

PENNSYLVANIA DEPARTMENT OF TRANSPORTATION STANDARDS FOR MARKETING AND SPONSORSHIP

Purpose

Sponsorships and advertisements are a proven and innovative means to secure new sources of revenue to offset the cost of operations and provide improved transportation services to Pennsylvania citizens. To that end, these marketing standards and policies ("Standards") have been adopted by the Pennsylvania Department of Transportation (Department) and shall apply to all of its programs and eligible entities participating in its programs, to establish uniform, objective standards for the display of advertising and sponsorship messaging on various equipment, facilities and other assets under the Department's control. By establishing these Standards, the Department intends to achieve and advance the following objectives:

- (a) Maximize revenues generated by advertising and sponsorships to:
 - (i) Support and enhance the Department's programs and services provided to the general public;
 - (ii) Minimize the Department's operating costs;
 - (iii) Further transportation convenience and safety; and
 - (iv) Support existing and new programs to enhance traffic, road and traveler information
- (b) Ensure that the advertising and sponsorship commercial messages are consistent in keeping with community standards by prohibiting advertisements that could create controversy and could be viewed as offensive, inappropriate and harmful to the traveling and general public.
- (c) Establish administrative and organizational controls to assure the monetization of the agency assets advances its revenue-generating objective and provides for safeguards in assuring that the Standards are fairly and effectively applied.
- (d) Ensure that advertising and sponsorship acknowledgement signs, plaques and commercial messages are in conformity with all federal and state laws, regulations and policies.

The Department reserves the right at any time to modify or revoke any or all of these Standards as it deems prudent or necessary to comply with legal mandates, to accommodate its transportation responsibilities or to fulfill the above stated objectives.

Definitions

The following definitions are included in the current versions (or equivalents) of *FHWA Order 5160.1A*; the *Manual on Uniform Traffic Control Devices* (MUTCD); and the Department's Publications (including without limitation Publications 46 and 212 (relating to Traffic Engineering and Official Traffic Control Devices)).

(a) **Acknowledgment plaques** - Plaques that are intended only to inform the traveling public that a highway-related services, product or monetary contribution has been sponsored by a person, firm, or entity. Acknowledgement plaques are installed only in the same assembly below the 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.

(b) **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, agency or entity. Acknowledgement signs are installed only as independent sign assemblies.

(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, or other means.

(d) **Highway**. Any street or roadway that is open to public travel.

(e) **Interstate** – A freeway (divided highway with full control of access) on the Dwight D. Eisenhower System of Interstate and Defense Highways, as evidenced by an Interstate Route sign.

(f) **MUTCD** – The Manual on Uniform Traffic Control Devices. Approved by FHWA as the national standard for the placement and standardization of all traffic control devices placed on any street, highway, bikeway, or private road open to public travel.

(g) **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.

(h) **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.

Advertising and Sponsorship Program

(a) These Standards shall apply to advertising and sponsorships relating to various programs designated by the Department (by way of example, Freeway Service Patrol, Rest Area/Safe Phone Zone, Direct Mail inserts, Driving Manual advertisements and 511 Sponsorship).

(b) The Standards shall govern the manner and content of the placement of advertising and sponsorship messaging on the designated program's equipment, signage and facilities (including but not limited to, land, structures, vehicles, roadway signs, fences, equipment, electronic and

hard copy media, websites and other personal property). Such equipment, signage and facilities are non-public forums. By adoption of these Standards, the Department does not intend to create a public forum in any equipment, signage and facilities or designate any equipment, signage and facilities as a public forum.

Permitted Advertising Content

- (a) Any and all advertising and sponsorship messaging shall be limited to informing members of the public of the availability and benefits of commercial products or services. The Department may allow advertising for state agency public programs, projects and services and retains the unqualified right to display, on or in its equipment and facilities, advertisements and notices that pertain to the Department's operations and promotions, consistent with the provisions of its agreement with the Advertiser and Sponsor.
- (b) Content must be in keeping with contemporary community standards.
- (c) Any and all advertising or sponsorship messaging promoting the use of any products and/or promotional materials of any kind, must be specifically approved and authorized by the Department, including, but not limited to, signage, graphics, publications, marketing promotions and electronic media approval. The Department in its sole discretion shall have the right to prohibit any such advertisements that would in any way have a negative impact on the Department, the traveling and general public or the Commonwealth of Pennsylvania ("Commonwealth").

Prohibited Advertising Content

(a) Content containing any of the following characteristics is not permitted:

1. **Pornography:** Obscene, pornographic, indecent or explicit messages or messages that contain an offensive level of sexual overtone or innuendo; contain obscene images or nudity; or promote the use or purchase of obscene, pornographic, indecent or explicit materials.
2. **Profanity:** Advertising that contains any profane language.
3. **Discriminatory content:** Advertisements that denigrate or discriminate against any individual or group based on gender, age, sexual preference, religion, race, ethnicity, disability or political affiliation.
4. **Religious or Irreligious content:** Advertisements that promote a particular religious or anti-religious position.
5. **Politics:** Political advertising promoting or opposing a political party; the election of any candidate or group of candidates for federal, state or local government offices; and initiatives, referendums and other ballot measures.

6. Public issues: Advertising expressing or advocating an opinion, position or viewpoint on matters of public debate about economic, political, religious or social issues.
7. Public contract conflict: Advertisements and Sponsorships from trade associations, lobbying organizations, construction or engineering services or consulting firms that have or are reasonably likely to bid on Department contracts, with the exception of contracts through which the Department provides or receives no compensation.

(b) Advertising and Sponsorship messages that depict or promote any of the following products, services or other material will not be permitted:

1. Tobacco products: Advertisements promoting the sale or use of tobacco or tobacco-related products, including but not limited to, depicting such products.
2. Alcohol: Advertisements promoting the sale of an alcohol product or a brand of alcohol products.
3. Gambling: Licensed or unlicensed, except for licensed casinos and the Pennsylvania Lottery.
4. Firearms: Advertisements promoting or soliciting the sale, rental, distribution or availability of firearms or firearms-related products, or contains an image of a firearm.
5. Adult/x-rated films, television, publications or video games or other products rated by the industry as unsuitable for children.
6. Adult entertainment or establishments, including but not limited to, adult book or video stores, adult internet sites, adult telephone services, and adult escort services.
7. False or misleading material that the advertiser knows or should know is false, fraudulent, misleading or deceptive.
8. Objectionable sexual or harmful subject matter that is offensive based on contemporary community standards and is reasonably foreseeable that it would result in harm to, disruption of, or interference with the transportation system.
9. Insulting, disparaging, or degrading material directed at a person or group that could incite or produce lawless action in the form of retaliation, vandalism or other breach of public safety, peace and order.
10. Illegal activity including any advertising that promotes any activity or product that is illegal under federal, state, or local law, or any advertising that contains material that is an infringement of copyright, trademark, or is otherwise unlawful or illegal.
11. Products, services or messages which might be contrary to the best interests of the traveling public, the Department or Commonwealth, including without limitation any advertisement that encourages or depicts unsafe behavior with respect to transportation-related activities such as not driving within speed limits or not complying with traffic

laws. Advertisements will not be allowed for products contrary to the interests of the Department or Commonwealth, such but not limited to radar detectors to avoid speeding tickets or for legal services from attorneys defending those charged with driving under the influence.

a) Any material contained in an advertisement or sponsorship message that implies or declares an endorsement by the Department or the Commonwealth of any service or product that falls outside the scope of the contractual relationship.

b) **Graphic violence:** Advertisements containing an image or description of graphic violence, including but not limited to, the depiction of weapons or other implements or devices used in the advertisement in an act or acts of violence or harm on a person or animal.

c) **Unlawful activity:** Contains, promotes or encourages the use of any unlawful products or promotes or encourages unlawful or illegal behavior or activities.

Advertising Disclaimer

The Department does not endorse or make any representations, explicit or otherwise, concerning any advertiser or sponsor, or their advertising messages or content, or any products or services which they offer. The Department reserves the right, when it would imply otherwise, to require that an advertisement or sponsorship message on or in its equipment and facilities include a disclaimer indicating that the advertisement or message is not sponsored or endorsed by the Department or the Commonwealth. Traffic control devices shall not bear any advertising message.

Conflict of Interest

The Department shall have the right to refuse any advertisements or sponsorships that in their sole discretion creates an actual or perceived conflict of interest, which shall include, but not be limited to, companies that have procurement bids pertaining to construction, engineering, the furnishing of goods, consulting or the like under consideration by the Department.

Administrative Monitoring and Control

A Program Manager selected by the Department shall be responsible for the administration of the Advertising and Sponsorship Program in a manner consistent with these Standards. The responsibilities shall include (i) being the primary contact with the Sponsor (ii) reviewing all Third Party Agreements ("TPA's") among the Advertiser or Sponsor and the Program Manager, (iii) ensuring that the Standards are included as part of any and all TPA's (iv) recommending approval, modifications or disapproval of the TPA's and expediting the execution process (v) working with the Sponsorship Consultant Contractor to expedite the posting of advertising or sponsorship content, or displays on or in the equipment and facilities of the Department (vi) reviewing and approving all proposed advertisements and sponsorship messages prior to posting or publishing to ensure that they comply with the Standards.

Conforming to Federal and State Laws and Regulations

Any and all advertising and sponsorship acknowledgement signs, plaques and their commercial messages shall be in conformity with all federal and state laws, rules and regulations governing or related to the operation of highways and other transportation facilities or programs under the control and jurisdiction of the Department or other qualifying entity, such as but not limited to the Pennsylvania Turnpike Commission. Acknowledgement signs and plaques, their placement, design and size of signs and permitted messaging content, are governed by, and require strict compliance with the current versions (or equivalents) of FHWA's Manual on Uniform Traffic Control Devices (MUTCD), Department regulations at 67 Pa. Code § 212, the Standard Highway Signs and Markings Book, and FHWA Order 5160.1A, *Policy on Sponsorship Acknowledgement and Agreements within the Public Right-of-Way*, issued on April 7, 2014, (which Order is attached as Appendix A). All Sponsorship Agreements involving Interstate highway systems shall be approved by the FHWA Division Administrator to ensure compliance.

Third Party Agreements

These Standards shall be made a part of, and incorporated into every TPA. The Department will reserve the right to terminate TPA's for cause or convenience, in whole or in part, for performance, safety concerns, interference with the free and safe flow of traffic, or if it is determined that the sponsorship agreement is not in the public interest. The contract can be terminated by the Agencies if the sponsor fails to comply with the terms of the contract including violating the size and location of sponsorship logos. Should the contract be terminated, the Department will follow all applicable Federal and State rules and regulations.

Funding

Where federal funds were used within the corridor or facility for which sponsored services are conducted or provided, revenue or any funds generated (monetary contributions) by sponsored services shall be spent for highway purposes. Where federal funds were not used within the corridor or facility for which sponsored services or marketing activities (including advertising authorized by law) are provided or conducted, monetary contributions by sponsored services or marketing activities shall comply with all applicable laws and insofar as practicable support highway purposes.

APPROVED BY: _____



NAME AND TITLE: Barry J. Schoch, P.E., Secretary

DATE: _____

11-19-14