



U.S. Department
of Transportation
**Federal Highway
Administration**

Florida Division

February 26, 2014

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In Reply Refer To:
HDA-FL

Mr. Ananth Prasad
Secretary of Transportation
Florida Department of Transportation
605 Suwannee Street
Tallahassee, FL 32399-0450

Dear Mr. Prasad:

Thank you for your February 6, 2014 letter requesting the approval of the Florida Department of Transportation (FDOT) Sponsorship Program Policy.

Based on our review and the Department's recommendation, I hereby approve the Florida Department of Transportation Sponsorship Program Policy. Please find the signed policy document adjunct to this letter. If you have any questions, please do not hesitate to contact Mr. Jorge J. Rivera at (850) 553-2233 or e-mail jorge.rivera@dot.gov.

Sincerely,

for James Christian, P.E.
Division Administrator

Enclosure

cc: Mr. David Hawk, FHWA FL Division
Mr. Nicholas O. Finch, FHWA FL Division
Mr. Khoa Nguyen, FHWA FL Division
Mr. Brian Blanchard, FDOT, MS-57
Ms. Marsha Johnson, FDOT, MS-57



Florida Department of Transportation

**RICK SCOTT
GOVERNOR**

605 Suwannee Street
Tallahassee, FL 32399-0450

**ANANTH PRASAD, P.E.
SECRETARY**

February 6, 2014

Mr. James Christian, FHWA Division Administrator
Federal Highway Administration
545 John Knox Road, Suite 200
Tallahassee, Florida 32303

Re: Approval of Florida Department of Transportation (FDOT) Sponsorship Program Policy

Dear Mr. Christian:

Attached is the FDOT Sponsorship Program Policy for your approval dated 02/06/14. FDOT appreciates the support that Jorge Rivera and Felix Delgado has provided the agency in reviewing the document and preparing the document in this final form as attached.

If you have any questions or concerns, please contact Marsha Johnson at 850-414-4647.

Sincerely,

Ananth Prasad, P.E.
Secretary

FLORIDA DEPARTMENT OF TRANSPORTATION SPONSORSHIP PROGRAM POLICY

PURPOSE OF POLICY

Sponsorship of transportation programs and facilities present opportunities for an improved transportation system by providing flexibility for public agencies to pursue innovative sources of financing for and/or maintenance, operation and construction activities and other highway-related services. With this additional revenue, public agencies have the means to provide additional or enhanced services critical to ensuring the safety and efficiency of the Florida's and the nation's highways.

This directive, established and approved by the Secretary of the Florida Department of Transportation (FDOT), constitutes Florida's Sponsorship's Program policy and guidelines governing sponsorship acknowledgment and revenue generation agreements and will be in accordance with FHWA's policy on Sponsorship Acknowledgment and Agreements within the Public Right-of-Way

This document is intended to provide general guidelines for sponsorship opportunities that will apply overall to the Sponsorship Program. Due to the unique issues associated with the various program types, the concepts and requirements unique to a specific sponsorship program will be set forth in that particular sponsorship agreement.

AUTHORITY

- Sections 339.08 and 334.044 (7), Florida Statutes

REFERENCES

- Title 23, United States Code (U.S.C.), Section 109(d), Standards for Federal-Aid Highways.
- 23 U.S.C. 131, Control of Outdoor Advertising.
- 23 U.S.C. 156, Proceeds from the Sale or Lease of Real Property.
- 23 U.S.C. 402, Highway Safety Programs.
- Title 23, Code of Federal Regulations (CFR), Section 1.23(b), Rights-of-way.
- 23 CFR Part 655, Subpart F, Traffic Control Devices on Federal-Aid and Other Streets and Highways.
- Manual on Uniform Traffic Control Devices (MUTCD), published by FHWA under 23 CFR Part 655, Subpart F.
- 23 CFR 655.603, Standards for Traffic Control Devices on Federal-Aid and Other Streets and Highways.
- 23 CFR Part 750, Highway Beautification (for controlled routes).
- 49 CFR 1.48(b), Delegations to Federal Highway Administrator.

DEFINITIONS

- a. **Sponsorship program.** A program that allows a person, a firm, or an entity to sponsor an element of a public agency's highway operation through the provision of highway-related services, products, or monetary contributions.
- b. **Sponsorship agreement.** An agreement between a recipient agency and a sponsoring organization to be acknowledged for a highway-related service, product, or monetary contribution provided.
- c. **Advertisements/advertising signs.** Signs or other devices that promote commercial products or services through slogans and information on where to obtain the products and services.
- d. **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.
- e. **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.
- f. **Public agency.** An agency that owns the highway on which signs are to be placed and to which the sponsorship policy and agreements apply.
- g. **Recipient agency.** An organization that directly receives the highway-related service, product, or monetary contribution from the sponsor entity. The recipient might be the public agency, or a contractor engaged by the public agency to administer the highway-related service.

SPONSORSHIP AGREEMENTS

FDOT will execute agreements for the sale of sponsorship opportunities. To protect the image and integrity of FDOT and the State of Florida, all agreements shall contain the following terms and conditions:

- Sponsorship shall comply with any controlling federal or state regulations or restrictions;
- Agreement may be terminated at the discretion of FDOT for (1) safety concerns, (2) interference with the free and safe flow of traffic, or (3) a determination that the sponsorship agreement is not in the public interest of the state;

In order to be eligible for acknowledgment within the public right-of-way, sponsorship policies and agreements should follow these principles:

- All sponsorship agreements involving the Interstate highway system shall be approved by the FHWA Division Administrator;
- Sponsorship agreements can allow sponsors to provide products, services, or monetary contributions. However, the preferred and primary consideration to be received in exchange for any sponsorship program or agreement shall be in the form of monetary

consideration, to be paid in U.S. dollars. Payments shall include the market value of the acknowledgement, as determined by FDOT or an outside consultant or firm engaged and well established in the business of marketing or the valuation of such or similar commodities or services, as well as payment for all costs associated with established the means of acknowledgment, including but not limited to the cost of developing, installing, and maintaining signs.

- Sponsorship agreements may be of any duration. However, these agreements should be economically sustainable and provide a net benefit to the public;
- Agreements should include provisions for maintenance and removal of physical elements after the agreements expires or the sponsor withdraws;
- Agreements can be applicable to a site, a corridor, or a specific highway operation. If the sponsor is making a monetary contribution, the specific site, corridors or operation supported by the monetary contribution will be identified in the sponsorship agreement.

PROHIBITED SPONSORSHIP

To protect the image and integrity of FDOT and the State of Florida, no sponsorship shall contain any of the following prohibited content. Additionally no sponsorship will be allowed by individuals or organizations whose primary purpose is implicitly associated with the prohibited content:

Denigration groups based on gender, religion, race, ethnic or political affiliations or content that includes the name of any group that has historically advocated for the denigration of groups based on gender, religion, race, ethnic or political affiliations;

Obscene, pornographic, indecent, or explicit messages or offensive level of sexual overtone, or innuendo;

Tobacco sponsorships;

Alcohol sponsorships (beer, wine, liquor);

Contraceptive products or services, or services related to abortion, euthanasia or counseling with regard to those issues or contain expressions of opinion for or against any of the aforementioned materials;

Products or services for establishments primarily featuring nude or semi-nude materials;

Political candidates or ballot measures scheduled for consideration by the electorate of any state.

The Department will review all prospective sponsorships. The Department shall have the sole discretion to approve or disapprove content and reject any sponsorships that it believes could impair the Department's ability to maximize its revenue or it believes is not in its best interests or the best interests of traveling public or the State of Florida.

COMPLIANCE WITH STATE AND FEDERAL LAW

FDOT will allow sponsorship pursuant to all applicable state and federal law and orders of the Federal Highway Administration.

SPONSORSHIP REVENUE

Revenue derived from any given sponsorship program shall be utilized to support the associated facility or program being sponsored. For purposes of this Policy, activities or functions deemed to support a program or facility include, operation and maintenance of the program or facility, as well as capital expenditures intended to improve or expand the program or facilities. Further, for purposes of this Policy, revenue received for Federal-aid facilities must be used only for highway purposes.

ACKNOWLEDGEMENT SIGNS

Signage that intends to only inform the traveling public that transportation facility, program, service or product has been sponsored by a person, firm or entity is permitted. Signage or other devices that promote commercial products or services through slogans and information on where to obtain the products and services is not permitted. In most case, if the sign goes beyond recognizing the company's contribution to a particular highway service or includes telephone number, Internet addresses, or directional information, the sign is more properly classified as an advertising sign and not as an acknowledgment sign. The use of highway right-of-way for advertising purposes is not allowed. Acknowledgement signage must at all times comply with federal and state laws and requirements governing and relating to the type and location of the signage.

- 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.
- Sponsorship will be in "static" signs as opposed to digital or "dynamic" (DMS) type signs.
- Acknowledgment signs:
 - (a) must 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;
 - (b) must be placed near the site(s) being sponsored;
 - (c) 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 public agency's highway operation, such as litter pickup; and
 - (d) should 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 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.
- 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 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 plaque is mounted, even where the standard sign is enlarged in accordance with Sections 2A.11 and 2I.01 of the MUTCD.

FHWA review and approval are only for the purpose of determining consistency with this Policy and the MUTCD. States and local public agencies are responsible and liable for ensuring their policies and agreements are consistent with State and Federal laws.

POLICIES AND PROCEDURES RELATING TO SPECIFIC SPONSORSHIP PROGRAMS

As noted herein, due to the unique issues associated with the various program types, this Policy has been structured so that general concepts applicable to any and all programs are set forth in this document and any concepts or requirements unique to each type of program are set out in the Sponsorship Agreement for that particular program.

Approved:



Florida Department of Transportation

Name: ANANTH PRASAD

Title: SECRETARY

Date: 02-06-14

FHWA



Name: JAMES CHRISTIAN

Title: DIVISION ADMINISTRATOR

Date: 2/19/14