Sponsorship of Roadside Facilities and Traveler Service Programs  
UDOT 06-03  
Effective: December 16, 2014  
Revised: new

Purpose
To establish the broad guidelines by which the Utah Department of Transportation (Department) may develop and administer private sponsorship programs. Sponsorship programs allow for the private sponsorship of Department operational activities, facilities or highway-related services and programs.

Policy

A) General Principles

The Department may establish sponsorship programs to allow for private sponsorship of, Traveler Service Programs, or Roadside Facilities such as rest areas, or other traveler and highway-related services or programs.

Revenues generated from sponsorship will be used to offset costs associated with providing the service being sponsored, and to support costs associated with operation and maintenance of the state highway system. The Department shall use any revenues received from commercial activities in a rest area to cover the costs of acquiring, constructing, operating, and maintaining rest areas in the State.

All sponsorship activities will require a sponsorship agreement between the Recipient Agency and the sponsoring organization (Sponsor). An agreement between the Department and the contractor is also required if the Recipient Agency is a contractor. Sponsorship agreements can be applicable to a site, a group of sites (such as all rest areas statewide), a corridor, or a specific highway operation or service, and can allow the Sponsor to provide products, services, or monetary contributions.

All sponsorship agreements will be economically sustainable and provide a net benefit to the public. Sponsors may be eligible for acknowledgement signs or other forms of recognition in accordance with current Federal Highway Administration (FHWA) policies, the MUTCD, Utah Administrative Rule R918-7, and this policy.

All sponsorship agreements involving the interstate highway system shall be approved by the FHWA prior to implementation.
B) Sponsorship Policies and Agreements

All sponsorship agreements shall include language requiring the Department to terminate the agreement if the Department determines that the agreement, or acknowledgement or advertisement:

- Presents a safety concern,
- Interferes with the free and safe flow of traffic, or
- Is not in the public interest;

All organizations entering into sponsorship agreements with the Department must be in compliance with the following restrictions:

1. No Sponsor will be in the business of promoting activities that would in any way have a negative impact, or dishonor or discredit the State of Utah or the Department.

2. Neither the Sponsor, nor any advertising or promotional materials associated with the Sponsor, including but not limited to digital information, signs, web site, or social media postings, may state or imply that a State agency or institution endorses a Sponsor’s product or service.

3. All sponsorship activities shall be in compliance with Federal and State laws and regulations including, but not limited to:

   a. No charge may be levied on the travelling public for goods and services, except for telephones and articles dispensed by vending machines. Such vending machines may only dispense such food, drink, and other articles as the Department determines are appropriate and desirable.

   b. The Sponsor is prohibited from entering into any contract or agreement that would result in the promotion or acknowledgement of political candidates, parties, purposes, or issues on Department property.

   c. Recipient Agency will screen potential sponsors for compliance with federal and state nondiscrimination laws, regulations, and policies. Sponsor shall not denigrate groups based on gender, religion, race, ethnic, or political affiliation, or include the name of any group that has historically advocated for the denigration of groups based on gender, religion, race, ethnic, or political affiliation.
d. No sponsorship may promote the use of, or activity in, alcohol, tobacco, drugs, gambling, sexual material, or of any substance or activity illegal for minors.

e. Sponsorship agreements shall include provisions to cover the costs associated with installation of acknowledgement signs or other means of recognition, timely maintenance thereof, and removal to original condition upon termination of the agreement, as part of the contract.

C) Program Administration

Sponsorship programs may be structured in one of the following ways:

1. Operation and Management by the Department: The Department performs the sponsored operational activity or service, and individual sponsors make payments to the Department to offset the Department’s cost, in return for recognition. The Department recruits potential sponsors. The Department enters into contractual relationships with each sponsor, receives sponsorship payments from each, and recognizes the sponsor by means of acknowledgement signs or by other means as mutually agreed by the Department and each sponsor and in accordance with Department Policy.

2. Operation and Management by a contractor: The Department enters into a contract with a private firm (with the contractor acting as Recipient Agency) to manage the sponsorship program. The contractor performs, or causes to be performed, the sponsored operational activity or service. The contractor recruits potential sponsors, establishes a fee structure between itself and each sponsor, and receives payments from each sponsor. The contractor provides and installs acknowledgement signs or other recognition. The contractor may self-perform any or all of the operational functions, or may engage subcontractors. The Department retains authority to approve any and all provisions of any contract between the contractor and sponsors. The Department approves the means of sponsor acknowledgement, including if applicable, the design of acknowledgement plaques, acknowledgement signs, and advertising, and the size, spacing, and placement of signs. The Department may pay the contractor for his services, or may require the contractor to earn his profit by means of fees paid by each sponsor. The Department may engage more than one contractor using this model (for example, one contractor for Roadside Facility sponsorships, and another for Travel Services Program sponsorships).
3. **Operation and Management by separate contractors:** The Department hires a marketing and sales contractor to recruit and engage sponsors, and a separate operations contractor to perform the operational activity or service. The Department uses revenue produced by the efforts of the marketing and sales contractor to pay for the service performed by the operations contractor, thereby reducing the Department's overall cost for the operational activity. Procurement, placement, and maintenance of acknowledgement signs or other recognition may be performed by either the marketing and sales contractor, by the operations contractor, or by the Department. The Department may engage multiple contractors using this model (such as one pair of contractors for Roadside Facility sponsorships, and another pair for Travel Services Program sponsorships).

4. **Other operation and management models are allowed,** if the participating stakeholders can demonstrate a positive benefit to the Department.

**D) Acknowledgement Signs and Acknowledgement Plaques**

Safe and orderly movement of traffic must not be compromised in considering the use of acknowledgement plaques or signs on the roadway. Safety is the overriding issue when there is any doubt as to whether an acknowledgement is appropriate.

It is essential that good engineering practices be followed, such as simplifying sign message content, using reasonable sign sizes, and placement such that driver distraction is minimized.

Acknowledgement Signs and Plaques shall be designed, sized, and placed in accordance with this policy, Utah Administrative Rule R918-7, and the MUTCD.

**E) Advertisement**

1. **General**

   Advertisements will be congruent with the general conditions associated with the sponsorships and agreements requirements of this policy with respect to message content, public perception, and public safety.
The Department may reserve to itself a defined proportion of available advertisement space on any discreet surface or screen, and of display time, for promoting public messages and safety programs as deemed appropriate by the Department.

Any installation shall have provision for installation, maintenance and timely removal upon termination or expiration of the agreement at no cost to the Department.

All final aspects of advertisement will be approved by the Department prior to implementation.

2. Rest Area and Welcome Center Facilities:

a. Physical Considerations
   1.) Type, Size, and Location
       All media types in general will be approved by the Department prior to implementation. Any advertisement within Rest Area and Welcome Center facilities shall meet all of the provisions of Administrative Rule R918-7-6.

   2.) Other Considerations
       a.) Media placed inside the facilities will be evaluated for conformity with this Policy on a case by case basis by the Department.
       b.) Multiple displays will be evaluated by the Department to determine their impact to the aesthetic value of the facility, and be approved on a case by case basis.
       c.) Advertisement inside the facilities will be approved for media type, location and size by the Department.

3. Web and Phone Based Media

Typical implementation will include flash screens, banners, audio messages, and other industry standard mechanisms for advertising. All web based, audio based, and smart phone and tablet based advertisement will need to be developed, administered, and modified in cooperation with the Department, because of the diverse and continually evolving opportunities with electronic media.
Background

The Department manages the operations of over 40 rest areas, view areas, welcome centers, ports of entry, roadside parks, and other roadside facilities on state roadways. The facilities are present on both freeway and non-freeway roadsides, as well as in both limited and free-access right-of-way.

The Department also operates traveler service programs in various forms, including the 511 Traveler Information System, UDOT Traffic Mobile Application (UDOT Traffic App), Internet web pages, express lanes, and the infrastructure necessary to support those systems.

The FHWA has developed policies and guidelines allowing for sponsorship activities within the public right-of-way as a means of providing innovative funding to highway programs.

Utah Code Sections 72-6-401, 72-6-402, and 72-6-403 authorize the Department to develop sponsorship programs that can support roadside facilities, traveler information systems, and other highway-related services or programs.

The purpose of the sponsorship of a roadside facility or traveler service program is to provide a product, service, or monetary contribution that will generate an ongoing revenue stream or cost savings to support the operation and maintenance of the Department’s network of roadside facilities, or of its traveler service programs, or of both.

The Department, in addition to acknowledgement signs or plaques, may utilize a number of other options to recognize sponsors, including but not limited to acknowledgement on in-vehicle transponders, outreach and educational materials, and Internet advertising banners, as well as within telephone messages such as those of 511 systems and other avenues.

Definitions

Acknowledgement 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.
Acknowledgement 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.

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.

Facility within a Rest Area
An enclosed building, or freestanding bulletin board or partial enclosure within a Rest Area or Welcome Center, constructed by the Department for the purpose of providing specific information to the motorist as to services, places of interest within the State, and other such information as the Department may consider desirable. Consistent with the language of 23 CFR § 752.7(c), which established information centers and systems within safety rest areas, the language “any facility constructed in the rest area” in 23 U.S.C. § 111(b) refers to the building and/or bulletin board or partial enclosure as provided in the referenced CFR provision. Other items, such as a parking space, sidewalk, pet area, bench, or picnic table, do not constitute a “facility” as defined in the CFR. Any other building, freestanding bulletin board, or partial enclosure constructed for a purpose other than to provide specific information to the motorist as to services, places of interest within the State and other such information as the Department may consider desirable (for example, to expand the amount of available advertising space) is not consistent with this definition, and therefore would not constitute a “Facility within a Rest Area” for the purpose of this policy.

FHWA
The Federal Highway Administration, whose Utah Division office will provide Policy review and approval, Sponsorship Agreement review, and risk based assessment of State Sponsorship programs and agreements.

Legend
Has the same meaning as in the MUTCD.

Main Traveled Way
The portion of the roadway for the movement of vehicles, exclusive of the shoulders, ramps, berms, sidewalks, and parking lanes.
**MUTCD**
The most recent edition of the Manual on Uniform Traffic Control Devices for Streets and Highways adopted by the Department in accordance with Section 41-6A-301, Utah Code, and Utah Administrative Rule R920-1, commonly called the Utah MUTCD.

**Recipient Agency**
An organization that directly receives the highway-related service, product, or monetary contribution from the sponsor entity. The recipient agency might be the Department, or a contractor engaged by the Department to administer the highway-related service, manage the sponsorship program, or perform both functions.

**Roadside Facility**
A Facility constructed to support the highway system. Examples include Rest Areas, Welcome Centers, View Areas, Scenic Overlooks, Ports of Entry, and Chain-Up Areas.

**Sponsorship Agreement**
An agreement between a recipient agency and a sponsor, in which the sponsor is to be acknowledged for the provision of a highway-related service, product, or monetary contribution.

**Sponsorship Program**
A program that allows a person, a firm, or an entity to sponsor an element of the Department's highway operation through the provision of highway-related services, products, or monetary contributions.

**Sponsor**
A person, firm, or entity that provides a monetary contribution, or highway-related service or product, to the recipient agency, in return for recognition in some form for doing so, such as logo display on an acknowledgement sign or plaque, electronic advertising, or advertisement in a facility.

**Traveler Service Programs**
Systems developed to support the collection, analysis, and distribution of information about the Department's highway network, or programs used to positively impact traffic operations and maintenance. These include systems such as the Department's Internet page, UDOT Traffic Mobile Application, Traveler Information 511 System, Express Lanes, Zero Fatalities, and others.

**Visible**
The sign legend is capable of being seen by the viewer from the main traveled way.