



**Highway Maintenance Manual**  
**Chapter 08 Roadside Facilities**  
**Section 05 Rest Area Maintenance**  
**Subject 01 Restricted and Permitted Uses**

**Bureau of Highway Maintenance**  
**June 2015**

### **1.0 General Policy**

Roadside sites are provided for the safety, comfort, convenience and enjoyment of the traveling public. Vehicle parking at these sites is allowed for a reasonable length of time when using the facilities (restrooms, picnic tables, pet walking areas and drinking fountains). Activities, which are not safety-related, are not compatible with the intended use of the roadside site.

### **2.0 Restricted Uses**

#### **1. Camping on Highway**

Under Wisconsin Statutes, section 86.025, it is unlawful for any person to camp on public highways or adjacent lands.

#### **2. Sale or Serving of Food, Beverages, Products and Services**

Due to state statute limitations (Wisconsin Statutes, section 84.25 (11)), Federal rules (23 CFR Chapter 1, Part 752.5), the limited parking capacity and other accommodations at safety rest areas and waysides, and the question of liability for incidents or damages resulting from various activities, permission will not be granted to any individuals or groups to provide for the sale of food, beverages, products or services to motorists in any roadside site, except in the following cases.

##### **a. Exception: Safety Break Program**

Authorization may be given, by permit from the Region Maintenance Office, to nonprofit organizations to organize safety breaks and serve free non-alcoholic beverages (coffee, soft drinks, etc.) to the traveling public. The specific activity must relate to highway safety. Distribution of safe driving literature is allowed. Each request to conduct a safety break is considered on an individual basis. Permits are issued on a first come, first served basis. Permits will not be issued to any permitted for more than four (4) consecutive days per permit. Applications must be submitted within 30 days of the desired dates. Such activities should only be permitted at rest areas and waysides that can accommodate the activity safely without overcrowding or disrupting the facility or the parking, sidewalk or lawn areas. Organizations may accept unsolicited donations from the public for the safety break service. The safety break activity may be advertised only in its immediate area, i.e. at the safety break table or booth and not in advance of the entrance.

Frequently, a number of other conditions govern each proposed activity. It is the responsibility of the party obtaining the permit to conform to all specific limitations.

Copies of the "Application/Permit to Serve Refreshments in Roadside Sites Safety Breaks" (Form No.DT1815) (Replaces EM1001) are available from the DOT Region Maintenance Office. (A sample of the permit application follows this policy.) The Region Office shall provide the Bureau of Highway Maintenance with a copy of the approved permit for each occurrence.

##### **b. Exception: Vending Machine Operation**

Vending machines are installed at rest areas under a program development agreement between the Department and the Department of Health and Social Services (DH&SS) dated August 20, 1990. Refer to Guideline 08-05-05 for further discussion of vending machines. This agreement is reviewed annually by the Bureau. For the purpose of this policy, "vending machine operation" shall include machines for the sale of beverages, snacks, or other articles as the department determines are appropriate and desirable.

##### **c. Coexistence of Vending Machines and the Safety Break Program**

When the vendor and the safety break group are able to reach a cooperative agreement to coexist at a site, then they both are allowed to continue.

If a cooperative agreement is not reached, at sites where:

- Vending machines are now being operated and safety breaks have not occurred, safety breaks will be permitted;
- Vending machines are now being operated and safety breaks have occurred, safety breaks will be permitted to continue;
- Vending machines are not being operated and safety breaks have occurred after the date of the vending machine agreement with DH&SS (August 20, 1990), safety breaks will be permitted to continue; and
- Vending machines are not being operated and safety breaks have not occurred prior to August 20, 1990, safety breaks will be permitted until vending machines are installed at the site.

d. Exception: Newspaper Vending Machines

Newspaper vending machines may be allowed in rest areas. Newspaper vending machines may be allowed at other, non-controlled access roadside sites, such as waysides or park/ride lots provided the location does not present a safety hazard. Refer to Guideline 08-05-05 for further discussion of newspaper vending machines.

e. Exception: Distribution of State Products

The distribution of free edible, non-alcoholic Wisconsin products (such as milk, cheese, cranberry juice, etc.) at safety rest area or waysides is allowed by permit (Form No. DT1815) from the Region Maintenance Office.

### 3. Geocaching

Geocaching in WisDOT roadside facilities is not compatible with the intended use of the roadside site and is not permitted at department roadside facilities for reasons of safety and liability. Any geocaching activity already initiated should be terminated.

Geocaching is considered an adventure game for GPS users. The basic idea is to have individuals and organizations set up "caches" in public places and share the locations of these caches on the Internet. The caches are often small metallic or plastic boxes placed in less than obvious places on a site. While caches may not appear to pose a threat, do not assume any such item found is harmless. Contact authorities to secure and remove such items from the site.

### 4. Recreational Metal Detecting:

The recreational use of metal detectors by the public at a roadside facility is not allowed. The recreational use of metal detectors is not a safety-related activity and is not compatible with the intended use of the roadside facility.

### **3.0 Emergency Phone Numbers**

Emergency numbers, 911 or otherwise, should be posted near telephones installed at rest areas or on information boards in waysides.

### **4.0 Information Boards**

Maps, posters and travel information will be provided and/or authorized by the Bureau of Highway Maintenance for posting in map cases or on information boards. The posting of travel information by local groups such as a local tourism promotion committee is considered on a case-by-case basis. Groups may submit copies of their proposed postings and, if approved, only post generic travel information. No commercial advertising is allowed.