/or display of the sponsor's name or other identifying symbol (such as a logo) on promotional materials or other WVPA assets. WVPA will have final approval overall design/content in accordance with all applicable law, rules, orders, and policies.
3. All agreed-upon Sponsor recognition will be set forth in the applicable Sponsorship Agreement and approved by the FHWA.

4. All forms of sponsorship recognition shall be removed upon termination of the Sponsorship Agreement. Sponsors shall remove any and all sponsorship recognition within 30 days of agreement termination, but the WVPA will remove all Acknowledgement signing or plaques. All Sponsorship Agreements shall include the terms in this paragraph and specify the party responsible for the cost of removal.

5. It is the intent of the WVPA that the designated marketing assets made available through the SP are not for the purpose of creating a public forum and not intended for the dissemination, debate or discussion of public issues whatsoever. The limitations of this policy allow the WVPA to avoid non-commercial proselytizing of a captive audience, maintain a neutral position on political and religious issues, limit the likelihood of vandalism or destruction of WVPA property and prevent potential violation of election campaign or other laws.

6. The WVPA shall be the sole arbiter of what shall be allowed with regard to this Policy if any disputes should arise between the WVPA and the Sponsor.

C. Sponsorship Limitations

For the reasons set forth in this policy, the following limitations apply:

1. Promoting, advocating, or in any way endorsing illegal activities.
2. Political speech, including but not limited to recognition of political candidates, organizations, causes or ballot issues.
3. Anything that could be interpreted to be inciteful and could impact the safety of the traveling public.
4. Acknowledgments or advertising regarding religious or philosophical beliefs, or that violate federal, state or local laws.
5. Anything that is false, misleading, defamatory, deceptive, or obscene.
6. Anything that infringes on any copyright, patent, trade or service mark, title or slogan.
7. Anything that duplicates or mimics the identity or programs of the WVPA (without WVPA approval).

8. Anything relating to the following categories of products and/or companies whose business is substantially derived from the sale or manufacture of alcohol, tobacco, firearms, weapons and/or sexually-oriented businesses. For purposes of this Policy, a “sexually-oriented business”, includes but is not limited to, adult books, novelty or video stores; adult cabaret, night or gentlemen’s clubs; strip bars; adult motels or hotels; escort agencies; massage parlors; or nude model studios.
9. Messages or symbols that could be interpreted as a traffic control device, or words such as “Stop”, “Danger” or “Warning”.
10. Anything that is profane, vulgar, abusive and/or otherwise presents a threat to public safety.
11. Material that contains websites, telephone numbers, or other information that directs a viewer to a specific call to action or access to sponsor materials or information unless specifically permitted elsewhere in this policy.
12. Anything that would result in the affected WVPA Asset becoming a platform for the dissemination, debate or discussion of public issues.
13. Anything that contains moving or animated parts, or intermittent lighting effects.
14. The WVPA does not endorse any product or service of a sponsor and may require a sponsor to include a disclaimer stating such.
15. Sponsorship recognition may identify the sponsor, but the WVPA will not endorse any product or service of a sponsor.
16. The foregoing Sponsorship Limitations are illustrative and not exhaustive, as every possible idea inconsistent with the WVPA’s mission cannot be foreseen. Furthermore, the presence of each should be construed independently, and if one is deemed unenforceable by law, then it shall not diminish or affect the enforceability of any other.

V. Appendix:

1. FHWA Order, Policy on Sponsorship Acknowledgment and Agreements within the Highway Right-of-Way
2. 23CFR111 (2017)



U.S. DEPARTMENT OF
TRANSPORTATION

**Federal Highway
Administration**

Order

Subject

Policy on Sponsorship Acknowledgment and
Agreements within the Highway Right-of-Way

Classification Code
5160.1A

Date
April 7, 2014

OPI
HOP

Par.

1. What is the purpose of this directive?
2. Does this directive cancel an existing FHWA directive?
3. What is the background of this directive?
4. What is the scope of this directive?
5. What authorities govern this directive?
6. What definitions are used in this directive?
7. What is FHWA's policy concerning sponsorship acknowledgment and agreements?
8. What are FHWA's responsibilities?
9. Where can I obtain additional guidance?

1. **What is the purpose of this directive?** Sponsorship opportunities benefit the traveling public with an improved transportation system by providing flexibility for highway agencies to pursue innovative sources of financing for maintenance and construction activities and other highway-related services. With this additional revenue, these agencies have the means to provide services critical to enhancing the safety and efficiency of the Nation's highways.

This directive provides the Federal Highway Administration's (FHWA) policy on sponsorship acknowledgment and sponsorship agreements within the highway right-of-way. This directive further serves to streamline and emphasize information pertaining to the acknowledgment of sponsorships by consolidating information previously issued. This directive addresses the provisions of recent legislation regarding sponsorship of rest areas and further clarifies applications of sponsorship acknowledgment as they relate to existing standards.

2. **Does this directive cancel an existing FHWA directive?** Yes. This directive cancels FHWA Order 5160.1, [Policy on Sponsorship Acknowledgment and Agreements within the Public Right-of-Way](#), dated March 13, 2012.

- 3. What is the background of this directive?**
- a. State and local highway agencies and private sponsors have raised a number of questions with respect to FHWA's guidance on sponsorship agreements and how a sponsor can be acknowledged for the service provided under a sponsorship agreement.
 - b. Sponsorship programs are growing in popularity and are becoming a significant opportunity for highway agencies to generate critical support needed to build, operate, and maintain key facilities and services, including, but not limited to, adopt-a-highway litter removal programs, maintenance of a parkway or interchange, rest area operation and maintenance, other highway maintenance or beautification sponsorship programs, travel information services, and emergency service patrols. One of the most common ways for highway agencies to recognize the support provided by sponsors is through acknowledgment signs. However, there are a number of other options to recognize sponsors, including acknowledgment on in-vehicle transponders, service patrol vehicles, maintenance vehicles, outreach and educational materials, and Internet Web sites, as well as within telephone messages such as those of 511 systems. The FHWA continues to encourage agencies to make use of these other opportunities for sponsor recognition or acknowledgment whenever possible and appropriate so that the number of additional signs and informational load imposed on the driver can be minimized.
- 4. What is the scope of this directive?** The provisions of this directive apply to all types of highways that are open to public travel.
- 5. What authorities govern this directive?**
- a. [Title 23, United States Code \(U.S.C.\), Section 109\(d\)](#), Standards for Federal-Aid Highways.
 - b. [23 U.S.C. 111\(b\)](#), Rest Areas.
 - c. [23 U.S.C. 131](#), Control of Outdoor Advertising.
 - d. [23 U.S.C. 156](#), Proceeds from the Sale or Lease of Real Property.
 - e. [23 U.S.C. 402](#), Highway Safety Programs.
 - f. [Title 23, Code of Federal Regulations \(CFR\), Section 1.23\(b\)](#), Rights-of-way.
 - g. [23 CFR Part 655, Subpart F](#), Traffic Control Devices on Federal-Aid and Other Streets and Highways.

- h. [Manual on Uniform Traffic Control Devices for Streets and Highways \(MUTCD\)](#), published by FHWA under 23 CFR Part 655, Subpart F.
- i. [23 CFR 655.603](#), Standards for Traffic Control Devices on Federal-Aid and Other Streets and Highways.
- j. [23 CFR Part 750](#), Highway Beautification (for controlled routes).
- k. [49 CFR 1.48\(b\)](#), Delegations to Federal Highway Administrator.

6. **What definitions are used in this directive?**

- a. **Acknowledgment plaques.** Plaques that are intended only to inform the traveling public that a highway-related service, product, or monetary contribution has been sponsored by a person, firm, or entity. Acknowledgment plaques are installed only in the same sign assembly below a primary sign that provides the road user specific information on accessing the service being sponsored. Consistent with the MUTCD, a plaque legend is displayed on a separate substrate from that of the sign below which it is mounted.
- b. **Acknowledgment signs.** Signs that are intended only to inform the traveling public that a highway-related service, product, or monetary contribution has been sponsored by a person, firm, or entity. Acknowledgment signs are installed only as independent sign assemblies.
- c. **Advertisements/advertising signs.** Signs or other devices that promote commercial products or services through slogans, information on where to obtain the products and services, or other means.
- d. **Driver distraction.** Driver inattention to the driving task at hand, resulting from internal or external events or actions.
- e. **Highway.** Any street or roadway that is open to public travel.
- f. **Highway agency.** An agency that owns the highway on which signs are to be placed and to which the sponsorship policy and agreements apply.
- g. **Highway right-of-way.** A strip of property, owned by a highway agency, within which a highway (as defined above) exists or is planned to be built. The highway right-of-way consists of all lands within the defined highway right-of-way limits, including airspace above and below the facility. This area typically includes, but is not limited to, the roadway(s), shoulders, and sidewalk(s), if any; areas

for drainage, utilities, landscaping, berms, and fencing; rest areas; and the defined clear zone.

- h. **Recipient agency.** An organization that directly receives the highway-related service, product, or monetary contribution from the sponsor entity. The recipient might be the highway agency, or a contractor engaged by the highway agency to administer the highway-related service.
- i. **Sponsorship agreement.** An agreement between a recipient agency and a sponsoring organization to be acknowledged for the provision of a highway-related service, product, or monetary contribution.
- j. **Sponsorship program.** A program that allows a person, a firm, or an entity to sponsor an element of a highway agency's highway operation through the provision of highway-related services, products, or monetary contributions.

7. What is FHWA's policy concerning sponsorship acknowledgment and agreements?

a. General principles.

- (1) It is FHWA's policy to allow the use of signs to acknowledge the provision of highway-related services under both corporate and volunteer sponsorship programs. It is essential that good, basic engineering practices be followed, such as simplifying sign message content, using reasonable sign sizes as specified in the provisions of the MUTCD and this directive, and minimizing driver distraction.
- (2) The FHWA recognizes a distinction between signing intended as advertising and signing intended as a sponsorship acknowledgment. Advertising generally has little, if any, relationship to a highway service provided. Instead, the advertiser seeks to get its recognizable message, company emblem, or logo before the public, and if possible, information on how or where to obtain the company's products or services. In most cases, if the sign goes beyond recognizing the company's contribution to a particular highway service or includes telephone numbers, Internet addresses, or directional information, the sign is more properly classified as an advertising sign and not as an acknowledgment sign.

- (3) The use of highway right-of-way for advertising purposes is not allowed, except as provided in [23 U.S.C. 111\(b\)](#), Rest Areas.
- (a) When advertising within the highway right-of-way is identified, the FHWA Division Administrator should take timely notice and develop a plan for corrective action to bring the State into compliance with the CFR.
 - (b) This policy position is consistent with the principles and intent of several laws and regulations including 23 CFR 1.23(b), 23 U.S.C. 109(d), 23 U.S.C. 111(b), 23 U.S.C. 131, and 23 CFR Part 750. Furthermore, Paragraph 3 in Section 1A.01 in the MUTCD states, "Traffic control devices or their supports shall not bear any advertising message or any other message that is not related to traffic control."
 - (c) These laws and regulations are based on safety and operational concerns, particularly as related to driver distraction. Highway signs and other traffic control devices convey crucial information. In order for road users to perceive and respond appropriately to critical information, the conspicuity of highway signs and other traffic control devices must be preserved so that the safe and orderly movement of traffic is not compromised.

b. Sponsorship policies and agreements.

- (1) In order to be eligible for acknowledgment within the highway right-of-way, sponsorship policies and agreements should follow these principles:
- (a) Sponsorship agreements can allow sponsors to provide products, services, or monetary contributions.
 - (b) Sponsorship agreements may be of any duration. However, these agreements should:
 - 1 be economically viable and provide a net benefit to the public, and
 - 2 include provisions for maintenance and removal of physical elements of the sponsorship acknowledgment after the agreement expires or the sponsor withdraws.

- (c) **Agreements can be applicable to a highway site, a highway corridor, or a specific highway operation. If a sponsor is making a monetary contribution, the recipient agency needs to identify specific highway sites, corridors, or operations supported by the monetary contribution in the sponsorship agreement.**
 - (d) **If Federal-aid funds were used within the corridor or facility for which sponsored services are being provided, then monetary contributions received as a part of sponsorship agreements shall be spent for highway purposes.**
 - (e) **All sponsorship agreements involving the Interstate highway system should be approved by the FHWA Division Administrator.**
- (2) **If a State, local, or other highway agency elects to have a sponsorship program, then the State department of transportation for that State should have a policy on sponsorship agreements that is applicable to all highways within that State. These policies are to:**
- (a) **be approved by the appropriate FHWA division office;**
 - (b) **include requirements that eligible sponsoring organizations must comply with State laws prohibiting discrimination based on race, religion, color, age, sex, national origin, and other applicable laws;**
 - (c) **include a termination clause for sponsorship agreements based on:**
 - 1 safety concerns,**
 - 2 interference with the free and safe flow of traffic, or**
 - 3 a determination that the sponsorship agreement or acknowledgment is not in the public interest;**
 - (d) **include types of sponsors and agreements that are acceptable, consistent with applicable State and Federal laws;**
 - (e) **establish a requirement for facilities on which Federal-aid funds have been used, that the sponsorship money be used only for highway purposes; and**

- (f) establish a recommendation for facilities on which Federal-aid funds have not been used, that the sponsorship money be used only for highway purposes.
 - (3) FHWA review and approval are only for the purpose of determining consistency with this directive and the MUTCD. States and local highway agencies are responsible and liable for ensuring their policies and agreements are consistent with State and Federal laws.
 - (4) The provisions of this directive apply to new and revised agreements and are intended to promote a degree of national uniformity and consistency. Existing State agreements do not have to be changed.
- c. Acknowledgment signs and acknowledgment plaques.**
- (1) Highway agencies may acknowledge sponsors with acknowledgment signs or acknowledgment plaques. All acknowledgment signs shall meet the general principles and specific criteria prescribed in the MUTCD, including the provisions for acknowledgment signs in Section 2H.08. Furthermore, these acknowledgment signs shall not be placed at key decision points where a driver's attention is more appropriately focused on traffic control devices, roadway geometry, or traffic conditions.
 - (2) Acknowledgment signs and acknowledgment plaques:
 - (a) must meet all design and placement criteria for acknowledgment signs as covered in Part 2 of the [MUTCD](#) and all sign design principles covered in the [Standard Highway Signs and Markings Book](#);
 - (b) when located on a bikeway or shared-use path, should also be appropriately sized commensurate with the legibility needs of the bikeway or path user;
 - (c) must be placed near the site(s) being sponsored, consistent with the purpose and principles of traffic control devices in Parts 1 and 2 of the MUTCD;
 - (d) must be placed at least 1 mile apart from each other if facing in the same direction and associated with the same element of the highway agency's highway operation, such as litter pickup, consistent with the

purpose and principles of traffic control devices in Parts 1 and 2 of the MUTCD;

- (e) must not display any directional information, in accordance with Section 2H.08 of the MUTCD;**
 - (f) must not display telephone numbers, Internet addresses, or other legends prohibited by the MUTCD (consistent with Section 2H.08 of the MUTCD) for the purpose of contacting the sponsoring entity or to obtain information on the sponsorship program, such as how to become a sponsor at an available site; and**
 - (g) should remain in place only for the duration of the agreement.**
- (3) For sponsorship of rest areas, one acknowledgment sign for each direction of travel may be installed on the highway mainline. Additional acknowledgment signs may be placed within the rest area, provided that these sign legends are not visible to highway mainline traffic and do not pose safety risks to rest area users. In accordance with the provisions of the MUTCD, the acknowledgment signs must not be appended to any other sign, sign assembly, or other traffic control device. In accordance with Section 2H.08 of the MUTCD, rest area acknowledgment signs on the highway mainline should not be located within 500 feet of other traffic control devices.**
- (4) For sponsorship of travel service programs that are not site-specific, such as 511 Traveler Information, Radio-Weather, Radio-Traffic, and Emergency Service Patrol, an acknowledgment plaque may be mounted in the same sign assembly below the General Service signs for these programs. The acknowledgment plaque is a horizontally oriented rectangle, with the horizontal dimension longer than the vertical dimension. The size of the acknowledgment plaque must not exceed the lesser of 1/3 of the area of the General Service sign below which it is mounted or 24 square feet. An acknowledgment plaque must not exceed 1/3 of the area of the largest size prescribed in the MUTCD for a specified standard sign below which the acknowledgment plaque is mounted, even where the standard sign is enlarged in accordance with Sections 2A.11 and 2I.01 of the MUTCD or where the size of a standard sign used is designated as Oversized in the MUTCD for its application. Where the legend of a standard sign is modified based on a State MUTCD, State Supplement, or equivalent, and results in a**

sign size larger than that of the standard sign in the National MUTCD, the size of the corresponding acknowledgment plaque is governed by the size of the standard sign in the National MUTCD with the standard, unmodified legend.

- (5) The provision of highway-related services, products, or monetary contributions that occurs through naming sponsorship (sometimes referred to as “naming rights”) of officially mapped named or numbered highways is, by definition, sponsorship. Consistent with Section 2H.08 of the MUTCD, an unofficial overlay or secondary designation in the name of a sponsor on the official highway name or number through proclamation, contract, agreement, or other means, may be acknowledged within the highway right-of-way only with an acknowledgment sign. An acknowledgment sign must not display a legend that states, either explicitly or by implication, that the highway is named for the sponsor.
- (6) In accordance with Section 2H.08 of the MUTCD, in order to maintain the recognition value of official devices used for traffic control, acknowledgment signs and acknowledgment plaques shall only take the form of static, non-changeable, non-electronic legends.
- (7) Except as provided for acknowledgment plaques in Paragraph 7.c.(4) of this directive, acknowledgment sign and acknowledgment plaque messages shall not be interspersed, combined, or alternated with other official traffic control messages, either in the same display space, by adjacency in the same assembly, or by adjacency of multiple assemblies whose longitudinal separation does not meet the placement criteria contained in the MUTCD, including when placed on opposite sides of the roadway facing the same direction of travel.
- (8) Consistent with the provisions of Section 2H.08 of the MUTCD, due to the limit on their maximum overall size, acknowledgment signs and acknowledgment plaques shall not be overhead installations. Only roadside, post-mounted installations of acknowledgment signs and acknowledgment plaques are allowed.
- (9) In order that the focus remains on the service provided rather than the sponsoring entity, the sponsor logo area on an acknowledgment sign or acknowledgment plaque shall be a horizontally oriented rectangle, consistent with the MUTCD provisions on business logos in Chapter 2J of the MUTCD.

The width of this rectangle shall be at least 1.67 times its height, the total area of which shall not exceed the maximum referenced or specified elsewhere in this directive and in the MUTCD. The word legend describing the activity, such as "SPONSORED BY," shall be composed of upper-case lettering of the FHWA Standard Alphabets at least 3 inches high on conventional roads and at least 4 inches high on expressways and freeways.

- (10) When a graphic logo is used to represent the sponsor (instead of a word legend using the FHWA Standard Alphabets), the logo shall be the principal trademarked official logo that represents the corporate name of the sponsor. Secondary logos or representations—even if trademarked, copyrighted, or otherwise protected—are classified as promotional advertising and shall not be allowed in accordance with Section 1A.01 of the MUTCD.
- (11) An alternative business name whose sole or primary purpose appears to be to circumvent the provisions of the MUTCD is classified as promotional advertising rather than an acknowledgment of a sponsoring entity of a highway-related service. In accordance with Section 1A.01 of the MUTCD, promotional advertising shall not be allowed on any traffic control device or its supports.
- (12) Acknowledgment signs or acknowledgment plaques that include displays mimicking advertising shall not be allowed. The determination of whether a sign mimics or constitutes advertising lies with the FHWA. In accordance with Section 2H.08 of the MUTCD, a brief jurisdiction-wide slogan may be displayed on an acknowledgment sign. The slogan displayed is that of the program name, such as "ADOPT-A-HIGHWAY." Slogans for companion, supplementary, or other programs unrelated to the service being sponsored shall not be displayed on any acknowledgment sign or acknowledgment plaque.
- (13) The provisions of this directive apply to new and modified installations and are intended to promote a degree of national uniformity and consistency. Existing acknowledgment signs already installed do not have to be changed except when they are no longer serviceable or when a modification of the sponsor name or logo on the existing acknowledgment sign occurs for any reason.

d. Policy conclusion.

- (1) If a proposed sponsorship agreement cannot meet the above criteria, acknowledgment signs or acknowledgment plaques should not be considered; however, the other forms of acknowledgment (such as acknowledgment on transponders, service patrol vehicles, maintenance vehicles, outreach and educational materials, and Internet Web sites, as well as within telephone messages such as those of 511 systems) may still be considered. Safe and orderly movement of traffic must not be compromised with the use of these acknowledgment signs or acknowledgment plaques. Safety is, in fact, the overriding issue when there is any doubt as to whether an acknowledgment sign or acknowledgment plaque is appropriate.
- (2) The nature of highway financing is evolving, and private sector investment promises to be a significant source of revenue. Sponsorship programs are being used or considered by many States to meet current and future highway construction and maintenance needs. The FHWA will continue to work with highway agencies to assure that these programs are administered in a safe and effective manner.

8. What are FHWA's responsibilities?

a. FHWA Federal-aid Division Offices

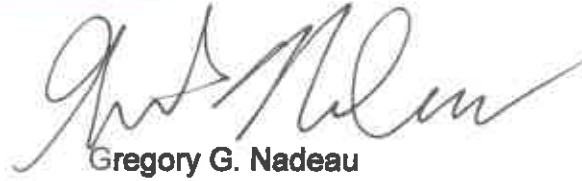
- (1) Inform public agencies of this directive.
- (2) Review State policy on sponsorship acknowledgment in the highway right-of-way for consistency with this directive and the MUTCD, and approve if consistent.
- (3) Review State sponsorship agreements for acknowledgment on Interstate highways for consistency with this directive and the MUTCD, and approve if consistent.
- (4) Perform periodic review or risk-based assessment of State policy and agreements on sponsorship acknowledgment in the highway right-of-way.

b. FHWA Office of Operations

- (1) Provide guidance and technical assistance to division offices on issues related to sponsorship acknowledgment in the highway right-of-way.

- (2) Notify division offices of updates or changes to or interpretations of this policy and/or the provisions of the MUTCD related to acknowledgment signs.

9. **Where can I obtain additional guidance?** [Frequently-asked questions](#) have been developed to provide further detail about the provisions of this policy. For more information or additional guidance on the provisions of the MUTCD and sponsorship acknowledgment with the highway right-of-way, contact [FHWA's MUTCD Team Leader](#).



Gregory G. Nadeau
Deputy Administrator

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

§ 111. Agreements relating to use of and access to rights-of-way—Interstate System

(a) **IN GENERAL.**—All agreements between the Secretary and the State transportation department for the construction of projects on the Interstate System shall contain a clause providing that the State will not add any points of access to, or exit from, the project in addition to those approved by the Secretary in the plans for such project, without the prior approval of the Secretary. Such agreements shall also contain a clause providing that the State will not permit automotive service stations or other commercial establishments for serving motor vehicle users to be constructed or located on the rights-of-way of the Interstate System and will not change the boundary of any right-of-way on the Interstate System to accommodate construction of, or afford access to, an automotive service station or other commercial establishment. Such agreements may, however, authorize a State or political subdivision thereof to use or permit the use of the airspace above and below the established grade line of the highway pavement for such purposes as will not impair the full use and safety of the highway, as will not require or permit vehicular access to such space directly from such established grade line of the highway, or otherwise interfere in any way with the free flow of traffic on the Interstate System. Nothing in this section, or in any agreement entered into under this section, shall require the discontinuance, obstruction, or removal of any establishment for serving motor vehicle users on any highway which has been, or is hereafter, designated as a highway or route on the Interstate System (1) if such establishment (A) was in existence before January 1, 1960, (B) is owned by a State, and (C) is operated through concessionaries or otherwise, and (2) if all access to, and exits from, such establishment conform to the standards established for such a highway under this title.

(b) **REST AREAS.**—

(1) **IN GENERAL.**—Notwithstanding subsection (a), the Secretary shall permit a State to acquire, construct, operate, and maintain a rest area, along a highway on the Interstate System in such State.

(2) **LIMITED ACTIVITIES.**—The Secretary shall permit limited commercial activities within a rest area under paragraph (1), if the activities are available only to customers using the rest area and are limited to—

(A) commercial advertising and media displays if such advertising and displays are—

(i) exhibited solely within any facility constructed in the rest area; and

(ii) not legible from the main traveled way;

(B) items designed to promote tourism in the State, limited to books, DVDs, and other media;

(C) tickets for events or attractions in the State of a historical or tourism-related nature;

(D) travel-related information, including maps, travel booklets, and hotel coupon booklets; and

(E) lottery machines, provided that the priority afforded to blind vendors under subsection (c) applies to this subparagraph.

(3) **PRIVATE OPERATORS.**—A State may permit a private party to operate such commercial activities.

(4) **LIMITATION ON USE OF REVENUES.**—A State shall use any revenues received from the commercial activities in a rest area under this section to cover the costs of acquiring, constructing, operating, and maintaining rest areas in the State.

(c) **VENDING MACHINES.**—Notwithstanding subsection (a), any State may permit the placement of vending machines in rest and recreation areas, and in safety rest areas, constructed or located on rights-of-way of the Interstate System in such State. Such vending machines may only dispense such food, drink, and other articles as the State transportation department determines are appropriate and desirable. Such vending machines may only be operated by the State. In permitting the placement of vending machines, the State shall give priority to vending machines which are operated through the State licensing agency designated pursuant to section 2(a)(5) of the Act of June 20, 1936, commonly known as the "Randolph-Sheppard Act" (20 U.S.C. 107a(a)(5)). The costs of installation, operation, and maintenance of vending machines shall not be eligible for Federal assistance under this title.

(d) **MOTORIST CALL BOXES.**—

(1) **IN GENERAL.**—Notwithstanding subsection (a), a State may permit the placement of motorist call boxes on rights-of-way of the National Highway System. Such motorist call boxes may include the identification and sponsorship logos of such call boxes.

(2) **SPONSORSHIP LOGOS.**—

(A) **APPROVAL BY STATE AND LOCAL AGENCIES.**—All call box installations displaying sponsorship logos under this subsection shall be approved by the highway agencies having jurisdiction of the highway on which they are located.

(B) **SIZE ON BOX.**—A sponsorship logo may be placed on the call box in a dimension not to exceed the size of the call box or a total dimension in excess of 12 inches by 18 inches.

(C) **SIZE ON IDENTIFICATION SIGN.**—Sponsorship logos in a dimension not to exceed 12 inches by 30 inches may be displayed on a call box identification sign affixed to the call box post.

(D) **SPACING OF SIGNS.**—Sponsorship logos affixed to an identification sign on a call box post may be located on the rights-of-way at intervals not more frequently than 1 per every 5 miles.

(E) **DISTRIBUTION THROUGHOUT STATE.**—Within a State, at least 20 percent of the call boxes displaying sponsorship logos shall be located on highways outside of urbanized areas with a population greater than 50,000.

(3) **NONSAFETY HAZARDS.**—The call boxes and their location, posts, foundations, and mount-

ings shall be consistent with requirements of the Manual on Uniform Traffic Control Devices or any requirements deemed necessary by the Secretary to assure that the call boxes shall not be a safety hazard to motorists.

(e) **JUSTIFICATION REPORTS.**—If the Secretary requests or requires a justification report for a project that would add a point of access to, or exit from, the Interstate System (including new or modified freeway-to-crossroad interchanges inside a transportation management area), the Secretary may permit a State transportation department to approve the report.

(Pub. L. 85-787, Aug. 27, 1958, 72 Stat. 895; Pub. L. 87-61, title I, §104(a), June 29, 1961, 75 Stat. 122; Pub. L. 95-599, title I, §114, Nov. 6, 1978, 92 Stat. 2697; Pub. L. 100-17, title I, §110(a), Apr. 2, 1987, 101 Stat. 148; Pub. L. 104-59, title III, §306, Nov. 28, 1995, 109 Stat. 580; Pub. L. 105-178, title I, §1212(a)(2)(A)(i), June 9, 1998, 112 Stat. 193; Pub. L. 109-59, title I, §1412, Aug. 10, 2005, 119 Stat. 1234; Pub. L. 110-244, title I, §104, June 6, 2008, 122 Stat. 1578; Pub. L. 112-141, div. A, title I, §§1505, 1539(a), July 6, 2012, 126 Stat. 564, 587; Pub. L. 114-94, div. A, title I, §1405, Dec. 4, 2015, 129 Stat. 1410.)

AMENDMENTS

2015—Subsec. (e). Pub. L. 114-94 inserted “(including new or modified freeway-to-crossroad interchanges inside a transportation management area)” after “the Interstate System”.

2012—Subsec. (a). Pub. L. 112-141, §1539(a)(1), inserted “and will not change the boundary of any right-of-way on the Interstate System to accommodate construction of, or afford access to, an automotive service station or other commercial establishment” before period at end of second sentence.

Subsecs. (b) to (d). Pub. L. 112-141, §1539(a)(2), (3), added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

Subsec. (e). Pub. L. 112-141, §1505, added subsec. (e).
2008—Subsec. (d). Pub. L. 110-244 struck out subsec. (d) which related to idling reduction facilities in rights-of-way of Interstate System.

2005—Subsec. (d). Pub. L. 109-59 added subsec. (d).
1998—Subsecs. (a), (b). Pub. L. 105-178 substituted “State transportation department” for “State highway department”.

1995—Subsec. (c). Pub. L. 104-59 added subsec. (c).
1987—Pub. L. 100-17 designated existing provision as subsec. (a), inserted heading for subsec. (a), and added subsec. (b).

1978—Pub. L. 95-599 inserted provision listing situations which would not require the discontinuance, obstruction, or removal of any establishment for serving motor vehicle users.

1961—Pub. L. 87-61 substituted “to use or permit the use of the airspace above and below the established grade line of the highway pavement for such purposes as will not impair the full use and safety of the highway, as will not require or permit vehicular access to such space directly from such established grade line of the highway, or otherwise interfere” for “to use the airspace above and below the established grade line of the highway pavement for the parking of motor vehicles provided such use does not interfere”.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effect-

tive and Termination Dates of 2012 Amendment note under section 101 of this title.

INTERSTATE OASIS PROGRAM

Pub. L. 109-59, title I, §1310, Aug. 10, 2005, 119 Stat. 1219, provided that:

“(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this section [Aug. 10, 2005], in consultation with the States and other interested parties, the Secretary [of Transportation] shall—

- “(1) establish an interstate oasis program; and
- “(2) after providing an opportunity for public comment, develop standards for designating, as an interstate oasis, a facility that—

“(A) offers—

- “(i) products and services to the public;
- “(ii) 24-hour access to restrooms; and
- “(iii) parking for automobiles and heavy trucks;

and

“(B) meets other standards established by the Secretary.

“(b) **STANDARDS FOR DESIGNATION.**—The standards for designation under subsection (a) shall include standards relating to—

- “(1) the appearance of a facility; and
- “(2) the proximity of the facility to the Dwight D. Eisenhower National System of Interstate and Defense Highways.

“(c) **ELIGIBILITY FOR DESIGNATION.**—If a State (as defined in section 101(a) of title 23, United States Code) elects to participate in the interstate oasis program, any facility meeting the standards established by the Secretary [of Transportation] shall be eligible for designation under this section.

“(d) **LOGO.**—The Secretary [of Transportation] shall design a logo to be displayed by a facility designated under this section.”

VENDING MACHINES; PLACEMENT IN REST, RECREATION, AND SAFETY REST AREAS; STATE OPERATION OF MACHINES

Pub. L. 97-424, title I, §111, Jan. 6, 1983, 96 Stat. 2106, provided that notwithstanding section 111 of this title before Oct. 1, 1983, any State could permit placement of vending machines in rest and recreation areas and in safety rest areas constructed or located on rights-of-way of National System of Interstate and Defense Highways [now Dwight D. Eisenhower System of Interstate and Defense Highways] in such State. Such vending machines could only dispense such food, drink, and other articles as the State highway department determined were appropriate and desirable. Such vending machines could only be operated by the State. In permitting the placement of vending machines under this section, the State had to give priority to vending machines which were operated through the State licensing agency designated pursuant to section 2(a)(5) of the Act of June 20, 1936, known as the Randolph-Sheppard Act (20 U.S.C. 107a(a)(5)).

DEMONSTRATION PROJECT FOR VENDING MACHINES IN REST AND RECREATION AREAS

Pub. L. 95-599, title I, §153, Nov. 6, 1978, 92 Stat. 2716, authorized Secretary of Transportation to implement a demonstration project respecting placement of vending machines in rest and recreation areas and to report not later than two years after Nov. 6, 1978, on results of such project.

REVISION OF AGREEMENTS RELATING TO UTILIZATION OF SPACE ON RIGHTS-OF-WAY

Pub. L. 87-61, title I, §104(b), June 29, 1961, 75 Stat. 123, authorized Secretary of Commerce [now Transportation], on application, to revise any agreement made prior to June 29, 1961, to extent that such agreement relates to utilization of space on rights-of-way on National System of Interstate and Defense Highways [now Dwight D. Eisenhower System of Interstate and Defense Highways] to conform to section 111 of this title as amended by subsection (a).