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CHAPTER 42. SPONSORSHIP PROGRAM

CHAPTER EXPIRATION DATE:

Expires on September 8, 2022.

SUBCHAPTER 1. PURPOSE AND SCOPE

16:42-1.1 Purpose

The purpose of this chapter is to establish rules and specifications related to a Departmental program, which allows for sponsorship of Department operational activities or other highway-related services or programs, in return for acknowledgment of that sponsorship.

16:42-1.2 Scope

(a) In return for a highway-related service, product, or payment, each sponsor shall receive acknowledgment signs or plaques along highways and at 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, consistent with the provisions of this chapter.

(b) Department operational activities or other highway-related services or programs, may include, but are not limited to, operational activities or other highway-related services or programs for rest areas, park and ride facilities, snow removal, litter removal, vehicles and equipment, landscaping, maintenance and highway beautification, travel information, and safety or emergency service patrols.

(c) This program 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 (Logo) program, signs erected under the Supplemental Guide Sign program, and sponsorship signs as defined in N.J.A.C. 16:41C, Roadside Sign Control and Outdoor Advertising.

SUBCHAPTER 2. DEFINITIONS

16:42-2.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"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. Con-

sistent with the Manual of Uniform Traffic Control Devices (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.

"Acknowledgement sign" means an official sign placed within the right-of-way as allowed by N.J.S.A. 27:1A-5 and 27:7-44.18 et seq., and the Federal Highway Administration (FHWA) Policy on Sponsorship and Agreements within the Public Right-of-Way, as amended or superseded. Acknowledgement signs shall meet all design and placement guidelines for acknowledgement signs as covered in Part 2 of the 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. Acknowledgement signs are 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.

"Advertising sign" means a sign that is intended to promote commercial products or services through the use of slogans and information and provides information for obtaining those products or services.

"Commissioner" means the Commissioner of the New Jersey Department of Transportation or such person as the Commissioner may designate, when legally permissible.

"Department" means the New Jersey Department of Transportation.

"Frontage road" means a service road, usually parallel to the State highway, designed to reduce the number of streets and driveways that intersect a State highway.

"Highway" means any street or roadway 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.

"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 for the safety, recreation, and convenience of the traveling public.

"Right-of-way" means highway property and property rights, including easements, owned and controlled by the Department.

"Sign legend" means all word messages, logos, pictographs, and symbol 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 that has entered into a sponsorship agreement with the Department pursuant to the provisions of this chapter.

"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 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.

SUBCHAPTER 3. GENERAL PROVISIONS

16:42-3.1 General provisions

(a) Sponsors shall 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 (N.J.S.A. 10:5-1 et seq.).

(b) Sponsors shall be solicited through a formal advertising and competitive procurement process, pursuant to the provisions of N.J.A.C. 17:12-2 and sponsorships shall be evaluated and awarded pursuant to the provisions of N.J.A.C. 17:12-2.7.

(c) Sponsorship agreements shall be governed by the State of New Jersey procurement laws.

(d) 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.

(e) All forms of acknowledgement shall be placed and installed at the location set by the Department.

(f) All acknowledgement signs shall be fabricated and printed at the sole cost of the sponsor and shall be permitted in the size, shape, and form permitted in the request for proposal issued for a particular sponsorship.

(g) All acknowledgement signs shall be maintained at the sole cost of the sponsor.

SUBCHAPTER 4. GENERAL REQUIREMENTS AND SPECIFICATIONS

16:42-4.1 General requirements for acknowledgment signs and acknowledgment plaques

(a) All acknowledgment signs and acknowledgment plaques shall comply with the provisions of the MUTCD.

(b) All acknowledgment signs and acknowledgment plaques shall be placed as close to the site(s) being sponsored as possible.

(c) All acknowledgment signs and acknowledgment plaques shall remain in place only for the duration of the sponsorship agreement.

(d) Acknowledgment signs and acknowledgment plaques shall not display any directional information.

(e) Acknowledgment signs and acknowledgment plaques shall 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, but not limited to, how to become a sponsor at an available site.

(f) 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 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.

(g) Acknowledgment signs and acknowledgment plaques shall only take the form of static, non-changeable, non-electronic legends.

(h) With the exception of sponsorship of travel service programs that are not site-specific, such as 511 Traveler Information, Radio-Weather, Radio-Traffic, and Emergency 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.

(i) Only roadside, post-mounted installations of acknowledgment signs and acknowledgment plaques are allowed. Acknowledgment signs and acknowledgment plaques shall not be overhead installations.

(j) When a graphic logo is used to represent the sponsor, instead of a word legend using the Federal Highway Administration Standard Alphabets (as found in the MUTCD), 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.

(k) An alternative business name whose sole or primary purpose appears 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 and shall not be allowed on any traffic control device or its supports.

(l) No acknowledgment sign or acknowledgment plaque that includes displays mimicking advertising shall be allowed. A brief jurisdiction-wide slogan may be displayed on an acknowledgment sign. The slogan displayed shall be a 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.

16:42-4.2 Specifications for acknowledgment signs and acknowledgment plaques

(a) Rest area acknowledgment signs on the highway mainline shall not be located within 500 feet of other traffic control devices.

(b) Acknowledgment plaques mounted in the same sign assembly below a general service sign shall be 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.

(c) 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 in the Federal Highway Administration Order No. 5160.1A and in the MUTCD. The word legend describing the activity, such as "SPONSORED BY," shall be composed of upper-case lettering of the Federal Highway Administration Standard Alphabets (as found in the MUTCD) at least three inches high on conventional roads and at least four inches high on expressways and freeways.

(d) All acknowledgment signs and acknowledgment plaques that are visible to the main-travelled way shall be placed at least one mile apart from each other if facing in the same direction and associated with the same element of the Department's highway operation, such as litter pickup.

(e) 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.

(f) For sponsorship of travel service programs that are not site-specific, such as, but not limited to, 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. General service signs are white-on-blue signs that provide road users with generic information about facilities and services that are available along the roadway.

16:42-4.3 Specifications for acknowledgment on equipment, materials, and vehicles

Specifications for acknowledgment on equipment, materials, and vehicles shall be outlined in the sponsorship agreement.

SUBCHAPTER 5. SPONSORSHIP AGREEMENTS

16:42-5.1 Sponsorship agreements

(a) Sponsorship agreements shall allow sponsors to receive acknowledgment signs, acknowledgment plaques, or other acknowledgment along highways under the jurisdiction and control of the Department, or on equipment, materials, or vehicles that will publicly recognize their sponsorship activities, in exchange for providing a highway-related service, product, or payment.

(b) Sponsorship agreements shall be for any duration, provided that they are economically sustainable, and provide a net benefit to the public.

(c) Sponsorship agreements shall include provisions for maintenance and removal of physical acknowledgment elements, which may include, but not be limited to, acknowledgment signs, acknowledgment plaques, or other acknowledgment on equipment, materials, or vehicles after the sponsorship agreement expires or the sponsor withdraws.

(d) Sponsorship agreements may be applicable to Department operational activities or other highway-related services or programs, including, but not limited to, operational activities or other highway-related services or programs for rest areas, park and ride facilities, snow removal, litter removal, vehicles and equipment, landscaping, maintenance and highway beautification, travel information, and safety or emergency service patrols.

(e) Sponsorship agreements shall identify the Statewide service or the specific site, corridor, or highway operation supported by any highway-related service, product, or payment of the sponsor.

(f) The Department shall terminate a sponsorship agreement if it determines the agreement, acknowledgement sign, or acknowledgment plaque, or other acknowledgement on equipment, materials, or vehicles presents a safety concern, interferes with the free and safe flow of traffic, or is not in the public interest.

SUBCHAPTER 6. SPONSORSHIP CRITERIA

16:42-6.1 Sponsorship appropriateness and suitability criteria

(a) The Department shall not accept any proposals for sponsorship from a sponsor that engages in:

1. The sale of unlawful or illegal goods, services, or activities;
2. The sale of tobacco or tobacco-related products;
3. The sale of alcoholic beverages;
4. The sale of obscene material as defined by N.J.S.A. 2C:34-3; or
5. Activity that is not in the best business interest of the Department or is not in the best interest of the public, as determined by the Department.

(b) The Department shall not allow any of its operational activities or highway-related services or programs, materials, or vehicles to become a public forum for dissemination, debate, or discussion of public issues, political, or religious organizations.

SUBCHAPTER 7. SPONSORSHIP STANDARDS COMMITTEE

16:42-7.1 Sponsorship Standards Committee; final determination

(a) The Commissioner shall establish a three-member Sponsorship Standards Committee (Committee), whose determinations shall inform the Commissioner's final agency determination regarding the sponsorship program and selection of sponsors.

(b) The Committee shall review each proposal being considered for selection as a sponsor to determine whether the potential sponsor falls within, or may fall within, one or more of the categories set forth in N.J.A.C. 16:42-6.1. The Committee shall provide the Commissioner with a report of its determination setting forth the reason(s) for the determination.

(c) The Commissioner shall consider the Committee's report, in addition to any other factors deemed relevant by the Commissioner, prior to making a determination as to whether the sponsor falls within one or more of the categories set forth in N.J.A.C. 16:42-6.1. The determination of the Commissioner regarding the appropriateness and suitability of any proposed sponsor shall be final.

(d) Sponsors determined to fall within one or more of the categories set forth in N.J.A.C. 16:42-6.1 shall not be considered further for sponsorship under the provisions of this chapter and shall be advised, in writing, of that determination.

SUBCHAPTER 8. AUDIT, RECORDKEEPING, AND RECORD RETENTION

16:42-8.1 Audit requirements

(a) A sponsor under this chapter shall comply with the State of New Jersey single audit policy for recipients of Federal grants, State grants, and State aid defined by the Department of the Treasury, Office of Management and Budget and the Single Audit Act of 1984 (Federal OMB Circular A-133), incorporated herein by reference, as amended and supplemented, and all requirements as set forth in the agreement. Copies of these circulars can be obtained from the New Jersey Department of the Treasury, Office of Management and Budget at <http://www.state.nj.us/infobank/circular/cir0404b.htm> or by regular mail from:

New Jersey Department of the Treasury
Office of Management & Budget
PO Box 221
Trenton, NJ 08625-0221

(b) The Department shall direct that an audit of the sponsor be performed by an independent auditor or public accountant who meets the standards specified in generally accepted government auditing standards in conformity with State audit policy.

(c) Audit costs incurred by sponsors in order to comply with this subchapter are not reimbursable.

(d) The Department, or any authorized representatives, shall have access to any books, documents, papers, and records that are pertinent to the sponsorship agreement or program, for the purpose of audit and examination.

(e) A sponsor shall establish and maintain an accounting record for each sponsorship agreement or program that identifies the agreement or program costs.

(f) A sponsor shall maintain effective control over and accountability for all agreement or program funds, property, and other assets allocated for sponsorship agreement or program use. Sponsors shall adequately safeguard all sponsorship agreement or program assets and shall ensure that they are used solely for authorized purposes.

(g) The Department shall have access to the sponsor's records for purposes of accounting and audit at no cost to the Department.

16:42-8.2 Recordkeeping requirements and retention of records

(a) A sponsor shall keep records as the Department may prescribe, including records that disclose the amount and the disposition of the sponsorship agreement or program, and records that will facilitate an effective audit.

(b) A sponsor shall maintain all records, related to the sponsorship program, as specified in the agreement.