



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

1200 New Jersey Avenue, SE.  
Washington, DC 20590

January 26, 2009

In Reply Refer To: HOTO-1

James W. Ellison, P.E.  
County Traffic Engineer  
Pierce County Public Works and Utilities  
2702 South 42nd Street, Suite 201  
Tacoma, WA 98409-7322

Dear Mr. Ellison:

Thank you for your January 4 request for interpretation regarding the use of "sign kiosks" within the rights of way of conventional roadways to direct motorists to residential communities and subdivisions. The signs described and illustrated in your request do not conform to the provisions of the *Manual on Uniform Traffic Control Devices* (MUTCD) as explained further herein.

1. The signs illustrated in your request display the business logos of the individual builders instead of identifiable destinations, such as the name of the neighborhood or subdivision. Business logos are generally not permitted on traffic signs, except as provided by the MUTCD for Specific Service signs and Tourist-Oriented Directional signs, or as consistent with the Federal Highway Administration's (FHWA) policy on acknowledgement of sponsorship of a highway-related service.
2. The designs of the sign assemblies do not conform to the provisions of MUTCD Section 2A.18, "Mounting Height." This Section requires a minimum mounting height between the ground and the bottom of the sign of 5 feet in rural areas or 7 feet in areas where parking or pedestrian activity occurs. The illustrations in your request depict a minimum mounting height of 24 inches to the lowest message panel.
3. The signs illustrated contain legends that are composed of lettering other than the FHWA Standard Alphabets. Non-standard lettering may be used on Community Wayfinding signs if based on a documented study that demonstrates legibility comparable to that of the FHWA Standard Alphabets.
4. The sign assemblies contain a horizontal message bar that includes a business name and telephone number, presumably those of the sign manufacturer. As this information is not related to traffic control, it is considered advertising and is not permitted to be displayed on the face of a traffic sign or its supports that are visible to traffic.

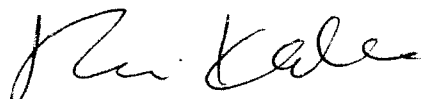
**MOVING THE  
AMERICAN  
ECONOMY**



As stated in your request, the purpose of the subject sign assemblies is to direct motorists to named residential communities or subdivisions and other points of interest. Such a function is consistent with that of Community Wayfinding signs, which are permitted on an experimental basis. Draft guidelines were developed to aid agencies in preparing official requests for experimentation with Community Wayfinding signs. However, the signs illustrated in the request do not conform to the draft guidelines for Community Wayfinding signs, dated January 2006. The draft guidelines have been substantially incorporated into the Notice of Proposed Amendments (NPA) to the MUTCD, which was issued for public comment January 2, 2008. Since the provisions for Community Wayfinding signs have not been incorporated into the MUTCD by rulemaking, their use is permitted only through official experimentation. In addition to the display of an identifiable destination—i.e., the community name rather than the builder name or business logo—other design elements, including the number and order of destinations and the placement of arrows, must conform to the general provisions of the MUTCD for Guide signs and to the draft guidelines for Community Wayfinding signs.

We appreciate the opportunity to provide this official interpretation and hope that it is helpful to you. We have assigned your request the following official ruling number and title: "2-660(I)—Sign Kiosks for Residential Subdivisions." Please refer to this number and title in future correspondence. If you have questions or wish additional information, please contact Mr. Kevin Sylvester at 202-366-2161.

Sincerely yours,



Hari Kalla  
Acting Director, Office of Transportation  
Operations



**Transportation Services**

2702 South 42nd Street, Suite 201  
Tacoma, Washington 98409-7322  
(253) 798-7250 • FAX (253) 798-2740

January 4, 2009

Hari Kalla  
Acting Director  
Office of Transportation Operations  
Federal Highway Administration  
1200 New Jersey Avenue, SE, HOTO-1  
Washington, DC 20590

Re: Manual on Uniform Traffic Control Devices (MUTCD)  
Request for Official Interpretation – Use of Sign Kiosks

Dear Mr. Kalla:

Pierce County, Washington is submitting this request for official interpretation regarding the use of sign kiosks along public urban conventional roads to provide directional signing to residential developments offering the first time sale and/or lease of single family houses, multi-family condominiums, apartments or any other business in the process of being built-out or initiating commercial operations.

Interpretation Being Sought:

The proposed sign kiosk design is represented by the pictures shown in attached Figure 1. The panels would contain the name of the subdivision, new multi-family development or coming commercial establishment, and a directional arrow. The sign panels would be allowed to remain in a kiosk until 90 per cent of units within a subdivision, apartment or development are sold or leased for the first time or a new commercial establishment has been selling goods or services directly to customers for 180 days.

The kiosks would typically be located in advance of an intersection or other similar decision-making point for approaching drivers, along County public (conventional) roads within the designated urban area of unincorporated Pierce County. They would be located at least 100 feet, and preferably 200 feet or more, from any other traffic sign or signal device, and mounted on breakaway supports. The kiosks would typically be placed in the public road rights-of-way, but it is possible that they could be placed on private property immediately adjacent to a road right-of-way and clearly visible to approaching drivers.



Mr. Hari Kalla  
Request for Interpretation  
Pierce County, WA  
January 8, 2009  
Page Two

This request for interpretation poses two primary questions:

- (1) Is the proposed use of the sign kiosk design (i.e., directional signs for real estate and new business purposes) acceptable under the MUTCD, assuming the kiosks are traffic control devices, and
- (2) If the proposed kiosk use and design is not regarded as a traffic control device, do the proposed kiosks constitute advertising within the road right-of-way, and is that allowable with respect to the policies of the FHWA?

Condition that provoked the need for an interpretation:

A significant number of signs are being placed without permission in County road rights-of-way that direct home buyers and lessees to available new residences that are, by their very nature, located outside commercial districts and therefore are difficult to find without the assistance of directional signs.

The County had initiated a sign removal program, to remove unpermitted directional signs as well as non-directional signs from the road rights-of-way. In response, the local real estate community stated that the availability of new home directional signs eases the home search process by allowing purchasers to combine neighborhood scouting and home scouting in the same outing. In a finding of the Pierce County Council, the County's removal of these signs elevated the need to prepare a legal mechanism for placing temporary directional signs in locations where they could assist buyers searching for new housing.

One proposal is to allow sign kiosks as described above to be placed within the road rights-of-way if the kiosk structures providing panels for the stated use do not conflict with federal regulations governing traffic control devices.

Additional background and comments:

The current 2003 MUTCD does not appear to specifically recognize the use of sign kiosks. The section which appears to most closely apply to the proposed sign kiosk design is Section 2G. Tourist-Oriented Signs, which provides for "business identification and directional information for business, service, and activity facilities." The facilities are defined as "derives a major portion of income or visitors during normal business season from road users not residing in the area of the facility." The section also indicates that these signs are intended for use "only on rural conventional roads."

Mr. Hari Kalla  
Request for Interpretation  
Pierce County, WA  
January 23, 2009  
Page Three

However, in the current Notice of Proposed Amendment (NPA) that had a published closing date of July 31, 2008, there is a proposed new MUTCD Section 2D.52 Community Wayfinding Guide Signs. These signs "direct tourists and other road users to key civic, cultural, visitor, and recreational activities and other destinations within a city or urbanized area." Proposed Figure 2D-19 in the NPA shows examples of these signs.

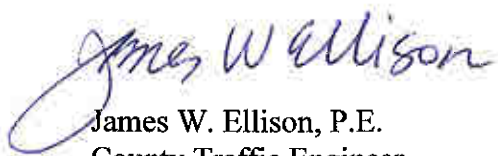
Although there could be a perception that these wayfinding signs are intended for directing tourists to locations such as aquariums, museums, zoos, historic houses, forts, visitor centers, etc., the proposed language also appears to provide some flexibility, i.e., "other road users" (not just tourists) and "other destinations" (not just civic, cultural, visitor, and recreational activities).

If, on the other hand, the FHWA interprets that the proposed sign kiosk use is not under the purview of the MUTCD (i.e., it is not a traffic control device), then the County would also want to know if this proposed use would or would not be considered as advertising, since it is our understanding that the FHWA policy position is, "Use of highway right-of-way for advertising purposes is not allowed" (August 10, 2005 FHWA Memorandum on optional use of Acknowledgment Signs from J. Richard Capka, Acting Administrator), and "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" (October 29, 2003 FHWA Memorandum on Acknowledgment Signs from Mary E. Peters, Administrator).

Based on the above, in its interpretation can the FHWA provide our agency guidance as to whether the proposed sign kiosks design and use is acceptable?

Thank you for your consideration of our request. We look forward to receiving your interpretation. If you would like any additional information or clarification of our request, please contact me at 253-798-2267 or at [jelliso@co.pierce.wa.us](mailto:jelliso@co.pierce.wa.us)

Sincerely,

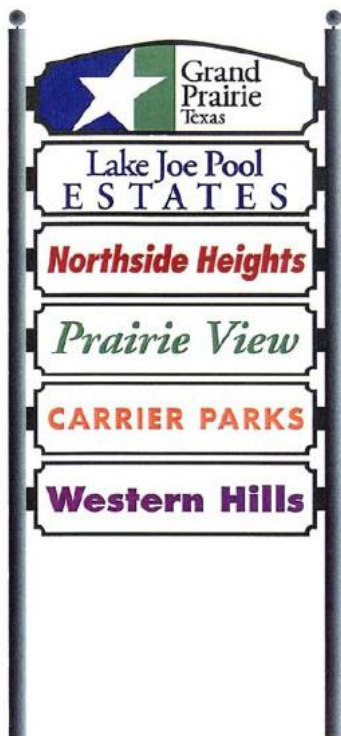
  
James W. Ellison, P.E.  
County Traffic Engineer

Enclosure

JWE:je

cc: Brian D. Stacy, P.E. County Engineer  
file

Figure 1. Examples of Sign Kiosk Use for Real Estate & Business Directional Signing





## FHWA Policy Memorandums - Manual on Uniform Traffic Control Devices

U.S. Department of Transportation  
Federal Highway Administration

## Memorandum

Subject: **INFORMATION:** Optional Use of Acknowledgment Signs on Highway  
Rights-of-Way

Date: August 10, 2005

From: J. Richard Capka  
Acting AdministratorReply to HOTM-1  
Attn. of:To: Associate Administrators  
Chief Counsel  
Directors of Field Services  
Resource Center Director and Operations Managers  
Division Administrators  
Federal Lands Highway Division Engineers

It is the Federal Highway Administration's (FHWA) policy to allow the use of signs to acknowledge the provision of highway-related services. State and local programs for acknowledgment signs are growing in popularity because they can provide additional revenue for highway facility maintenance programs. Therefore, we are issuing this guidance memorandum to set forth the distinction between advertisement and acknowledgment signs, and provide guidance on the content and placement of acknowledgment signs. Although the information contained in this memorandum is considered policy guidance, the FHWA intends to propose these provisions in the rulemaking for the next edition of the Manual on Uniform Traffic Control Devices (MUTCD). The proposed rulemaking will more clearly identify standards, guidance, and options and the public will have an opportunity to provide comments.

This policy memorandum on acknowledgment signs replaces the previous policy memorandum dated October 29, 2003, and applies to both corporate and volunteer sponsorship programs. The term "highway" is used in a generic way throughout this memorandum to apply to all streets and roadways open to public travel. The guidance provided in this memorandum applies to new and modified installations and is intended to promote a degree of national uniformity and consistency. Existing acknowledgment signs already installed do not have to be changed. However, we encourage State and local highway agencies to consider the guidance provided in this memorandum when replacing or upgrading existing signs. While this guidance provides flexibility to the States and local highway agencies, attempts should be made to follow good, basic engineering practices such as simplifying sign message content, reasonable sign sizes, and minimizing driver distraction.

Acknowledgment signs are a way of recognizing a company or business, or a volunteer group that provides a highway-related service. Acknowledgment signs include sponsorship signs for adopt-a-highway litter removal programs, maintenance of a parkway or interchange, and other highway maintenance or beautification sponsorship programs. Acknowledgment signs should clearly indicate the type of highway services provided by the sponsor. The FHWA recognizes a distinction between signing intended as advertising and signing intended as an acknowledgment for services provided. Advertising generally has little if any relationship to a highway service provided. The advertiser basically wants to get its recognizable message, company emblem, or logo before the public, and if possible, information on how or where to obtain the company's product or services. In most cases, if the sign goes beyond recognizing the company's contribution to a particular highway service at a specific highway site or includes telephone numbers or internet addresses, the sign is more properly classified as an advertising sign and not an acknowledgment sign.

Use of highway right-of-way for advertising purposes is not allowed. This policy position is consistent with the principles and intent of several laws including 23 U.S.C. §1.23(b), 23 U.S.C. §109(d), and 23 U.S.C. §131. The MUTCD Section 1A.01 states that "Traffic control devices or their supports shall not bear any advertising

message or any other message that is not related to traffic control." This position is founded on safety and operational concerns, particularly as related to driver distraction. Highway signs and other traffic control devices convey crucial information. In order for road users to perceive and respond appropriately to critical information, we must make sure that its conspicuity is preserved so that the safe and orderly movement of traffic is not compromised.

If a State or local highway agency elects to have an acknowledgment sign program, then that agency should develop an acknowledgement sign policy. This policy should include requirements that eligible sponsoring organizations must comply with State laws prohibiting discrimination based on race, religion, color, age, sex, national origin, and other applicable laws. State or local agencies must also be aware of and comply with the general provisions for signs as covered in Chapter 2A of the MUTCD and sign design principles covered in the Standard Highway Signs Book. The acknowledgment sign policy should conform at a minimum to the considerations for sign design and placement covered below.

### **Sign Placement:**

With respect to placement of traffic control signs, regulatory, warning, and guide signs have a higher priority than acknowledgement signs. In fact, acknowledgment signs are the lowest priority of information-type signs and may only be placed where adequate spacing between higher priority signs is available. In no case shall the acknowledgment sign be placed such that it obscures road users' view of other traffic control devices. The following minimum spacing is recommended:

1. On roads with speed limits of less than 30 mph, acknowledgment signs should not be placed within 150 feet of any other traffic control signs, except parking regulation signs.
2. On roads with speed limits of 30 to 45 mph, acknowledgment signs should not be placed within 200 feet of any traffic control signs, except parking regulation signs.
3. On roads with speed limits greater than 45 mph, acknowledgment signs should not be placed within 500 feet of any traffic control signs, except parking regulation signs.

Due to public safety concerns, acknowledgment signs shall not be allowed at the following locations:

1. On the front, back, adjacent to or around any traffic control device, including traffic signs, signals, changeable message signs, traffic control device posts or structures, or bridge piers.
2. At key decision points where a driver's attention is more appropriately focused on traffic control devices, roadway geometry, or traffic conditions. These locations include, but are not limited to exit and entrance ramps, intersections controlled by traffic signals or by stop or yield signs, highway-rail grade crossings, work zones, and areas of limited sight distance.

If the placement of an acknowledgment sign conflicts with newly installed higher priority signs, or traffic signals, or temporary traffic control devices, or other priority devices, the acknowledgment sign should be removed, covered, or relocated.

### **Sign Design:**

State or local highway agencies may develop their own acknowledgment sign designs and may also use their own pictograph logo and/or a brief jurisdiction-wide program slogan as part of any portion of the acknowledgement sign. However, all such designs shall be consistent with the following provisions:

- Does not contain any contact information, directions, slogans (other than a brief jurisdiction-wide program slogan, if used), telephone numbers, and internet addresses.
- Use the Standard Highway Signs alphabet series fonts. This does not apply to the sponsor acknowledgment logo.
- Have a sponsor acknowledgment logo that is not more than 1/3 of the total area of the sign. The reason for this is to keep the main focus on the highway-related service and not on the sponsor logo. The sponsor



acknowledgment logo may contain text, a sponsor logo, or both.

- Does not contain any messages, lights, symbols, and trademarks that resemble any official traffic control devices.
- Does not contain any light-emitting diodes, luminous tubing, fiber optics, luminescent panels or other flashing, moving, or animated features.
- Does not distract from official traffic control messages such as regulatory, warning, or guidance messages.

Examples of design layouts (D14-1, D14-2, and D14-3) are included as an attachment for consideration by State and local agencies interested in developing acknowledgment sign designs. These examples are intended as a starting point for those agencies that may be developing a new or modifying an existing acknowledgment sign program. If there are any further questions about this issue, please contact Mr. Hari Kalla at 202-366-5915 or via email at [hari.kalla@fhwa.dot.gov](mailto:hari.kalla@fhwa.dot.gov).

Attachment: (PDF 233KB)

Page 1 shows the first of 3 sample acknowledgement signs with appropriate sizes and dimensions.

Page 2 shows the second of 3 sample acknowledgement signs with appropriate sizes and dimensions.

Page 3 shows the third of 3 sample acknowledgement signs with appropriate sizes and dimensions.

You will need the [Adobe Acrobat Reader](#) to view the PDF on this page.



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Last modified: August 15,  
2005



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**FHWA Policy Memorandums - Manual on Uniform Traffic Control Devices**U.S. Department of Transportation  
**Federal Highway Administration**

# Memorandum

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

Date: October 29, 2003

From: Mary E. Peters  
AdministratorReply to HCC-30  
Attn. of: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.

This page last modified on July 20, 2005



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