



Highway Aesthetic Element Guidelines

Effective Date: September 30, 2021

**Development Services Division
Utility Coordination, Permits, & Agreements Section**

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Purpose

Cities, villages, counties, townships, or tribal governments often desire transportation facilities to provide identification and a favorable image of the communities in which they are located. Using the principles of Context Sensitive Solutions (CSS) for Alternative Use of Highway Right-of-Way, the Michigan Department of Transportation (MDOT) encourages and promotes enrichment of the cultural and visual environment for transportation system users and local communities by facilitating and coordinating the integration of highway aesthetic elements within the MDOT right-of-way (ROW). Use of the MDOT ROW for non-highway purposes is allowed under 23 CFR 1.23 (b) and (c), if such use is in the public interest and will not impair the highway or interfere with the free and safe flow of traffic. Aesthetic elements, such as gateways and public works of art, may also be allowed within the MDOT ROW under 23 CFR 752.2 (a) and (b). Please note that in some cases, MDOT may not be the underlying fee holder of the ROW; using the ROW for an aesthetic element would then require written approval from the underlying fee holder of the property before MDOT could consider permitting the use.

An aesthetic element can signify economic, physical, and cultural locations and is intended to create a sense of place in support of a community's identity. Aesthetic elements are considered a non-highway use within the transportation corridor and shall not impair the function, safety, operation, or maintenance of the highway.

Prior to engaging in the permitting process, MDOT will require evidence of CSS community engagement and support for the purpose of this request. The Eligible Entity will follow the MDOT CSS policy or solicit comments from stakeholders in accordance with the requirements of MDOT's CSS for Aesthetic Use of Highway Right-of-Way (Form 0525A). Regardless of the method used, submittal of [Form 0525A](#) is required.

Locations for aesthetic elements can be quite varied. Some may be located at a distinctive boundary location as a gateway entering the community or at a location with historic or cultural value. Other locations may be regional tourism settings or economic development initiatives including prosperity zones and trade corridors.

Definitions

Below are definitions for some common terms used throughout this document with regard to permit applications for aesthetic elements.

1. Eligible Entity: Cities, villages, counties, townships, tribal governments, or state and federal agencies.

2. Gateway Sign: A gateway sign is defined as any non-traffic governmental signing that is intended to convey community identification^a.
3. Gateway Monument: Is a freestanding structure that is intended to define and enhance a community.
4. Gateway Component on Engineered Facilities: An image or text that conveys information about a region, community or Eligible Entity that is part of an official municipal charter may be considered for placement as an aesthetic element upon engineered facilities such as bridges, noise walls, retaining walls, slope paving etc.
5. Public Artwork: Any work of art which is designed for and sited in a space accessible or visible to the general public.
6. Landscape Enhancements: Softscape, hardscape, and architectural lighting
7. Regional Collaboration Area: Recognized groups associated within a general geographical region established to find and strengthen common interests specific to that area.

Design and Placement of Aesthetic Elements

*The following items are covered by other guidance, processes, policies, or laws and **are not** considered aesthetic elements^b:*

- Tourist Oriented Directional Signs or Logo Signs
- Adopt-A-Highway or Adopt-A-Landscape
- Sponsor-A-Highway
- Traffic generator signing (stadiums, museums, performing arts venues etc.)
- Non-permanent or Seasonal Banners (farmer's markets, annual community events etc.)
- Acknowledgement Signs
- Slogan/Distinctive Boundary Signs
- Community Wayfinding Signing
- Memorial Highway Signing

Design parameters including but not limited to location, placement, materials, or content will apply to all aesthetic elements. Only one aesthetic element will be allowed per Eligible Entity on an MDOT owned route in each direction of the traveled roadway. When it is a facility that has multiple route designations the aesthetic element would be attributable to the route with the highest National Functional Classification (NFC)^c.

^a Gateway signs are installed as independent sign assemblies. Under current federal regulations prohibiting advertising (including [23 CFR 1.23\(b\)](#), [23 U.S.C. §109\(d\)](#), [23 U.S.C. §111](#), and [23 U.S.C. §131](#)), use of private trade names, logos, products or product names, service names, company name, or contact information will be prohibited on gateway signs and monuments within the operational highway ROW.

^b See [Administrative Rules Regulating Driveways, Banners, and Parades, Guidelines for Signing on State Trunkline Highways](#)

^c See [National Functional Classification](#)

*Proposed aesthetic elements **must not**:*

1. Be located in the median of a highway with posted speeds of greater than 45 miles per hour.
2. Be located in the clear vision area of any roadway.
3. Be located within the median areas of freeways and Interstates.
4. Promote commercial products, non-governmental logos, emblems, trade names, messages, or services of any kind.
5. Contain religious, political, private, or special interest symbols, trade names, slogans, or websites. Must not violate Title VI of the Civil Rights Act of 1964.
6. Sponsor or acknowledge aesthetic elements.
7. Include illumination that impairs or distracts driver vision. Display blinking, intermittent or moving lights, including digital displays or lighted static LED displays. Other lighting may be permitted.
8. Include moving elements including kinetic art or other devices.
9. Include water features of any type.
10. Interfere with official traffic control devices including signing, or the operational ROW above the roadway.
11. Be attached to inside face or top of traffic barriers to prevent potential snagging of vehicles.
12. Be considered on National or State Byways, All American Roads, or other recognized roadway designations unless the managing entity provides a resolution of support.
13. Adversely impact existing highway features and facilities including drainage and vegetation. Removal of trees or other vegetation for visibility will not be considered unless the proposed landscaping plan for the aesthetic element includes tree and vegetation replacements as part of the proposed landscaping plan or as other program requirements limit.

*Proposed aesthetic elements **must**:*

1. Follow all standards for placement of discretionary fixed objects as follows:
 - a. Located outside the clearzone distances as stated in the MDOT Road Design Manual, or
 - b. Shielded behind existing guardrail, barrier, or other safety device.
 - c. Each design must fit site specific conditions utilizing criteria in Chapter 7 of the MDOT Road Design Manual.

Note: If within an urban area, the aesthetic element shall be placed outside the required clear-zone or shield non-crashworthy objects per the AASHTO Roadside Design Guide^d.

^d See [23 CFR §625 Design Standards For Highways - Code of Federal Regulations \(ecfr.io\)](https://www.ecfr.io/23-cfr-625)

2. Be located on the backside of the barrier, not on the traffic side or on top.
3. Be located in an area where maintenance can be safely performed as specified in the permit or agreement and in conformance with department procedures.
4. Identify the ROW type and documentation to ensure that the property rights are in MDOT's or local government's authority.
5. Comply to the current guidelines for any modification to existing aesthetic element, such as a gateway sign or monument.
6. Permanent traffic signing shall be considered when aesthetic elements, such as gateway signs or monuments, are proposed. Traffic signs (whether overhead or ground mounted) take priority over visibility of an aesthetic element and shall be located per the Michigan Manual on Uniform Traffic Control Devices (MMUTCD) and/or any MDOT Standard.
7. Regional officially adopted seal, emblem, logo, or slogan must be substantiated through resolution and participating governmental agreement of all the participating eligible entities. Any modifications for constructability require a separate resolution. It must be compliant with the MMUTCD, and not create an attractive nuisance.

Aesthetic Elements and Gateway Component placed on Engineered Facilities must also meet the following requirements:

1. Allowable aesthetic elements on bridges are restricted to:
 - a. Name of the facility which crosses over the bridge.
 - b. Name or official seal/regional seal/emblem/logo of the governmental entity (Eligible Entity only).
 - c. Public artwork.
2. Attachments of aesthetic treatments to bridges shall not infringe on existing vertical underclearance envelopes.
3. Field drilling, welding or attachments of any kind are not permitted on steel or concrete beams, or steel railing elements.
4. Use only epoxy anchor systems, or concrete anchor systems on the MDOT QPL, and installed in accordance with the MDOT Standard Specifications for Construction for connections to bridges.
5. Epoxy anchor systems must be designed using ACI 318-14 or later editions for the given loading condition (vertical, horizontal, or overhead) and use only adhesive anchor systems qualified per ACI 355.4-11 or later editions for the same loading condition.
6. Where connections are proposed to the bridge deck overhang and concrete railing elements, a Pachometer must be used to locate and avoid existing reinforcement.
7. Connections for aesthetic elements must be designed in accordance with the AASHTO Guide Specifications for Structural Supports for Highway Signs, Luminaries, and Traffic

Signals. Post-installed adhesive anchors must be designed using ACI 318-14 or later editions for the given loading conditions.

Jurisdiction for Location of an Aesthetic Element

Whenever feasible, the aesthetic element should be located within the legal boundaries of the Eligible Entity or the recognized Regional Collaboration Area. If the proposed location for the aesthetic element is outside of the boundaries of the Eligible Entity, or if the location is at the border of multiple entities, the elected boards of all entities impacted by the aesthetic element must provide resolutions of support. All Eligible Entities may request an aesthetic element on behalf of a non-governmental unit such as regional tourism collaborations.

Responsibilities

MDOT retains sole discretion for approval of all aesthetic elements and associated features, including gateway signing, monuments, and components on the State Highway System, in addition, the Federal Highway Administration (FHWA) must approve aesthetic elements, including gateway signing, monuments, and components within Interstate Limited Access ROW (LAROW).

1. **Financial Responsibilities:** All costs for the proposed aesthetic element design, construction, access for maintenance, maintenance, and removal of the aesthetic element features (if required) are the responsibility of the Eligible Entity and must be outlined in detail within the preliminary and final permit submittals. Coordination and resolution of any utility costs or issues will be the responsibility of the Eligible Entity. Aesthetic element proposals incorporated into an MDOT transportation project as the result of the CSS process, stakeholder engagement activities, or partnership agreements will require a project specific cost sharing and/or operation and maintenance agreement.
2. **Inspection and Maintenance:** The Eligible Entity must provide for routine inspection and scheduled maintenance as described in the project specific cost sharing and/or operation and maintenance agreement. Maintenance will include restoration activities to maintain the integrity of the feature including any landscaping or lighting elements. Aesthetic elements must be kept clean, free of graffiti and in good repair. Maintenance activities will require an annual permit.
3. **Removal:** The Eligible Entity must remove aesthetic elements which, as determined by MDOT, create a safety or operational concern due to deterioration or inadequate maintenance. MDOT will notify the Eligible Entity when it has determined the aesthetic elements requires attention. In the event the Eligible Entity fails to maintain, repair, or remove the aesthetic elements after notification by MDOT, MDOT may remove the aesthetic elements and bill the Eligible Entity for all costs of removal and restoration.
4. All agreements and permits must be with the Eligible Entity.
5. Eligible Entities must supply resolutions of support for aesthetic elements impacting multiple jurisdictions.

Review/Approval Process

Aesthetic elements may be installed as part of a related transportation project or may be installed under a separate construction permit.

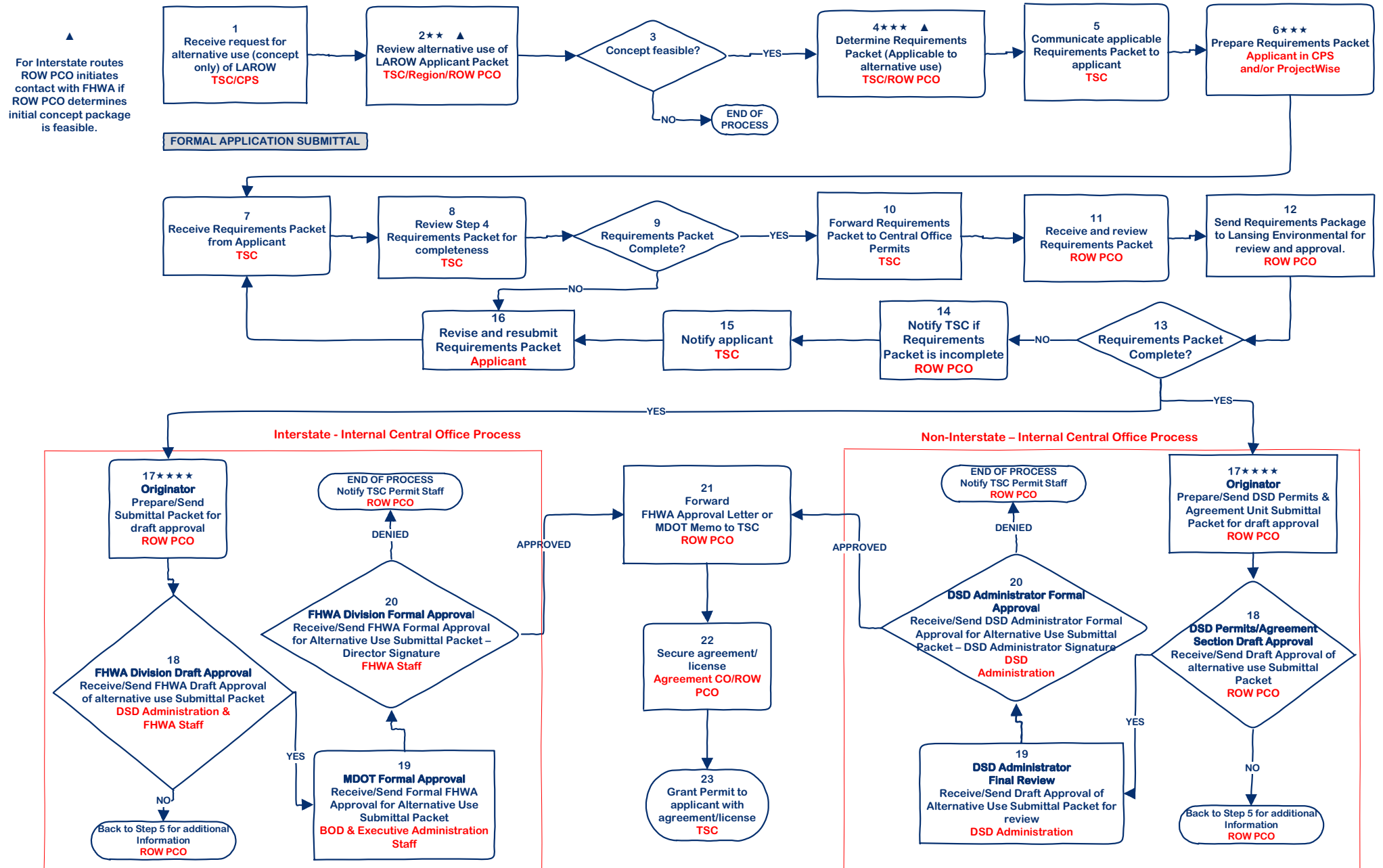
- **MDOT Trunkline Project Specific Cost Sharing Agreement**
Aesthetic element features included in a transportation improvement project will be reviewed and approved using the departments CSS and plan review process during project development and as directed with these guidelines. MDOT Project Manager will request an agreement from the Governmental Coordination Unit per Section 14.41 of the MDOT Road Design Manual, outlining the responsibilities of the Eligible Entity as described in the section above.
- **Local Agency Program Project Operation and Maintenance Agreement**
Aesthetic element features included in a state or federal-aid funded transportation improvement project will be reviewed and approved by MDOT Local Agency Programs (LAP) in accordance with its current practice. MDOT Transportation Service Center (TSC) Staff will request an Operation and Maintenance Agreement from the Governmental Coordination Unit, per Section 14.41 of the MDOT Road Design Manual, outlining the responsibilities of the Eligible Entity as described in the section above. This is in addition to the LAP Project Specific Cost Sharing Agreement.
- **Permit Operation and Maintenance Agreement**
When not prepared in conjunction with a proposed or ongoing state or federal-aid funded transportation improvement project, the Eligible Entity will submit the aesthetic element proposal using the Construction Permits System (CPS). As part of the CPS application process, the MDOT Region or Transportation Service Center staff will request an agreement from the Governmental Coordination Unit per Section 14.41 of the MDOT Road Design Manual, outlining the responsibilities of the Eligible Entity as described in the section above.

All proposed aesthetic elements within the *Interstate LAROW* must be reviewed and approved by FHWA.

Review packages shall follow the Alternative Use Limited Access ROW flow chart process.

The primary considerations during the review will be conformance to engineering standards, safety, motorist distraction, operational concerns, context, aesthetics, display method, message content, and access for maintenance. All proposals must be in compliance with federal, state, and local standards and regulations.

CONCEPTUAL FEASIBILITY SUBMITTAL



Key

Acronyms:

BOD – Bureau of Development
CPS – Construction Permit System
DSD – Development Services Division
FHWA – Federal Highway Administration
LAROW - Limited Access Right-of-Way
MDOT – Michigan Department of Transportation
ROW PCO - Right of Way Permits Central Office
TSC – Transportation Service Center

★ Alternative Use encompasses any non-permanent transfer of real property interest in the highway right of way and covers use agreements/license for the use of real property interest in the LAROW short of a permanent conveyance.

★ Alternative Uses:

- Non-motorized paths and access locations
- Sidewalks
- Breaches – temporary drive & storage
- Wireless cellular equipment
- Grading
- Drainage connections
- Adaptive landscape
- Gateways
- Murals
- Other Aesthetic Elements

★★ #2 – Applicant Packet (concept only)

Site map (Aerial/Google Map)
Site plan (Conceptual Drawing)
Proposal Statement (description of proposed work or use of MDOT ROW) including permanent or temporary facility
Drainage and grading activities
Statement declaring why alternative locations are not feasible

★★★ #4 and #6 - Requirements Packet:

Engineering site plans and profile
Aerial map showing ROW lines and project
Environmental Review – Form 2242
Signals (if applicable)
Traffic Study and/or analysis (if applicable)
Drainage Review – Form 2484 (if applicable)
Region and TSC memo of recommendation and approval
Local unit of government review and approval (if applicable)
Operation and Maintenance Agreement (if applicable)
License Agreement (if applicable)
Access Location Management Plan (ALMP) (if applicable)
Structural Analysis and Calculations (if applicable)

★★★★ #17 Formal Approval Submittal Packet

Boiler plate agreement/license
Region/TSC support correspondence including review and approval of Requirements Packet
Aerial map (site plans and ROW lines)
Site plan
Environmental Review – Form 2242
ROW Sheet
Supporting documentation from governmental agency (if applicable)