



## Highway Maintenance Manual

### Chapter 08 Roadside Facilities

#### Section 05 Rest Area Maintenance

#### Subject 05 Commercial Enterprises

Bureau of Highway Maintenance

May 2015

### 1.0 General Policy

Federal rules [23 U.S.C. §111] and Wisconsin Statutes, section 84.25 (11) do not permit the authorization of commercial enterprises on controlled-access highway right-of-way. This includes all interstate highways and freeways. Examples of prohibited activities include organized events such as community festivals, art and craft fairs, commercial sales of merchandise, or other events at which food, soft drinks, refreshments or merchandise are sold.

### 2.0 Exception: Vending Machines

Vending machines may be installed and operated, as provided for in Federal rules [23 CFR Part 752] and regulations and State Statutes [S.S. 47.03 (4)-(7) & 84.25(11)], by blind or visually impaired persons who are licensed by the Department of Health Services (DHS). By this policy, vending machines will only be allowed on controlled-access highways. The DHS shall be responsible for the cost of erecting separate vending machine shelters or modifying an existing area for the machines and for the cost of installing water supply lines and electrical service for the machines. Monthly utility costs will be paid by the WisDOT (Department) and will be recouped as part of an annual fee paid by the DHS for each machine located at the rest area. The number and type of vending machines and products dispensed at each location will be approved by the Bureau of Highway Maintenance.

### 3.0 Exception: Newspaper Vending Machines

Newspaper vending machines (newsracks) may be allowed in roadside rest areas, waysides, and park and ride lots provided that the location does not present a safety hazard within the site.

1. Conditions: Newsracks may be placed on highway right of way under the following conditions:

- a. Each newsrack shall have an operable door to prevent littering on the site.
- b. Each newsrack door shall be considered a separate newsrack.
- c. The newspaper company shall notify the Department of its intention to locate a newsrack at a particular location. The newspaper company shall coordinate the placement of the newsracks with the Department representative. The newsrack shall be located such that the installation is *unobtrusive and does not detract from other site furnishings, or aesthetics while still being convenient and easily accessible to the public. As much as possible, newsracks at a particular site shall all be located within the same area.* Newsracks will not be permitted in the lobby or vestibule of a rest area building.
- d. All newsracks shall be located on a paved surface. If necessary, additional concrete pads or other pavement surface required to accommodate the newsracks shall be installed by the newspaper company at no cost to the Department.

Placement of newsracks shall not interfere with handicap accessibility, safety, circulation, aesthetics, or with the normal usage or maintenance of sidewalks, plaza areas, or other vending machines. All newsrack installations shall comply with the Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities, as adopted in IHLR69, Appendix B, Sections 14.2 and 4.27, Wisconsin Administrative Code. Newsracks shall be located a minimum of five feet from the paved roadway or parking area surface. Newsracks shall not be chained to an adjacent rack or to Department property. Newsracks shall not be secured to anchors driven into the sidewalk or adjacent lawn area. Newsracks may be secured to a company's pad if desired.

- e. Approximately three square feet shall be allowed per newsrack. A maximum of ten newsracks may be allowed per location. Newsracks will be placed on a first come, first served basis, with no more

than two newsracks allowed per newspaper at a site. A waiting list will be kept for sites where there are requests for more than 10 newsracks.

- f. Combinations of newsracks shall not exceed four feet in height. Individual newsracks shall not exceed two feet in depth or 2.5 feet in width. All newsracks shall have a minimum fourteen inch square base plate or equivalent. No commercial advertising shall be displayed on the newsrack other than the name or logotype of the newspaper company.
- g. The newsrack shall be supplied, attached or secured, maintained, repaired, operated and cleaned by the newspaper company. A readily visible sign shall be placed on the newsrack identifying the person, location, or telephone number to call in the event of refund requests, any operating difficulties or omissions in required maintenance.
- h. The newspaper company shall restock the newsrack with current edition of the newspapers on a regular basis. All waste material and outdated newspapers shall be removed from the site by the company. On site trash containers shall not be used for disposal of waste material or outdated copies. Newsracks shall be kept in working order.
- i. Only newspapers shall be vended through the newspaper vending machine.
- j. The newspaper company may remove its newsracks from a site at any time.
- k. The Department may remove a newsrack if it violates any of the conditions of placement listed in this guideline or the newsrack constitutes a hazard to public safety.

A newsrack that poses a threat to public safety may be removed immediately by the Department. In the event an unsafe newsrack is removed by the Department, the Department shall provide notice of removal to the newspaper company. The notice shall state the reason the newsrack was removed and the time and place at which the newsrack may be recovered. The newsrack may be replaced or returned to its position once the unsafe condition has been remedied.

A newsrack may be removed by the Department for non-compliance with the provisions of this guideline, other than immediate safety concerns, upon notice to the newspaper company and an opportunity for a hearing in accordance with Administrative Code 227.

A newsrack, which has not been claimed within sixty (60) days following the notice of removal, shall be deemed abandoned and may be discarded by the Department. The Department shall not be liable for any damages to newsracks caused by their removal.

Repeated or continuing violations of the provisions of this guideline at the same or multiple sites may be grounds for suspension or revocation of the opportunity to place newsracks at Department sites. Any revocation or suspension of privileges shall be preceded by notice and an opportunity for a hearing in accordance with Administrative Code 227.

- 2. Newsrack locations may also be controlled by local ordinance.
- 3. Hold Harmless: The Department assumes no responsibility for the maintenance or security of newsracks or their contents. Newsracks placed at Department sites are at the newspaper company's risk. The newspaper company, by placing their newsracks at Department sites, agrees to hold the State of Wisconsin, its agencies and employees harmless from all suits, actions or claims of any character brought on account of any injuries or damages sustained or claimed by any persons or property resulting from the placement of the newsrack or the operations of the newspaper company at the Department site.
- 4. Distribution of Guideline: The newspaper company will be provided with a copy of this guideline and will be expected to abide with the conditions of the guideline.