



**DEPARTMENT OF TRANSPORTATION
POLICY/PROCEDURE**

Policy No. 931
Supersedes: 931 dated
1/10/14

Page 1 of 9

SUBJECT: Policy on Revenue Generation and Acknowledgment for Sponsorship Programs.	Effective Date: 12/08/14	Approval: Sponsor Approval: Andrew J. Tunnard Assistant Commissioner Operations Dennis Motiani Assistant Commissioner Transportation System Management Contact Telephone #: 609-530-2590
---	-----------------------------	---

I. PURPOSE

To establish a policy concerning the New Jersey Department of Transportation's sponsorship program that allows for private sponsorship of Department of Transportation ("Department") operational activities or other highway-related services or programs, in return for acknowledgment of that sponsorship. Sponsorship may include, but will not be limited to, rest areas, park and ride facilities, litter removal, maintenance and highway beautification, travel information, and safety or emergency service patrols.

This Policy serves as a guideline for governing sponsorship acknowledgment and revenue generation agreements or contracts related to transportation infrastructure and programs under the jurisdiction of the Department. This Policy is intended to supplement laws and regulations governing the Department and its operations.

This policy is not applicable to other programs in the Department that recognize or identify private entities through highway signage. These programs include, but are not limited to, Tourist Oriented Directional Sign (TODS) program, the Specific Service Sign (Logos) program, signs erected under the Supplemental Guide Sign program, and sponsorship signs as defined in NJAC 16:41C.

The provisions of this directive apply to new and modified installations placed on or after the effective date of this policy. Existing acknowledgment signs already installed do not have to be changed.

II. GENERAL CONCEPT

The general concept is to support or supplement maintenance and service program activities through funds and support generated by sponsorship. In return, sponsors will receive acknowledgment signs or other acknowledgment on equipment, materials or vehicles that will publicly recognize their partnership with Department. The flexibility of innovative revenue generation is expected to not only enhance and improve the appearance and safety of our highway infrastructure, but will also afford the Department the opportunity to expand and broaden current programs and related maintenance activities without increasing the burden to taxpayers.

**SUBJECT: Policy on Revenue Generation
and Acknowledgement for Sponsorship
Programs.**Effective Date:
12/08/14

Page 2 of 9

The Commissioner may enter into sponsorship agreements with a private entity and charge and collect fees or other monetary payments for the placement of sponsorship acknowledgment signs on equipment, materials, and vehicles used for a safety service patrol or emergency service patrol program operated by the Department, or operated by a private entity under contract with the department or through the use of a public-private partnership or demonstration projects.

The Commissioner may also establish a sponsorship program to allow for private sponsorship of Department operational activities or other highway-related services or programs. Under this sponsorship program, the Department may enter into a sponsorship agreement with a person, firm, or entity in which NJDOT would receive a highway-related service, product, or monetary payment in exchange for acknowledging the person, firm, or entity. A sponsorship agreement concerning any portion of the interstate highway system shall be subject to approval by the Federal Highway Administration and shall be consistent with federal and state laws.

Pursuant to FHWA Order 5160.1A, and N.J.S.A. 27:7:44.18 et seq. any monetary payment received through the program must be used solely for highway purposes.

III. DEFINITIONS

"Acknowledgment plaque" means a plaque that is intended only to inform the traveling public that a highway-related service, product, or monetary payment 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. The substrate refers to the backing material that the sign plate is made from.

"Acknowledgment sign" means a sign placed within the highway right-of-way which meets all design and placement guidelines for acknowledgment signs as covered in Part 2 of the Manual on Uniform Traffic Control Devices (MUTCD) and all sign design principles covered in the most current edition of the "Standard Highway Signs and Markings Book" as published by the U.S. Department of Transportation, Federal Highway Administration, and which is intended to inform the traveling public that a highway-related service, product, or monetary payment has been sponsored by a person, firm or entity.

"Advertise" means to provide information on a sign which includes, but is not limited to, any of the following: promotional offers, location directions, a listing of amenities, descriptive words or phrases, telephone numbers, Internet addresses including domain names, slogans or any message that is extraneous to the identification of a single-sponsoring person, firm, or entity.

SUBJECT: Policy on Revenue Generation and Acknowledgement for Sponsorship Programs.

Effective Date:
12/08/14

Page 3 of 9

"Advertisement or Advertising sign" means a sign that is intended to promote commercial products or services through the use of slogans and information and informs the public on where to obtain the products or services.

"Clear Zone" means the total roadside border area, starting at the edge of the traveled way that is available for an errant driver to stop or regain control of a vehicle. This area might consist of a shoulder, a recoverable slope, and/or a non-recoverable, traversable slope with a clear run-out area at its toe.

"Department" means the New Jersey Department of Transportation.

"Highway" means any street or roadway, which exists, that is open to public travel and includes, but is not limited to, the street or roadway, shoulders, and sidewalks; the airspace above and below the street or roadway; areas for drainage, utilities, landscaping, berms, and fencing; and rest areas and service areas.

"Highway right-of-way" means a strip of property, owned by the Department, within which is a highway (as defined above) exits. 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.

"Main-traveled way" means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each separate roadway carrying through traffic is a main-traveled way. The main-traveled way shall not include frontage roads.

"Manual of Uniform Traffic Control Devices" or "MUTCD" means the 2009 edition of the Manual of Uniform Traffic Control Devices for Streets and Highways, incorporated herein by reference, as amended and supplemented, issued by the U.S. Department of Transportation, Federal Highway Administration. The MUTCD is available at: <http://mutcd.fhwa.dot.gov/>.

"Rest area" means an area or site established and maintained within or adjacent to the right-of-way of an interstate, freeway-primary or primary highway under supervision and control of the Department for the safety, recreation, and convenience of the traveling public.

"Sign legend" means all word messages, logos, pictographs, and symbols and arrow designs that are intended to convey specific meanings. The border, if any, on a sign is not considered to be a part of the legend.

"Sponsor" means a person or persons, firm or entity which has been approved by the Department for the sponsorship program.

"Sponsorship agreement" means an agreement between the Department and a sponsor where the Department receives a highway-related service, product or a payment in exchange for the acknowledgement of that sponsor through an acknowledgment sign or

SUBJECT: Policy on Revenue Generation and Acknowledgement for Sponsorship Programs.Effective Date:
12/08/14

Page 4 of 9

plaque along highways or rest areas under the jurisdiction and control of the Department, or other acknowledgment on Department equipment, materials or vehicles that will publicly recognize each sponsorship activity.

“Sponsorship program” means a program administered by the Department that complies with pertinent federal laws, rules, regulations, and orders, and allows the sponsorship of Department operational activities or other highway-related services or programs through the provision of a highway-related service, product, or payment.

IV. Roles of Participants

The Assistant Commissioner for Operations and the Assistant Commissioner for Transportation Systems Management are primarily responsible for developing and interpreting this policy and procedure for providing advice, direction and coordination regarding the Department's sponsorship program. Their offices will also identify the program(s) eligible for sponsorship and prepare the Request for Proposal (RFP) and associated sponsorship agreement, in accordance with State laws and in coordination with NJDOT's Division of Procurement, and then monitor the approved sponsorship program(s). More specific responsibilities include:

- Implementing and administering any sponsorship program in a manner that ensures it is acceptable and compliant with pertinent federal and state laws, rules, regulations, and orders, and allows the person, firm or entity to sponsor operational activities or other highway-related services or programs through the provision of a highway-related service, product, or monetary payment.
- Seeking and receiving approval from the FHWA Division Administrator for all sponsorship agreements involving the Interstate system.
- Designating the interstate or highway site(s) eligible for sponsorship that will generate the highest level of annual, recurring revenue or services.
- Developing the sponsorship agreement.
- Ensuring that sponsorship money for Federal-aid corridor or facilities is only used for highway purposes.
- Ensuring that sponsorships that are revenue-neutral provide significant intangible benefits to the NJDOT that could not be otherwise be realized without implementation of the sponsorship.

SUBJECT: Policy on Revenue Generation and Acknowledgement for Sponsorship Programs.Effective Date:
12/08/14

Page 5 of 9

- Providing signage, and acknowledgment opportunities that strictly follow applicable federal and state statutes and regulations and ensuring that all design and placement guidelines for acknowledgment signs are followed as specified in the MUTCD, Standard Highway Signs and Markings Book.
- Monitoring and maintaining goodwill with the traveling public and ensuring that all such uses of licensed rights shall be in the best interests of NJDOT and the State of New Jersey as solely determined by NJDOT.
- Terminating any sponsorship agreement or acknowledgement sign when any aspect thereof presents safety concerns, interferes with the free and safe flow of traffic or is determined to not be in the State or public interest.

The Division of Budget will ensure that any monetary payments received as a result of the sponsorship agreement are appropriately dedicated for highway services and programs.

The Division of Accounting and Auditing will work with the program area that is responsible for the sponsorship agreement to prepare and track any deposits made as described in the agreement.

The appropriate Regional Operations office will issue the required Highway Occupancy Permit for the installation of the acknowledgment signs and will monitor the signs once installed.

The Inspector General's Office/Ethics Liaison Officer will facilitate review of the Request for Proposal by the NJ State Ethics Commission to ensure that it adheres to State ethics laws, regulations and policies.

V. SPONSORSHIP AGREEMENTS:

Sponsorship agreements:

- Can allow sponsors to provide products, services, or monetary payments;
- Can be for any duration, however, they should be economically viable and provide a net benefit to the public and include provisions for maintenance and removal of physical elements of the sponsorship acknowledgment after the sponsorship agreement expires or the sponsor withdraws;
- Can be applicable on a statewide basis or to a specific highway within the State;
- Should identify the statewide service or the specific site, corridor or highway operation supported by any monetary payments by the sponsor;
- Shall be approved by FHWA if the agreement involves the Interstate highway system;

SUBJECT: Policy on Revenue Generation and Acknowledgement for Sponsorship Programs.Effective Date:
12/08/14

Page 6 of 9

- Shall include a termination clause that may be exercised at the State's discretion based on:
 - Safety concerns;
 - Interference with the free and safe flow of traffic; or
 - A determination that the sponsorship agreement or acknowledgment is not in the public interest.
- Shall include provisions requiring eligible sponsor(s) to comply with any State or Federal laws prohibiting discrimination based on race, religion, color, age, sex, or national origin, including but not limited to New Jersey's "Law Against Discrimination," P.L. 1945, c. 169 (C.10:5-1 et seq.).
- Shall be governed by the State of New Jersey procurement laws and in accordance with the New Jersey Uniform Ethics Code and Conflict of Interest law.

VI. ACKNOWLEDGMENT SIGNS AND ACKNOWLEDGMENT PLAQUES

Acknowledgment signs shall not go beyond recognizing the company's support of a particular highway service. All other signs, including those that contain telephone numbers, Internet addresses, or directional information, are considered an advertising sign, not an acknowledgment sign, and are not permitted under this policy.

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.

All acknowledgment signs shall follow good, basic engineering practices, such as simplifying the message content, using reasonable sizes consistent with the provisions of the MUTCD, and minimizing driver distraction.

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.

Acknowledgment signs and acknowledgement plaques shall:

- Meet all design and placement guidelines 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](#);
- Be appropriately sized commensurate with the legibility needs of the bikeway or path user, when located on a bikeway or shared-use path;

SUBJECT: Policy on Revenue Generation and Acknowledgement for Sponsorship Programs.Effective Date:
12/08/14

Page 7 of 9

- 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;
- Be placed at least 1 mile apart from each other if facing in the same direction and associated with the same element of the public 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;
- Not display any directional information, in accordance with Section 2H.08 of the MUTCD;
- Not display telephone numbers, Internet addresses, or other legends designed 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
- Remain in place only for the duration of the agreement.

For sponsorship of rest areas, one acknowledgment sign for each direction of travel may be installed on the roadway. 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 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.

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.

For sponsorship of travel service programs that are not site-specific, such as 511 Traveler Information, Radio-Weather, Radio-Traffic, and Safety 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.

Sponsorship includes the provision of highway-related services, products, or monetary payments that occurs through naming sponsorship (sometimes referred to as "naming rights") of officially mapped named or numbered highways. A naming sponsorship may be acknowledged in the highway right-of-way with an

SUBJECT: Policy on Revenue Generation and Acknowledgement for Sponsorship Programs.Effective Date:
12/08/14

Page 8 of 9

acknowledgment sign. However, an acknowledgment sign shall not display a legend that states, either explicitly or by implication, that the highway is named for the sponsor. Directional signs or signs on connecting roadways may not be used to indicate that a highway has been unofficially named to acknowledge a sponsoring entity.

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.

With the exception of sponsorship of travel service programs that are not site-specific, such as 511 Traveler Information, Radio-Weather, Radio-Traffic, and Safety Service Patrol, 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.

Only roadside, post-mounted installations of acknowledgment signs and acknowledgment plaques are allowed. 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.

In order that the focus remains on the service provided rather than the sponsor, 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.

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.

An alternative business name whose sole or primary purpose appears to circumvent the provisions of the MUTCD is classified as promotional advertising

SUBJECT: Policy on Revenue Generation and Acknowledgement for Sponsorship Programs.Effective Date:
12/08/14

Page 9 of 9

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.

Acknowledgment signs or acknowledgment plaques that include displays mimicking advertising shall not be allowed. The FHWA has the sole discretion in determining 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.

VII. AUTHORITY

N.J.S.A. 27:1A-5 - Allows placement of sponsorship acknowledgment and advertising on signs, equipment, materials, and vehicles used for a safety service patrol or emergency service patrol program operated by the Department.

N.J.S.A. 27:7-44.18 et seq. - Establishes highway-related sponsorship programs in DOT, NJTA and SJTA.

FHWA Policy on Sponsorship Acknowledgment and Agreements within the Public Right-of-Way <http://www.fhwa.dot.gov/legsregs/directives/orders/51601a.cfm>

Code of Federal Regulations
Code of Federal Regulations
United State Code
Federal-Aid Highways
United States Code
Advertising

Title 23 Highways 1.23(b), Rights-of way
Title 23 Highways 750, Highway Beautification
Title 23 Highways 109(d), Standards for
Title 23 Highways 131, Control of Outdoor

Manual on Uniform Traffic Control Devices (MUTCD)