

CHAPTER 123
REST AREA SPONSORSHIP PROGRAM

761—123.1(307) Introduction and purpose. The rest area sponsorship program is an exchange of a monetary contribution from a person, a firm, or an entity for public recognition in the form of identification displayed on an acknowledgment sign on the main-traveled way of an interstate highway in advance of the exit for a rest area and an interior sign within the primary rest area building. The purpose of the program is to provide contributory support for the primary road fund. The rest areas are funded through the primary road fund and provide a public service.

[ARC 0187C, IAB 7/11/12, effective 8/15/12; see Delay note at end of chapter]

761—123.2(307) Contact information. Information relating to the issuance of requests for proposals when sponsorship opportunities become available may be obtained from the Office of Maintenance, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010, or by telephone at (515)239-1971.

[ARC 0187C, IAB 7/11/12, effective 8/15/12; see Delay note at end of chapter]

761—123.3(307) Definitions. As used in this chapter, unless the context otherwise requires:

“Acknowledgment sign” means an official sign placed within the right-of-way which meets all design and placement guidelines for acknowledgment 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, and which is 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.

“Advertise” means to provide information on a sign which includes, but is not limited to, any of the following: promotional offers, location directions, a listing of amenities, descriptive words or phrases, telephone numbers, Internet addresses including domain names, slogans or any message that is extraneous to the identification of a single-sponsoring person, firm or entity.

“Identification” means a display on an acknowledgment sign which is limited to the name of the sponsor or a registered or unregistered trademark in addition to or instead of the name of the sponsor, if such mark is used consistently by the sponsor whenever and wherever the firm’s or entity’s name is visible to the public, and the medium will allow. If multiple trademarks are used by the sponsor, identification is provided only by the one in the simplest form needed to identify the sponsor.

“Interstate highway” means any highway of the primary system at any time officially designated as a part of the national system of interstate and defense highways by the department and approved by the appropriate authority of the federal government.

“Main-traveled way” means the portion of the roadway for movement of vehicles on which through traffic is carried, exclusive of shoulders and auxiliary lanes. In the case of a divided highway, the main-traveled way includes each of the separated roadways for traffic in opposite directions, exclusive of frontage roads, turning roadways or parking areas.

“MUTCD” means the Manual on Uniform Traffic Control Devices as adopted in 761—Chapter 130.

“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 under supervision and control of the department for the safety, recreation, and convenience of the traveling public. Subject to paragraph 123.4(1) “b,” if two rest areas are located in close proximity and serve opposite directions of travel, both rest areas are individually eligible for sponsorship.

“Right-of-way” means land area dedicated to public use for the highway and its maintenance, and includes land acquired in fee simple or by permanent easement for highway purposes, but does not include temporary easements or rights for supplementary highway appurtenances.

“Sponsor” means a single person, firm or entity which has been approved by the department for the rest area sponsorship program.

[ARC 0187C, IAB 7/11/12, effective 8/15/12; see Delay note at end of chapter]

761—123.4(307) General provisions.**123.4(1) Scope.**

a. This program is limited to the sponsorship of all rest areas located on the interstate highways in Iowa.

b. This program may be limited by the department to those rest areas located in areas where adequate spacing for acknowledgment signs along the main-traveled way is available, in accordance with the MUTCD, Section 2H.08, “Acknowledgment Signs.”

123.4(2) Authority and conditions.

a. Subject to the provisions of Iowa Code section 321.253, the department may erect in advance of the exit for the rest area one acknowledgment sign per rest area, per direction of travel, on the interstate highway right-of-way along the main-traveled way.

b. The department may allow an interior sign, with size and message approved by the department, within the primary building which may advertise the sponsor.

c. Subject to the provisions of Iowa Code chapter 23A, the department may, through an equitable procurement process, receive a monetary contribution from an approved sponsor. This monetary contribution shall be deposited into the primary road fund and subsequently spent for highway purposes, including the maintenance and operation of the rest areas.

d. The department shall have the right to discontinue the program, or portions thereof, if the program or any component part of the program is found to be in violation of federal law or regulation.

e. The department shall have the right to terminate a sponsorship agreement for reasons, as determined by the department, based on safety concerns, interference with the free and safe flow of traffic, or a determination that the sponsorship agreement or acknowledgment sign is not in the public interest.

[ARC 0187C, IAB 7/11/12, effective 8/15/12; see Delay note at end of chapter]

761—123.5(307) Sponsorship agreements.

123.5(1) Federal Highway Administration approval. All sponsorship agreements are subject to approval by the Federal Highway Administration.

123.5(2) Qualifications. A person, firm or entity may be eligible to participate as a sponsor for the program. However, the department may deny the proposal or application from any potential sponsor if the sponsor’s participation might be deemed by the state as a partisan endorsement or have an adverse effect on the program.

123.5(3) Selection process. Sponsors will be approved through a fair and transparent procurement process, as approved by the department, subject to the provisions of 761—Chapter 20.

123.5(4) Discrimination prohibited. As a condition of approval as a sponsor, the sponsor shall give the department written assurance of the sponsor’s conformity with all applicable laws prohibiting discrimination based on age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion or disability.

[ARC 0187C, IAB 7/11/12, effective 8/15/12; see Delay note at end of chapter]

761—123.6(307) Acknowledgment sign criteria.**123.6(1) Identification displayed.**

a. An acknowledgment sign shall not advertise.

b. An acknowledgment sign shall not contain any messages, lights, symbols or trademarks that resemble any official traffic control device.

c. An acknowledgment sign shall contain the appropriate lettering to indicate “REST AREA” and may contain an identification of one sponsor.

d. The department shall review the acknowledgment sign proposed by the sponsor and shall have full authority to determine whether proposed designs from sponsors advertise or provide identification.

e. The department shall not approve any acknowledgment sign proposed by the sponsor if the sign might be deemed a partisan endorsement or have an adverse effect on the program.

123.6(2) *Design and placement of acknowledgment sign.*

a. The department shall determine when adequate spacing is available to accommodate the placement of an acknowledgment sign in accordance with the MUTCD.

b. The entire sign display area shall not exceed 24 square feet.

c. The area reserved for the identification of the sponsor shall not exceed one-third of the total area of the sign, shall be a maximum of 8 square feet, and shall not be located at the top of the sign.

d. Sponsors must provide signs measuring 24 inches high and 48 inches wide that are fabricated from .080 aluminum with 2-inch radius corners and have a ½-inch white border for placement on the acknowledgment signs.

e. The department shall inspect signs received from sponsors, and if the signs meet the requirements contained in this rule, the department shall perform the installation.

f. All acknowledgment signs erected by the department shall conform to the MUTCD.

[ARC 0187C, IAB 7/11/12, effective 8/15/12; see Delay note at end of chapter]

These rules are intended to implement Iowa Code subsection 23A.2(9) and Iowa Code section 307.24.

[Filed ARC 0187C (Notice ARC 0113C, IAB 5/2/12), IAB 7/11/12, effective 8/15/12]¹

¹ August 15, 2012, effective date of Chapter 123 [ARC 0187C] delayed 70 days by the Administrative Rules Review Committee at its meeting held August 14, 2012. At its meeting held September 11, 2012, the Committee delayed the effective date until adjournment of the 2013 Session of the General Assembly.