



# Memorandum

## ELECTRONIC MAIL

Subject: INFORMATION: Interim Policy on Acknowledgment  
Signs on Highway Rights-of-Way.

Date: October 29, 2003

From: Mary E. Peters /s/ Mary E. Peters  
Administrator

In Reply  
Refer To: HCC-30

To: Associate Administrators  
Directors of Field Services  
Division Administrators  
Federal Lands Highway Division Offices

The Federal Highway Administration (FHWA) announces in this memorandum an interim policy for the use of acknowledgment signs on highway rights-of-way. The FHWA's interim policy permits acknowledgment signs on highway rights-of-way, forbids advertising signs on the highway right-of-way, and restricts the placement of acknowledgment signs and messages from certain high risk areas. This memorandum supersedes the Adopt-a-Highway Signs memorandum issued November 9, 2001. A complete policy will be developed in coordination with the American Association of State Highway and Transportation Officials (AASHTO) and other stakeholders in the future. The FHWA expects to have that policy issued by the end of the year.

### No Advertising Within the Highway Right-of-Way

With regards to advertising signs within the highway right-of-way, the FHWA reaffirms its long held position that advertising is not permitted on highway rights-of-way.

### Acknowledgment Signing Within the Highway Right-of-Way

The FHWA does permit agencies to allow acknowledgment signs on the highway rights-of-way. Such acknowledgment signs include sponsorship signs for the adopt-a-highway program, sponsorship of an interchange or landscape planting, and similar programs. The FHWA recognizes the potential for generating revenue for highway purposes through public-private partnerships based on sponsorship services. The basis of this interim policy is FHWA support for providing flexibility to government agencies to pursue these opportunities while balancing safety and operational imperatives.



The FHWA recognizes a distinction between signing intended as advertising and signing intended as an acknowledgment for services provided. During the interim period, government agencies should be guided by the following basic principles to define acknowledgment signing.

- The sole purpose of an acknowledgment sign is recognition by the State or facility owner that highway services at a particular place were provided by the person or entity acknowledged on the sign or by someone acting in their stead.
- The acknowledgment sign should be a reasonable size and simple in design to communicate acknowledgment only. The sign should be devoid of contact information, directions or slogans.
- The services must be related to the actual highway. It would be inappropriate, for example, if a company gave money to a State and an acknowledgment sign were erected on a right-of-way recognizing the company's contribution. The company would have to provide or have its agents provide a specific service for a portion of the highway.

Distinguishing between an acknowledgment sign and an advertising sign can sometimes be difficult. Generally speaking, an advertisement has little if any relationship to a highway service provided. The advertiser wants to get its recognizable company emblem or logo before the motoring public, and, if possible, information on how or where to purchase the company products or service. If the acknowledgment sign goes beyond recognizing the company's contribution to a particular part of the highway and includes phone numbers or Internet addresses, the sign would more properly be termed an advertising sign. Signs that have slogans on them as part of the acknowledgment (e.g., "Sponsored by Acme Contractors, Where No Job is too Small") would be advertising signs. Similarly, if an acknowledgment sign is large, or if there are different sizes for acknowledgment signs on the same highway system (e.g., a business logo is larger than an individual's acknowledgment sign), the FHWA would have doubts about the signs being acknowledgment signs. In its final policy, the FHWA will define "advertisement" and "acknowledgment" in greater detail.

### Placement of Acknowledgment Signs

Engineering judgment and a compelling responsibility for public safety, however, lead the FHWA to determine that certain applications of acknowledgment signs are inappropriate and not allowed on public roadways.

Acknowledgment signs or messages of any sort, including vegetative logo arrangements, are not allowed in the following locations:

- On the front, back or around the perimeter of any traffic control device, including but not limited to:
  - Traffic signal heads and supports,
  - Any regulatory, guide or warning sign,
  - Changeable message sign,
  - Traffic control device posts or structures
- Bridge piers
- At any site where the acknowledgment sign would obscure the ability of a driver to detect and understand existing traffic control devices

- At key decision points where a driver's attention is more appropriately focused on traffic control devices or traffic conditions. These locations include, but are not limited to:
  - Exit and entrance ramps and other lane-weaving areas
  - Highway-rail grade crossings
  - Work zones
  - Areas of limited sight distance

At all other locations, safety concerns would dictate caution on the part of the States in placing any acknowledgment sign or message on the highway right-of-way until the FHWA's final policy is formulated.

Until a final policy is adopted, acknowledgment signs may be used after approval through the experimental process as outlined in the Manual on Uniform Traffic Control Devices (MUTCD), Section 1.A.10, Interpretations, Experimentations, and Changes. The FHWA foresees no impediments for experimentation approvals, if the proposed acknowledgment signs are: 1) submitted by the public agency or private toll facility responsible for the operation of the road; 2) in keeping with the State policy; and 3) consistent with the signing principles for design, application, and placement discussed in the MUTCD. More detailed guidance will be developed in coordination with the transportation community to cover size, design and placement. FHWA plans to incorporate this guidance into the MUTCD through the public rulemaking process.