



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

Memorandum

Subject: **INFORMATION:** Signage and Flags
for Freedom 250

Date: June 17, 2026

From: Sean McMaster
Administrator

In Reply Refer To:
HEP-1

To: Directors of Field Services
Division Administrator

On July 4, 2026, America will celebrate 250 years of independence. Under the President's leadership, the entire Federal Government, State and local governments, the private sector, non-profit and educational institutes, and every citizen across this country is encouraged to join in this historic celebration. This series of events, known as "Freedom 250," will celebrate the Nation's 250th birthday by honoring our history, showcasing the beauty of the United States, igniting innovation, and strengthening the faith that will carry our Nation forward for the next 250 years.

In support of the observance and commemoration of Freedom 250, the Federal Highway Administration (FHWA) is granting 1) an alternative use of the right-of-way (ROW) approval, and 2) a short-term fair market value (FMV) exception, for the temporary use of areas in highway ROW to install signs and flags providing key information and notice to the traveling public regarding the "Freedom 250" celebration.

This extraordinary and infrequent occasion of national significance warrants these exceptions, which are time-limited and do not establish a replicable precedent. State Departments of Transportation (State DOT) that choose to install such signage and flags must implement safety measures that protect individuals in the ROW as well as drivers and ensure that the use does not impede the safe and free flow of traffic, in accordance with Federal statute and regulation. These exceptions are granted solely for the limited purpose of commemorating the "Freedom 250" celebration.

Background Information

An "alternative use of the ROW" is any non-highway use of the ROW. If the alternative use is located within the ROW of a Federal-aid highway, the use must comply with Federal property management regulations. (23 CFR 1.23(c) and 23 CFR 710.405). FHWA may approve alternative uses of the ROW if FHWA determines that such occupancy, use, or reservation is in the public interest and will not impair the highway or interfere with the free and safe flow of traffic thereon. (23 CFR 1.23(c)). Approval of alternative uses of the ROW is typically covered in each State DOT's Stewardship and

Oversight Agreement with FHWA. If authority is delegated to the States under these agreements, the use may be approved once the State determines the proposed use is in the public interest and would not impair the highway or interfere with the free and safe flow of individuals in the ROW and traffic thereon. Note that in the vast majority of States, approval of **non-Interstate** alternative uses is already delegated to the State DOT.

Federal law requires that current FMV must be charged for the use or disposal of all real property interests if those real property interests were obtained with Title 23 funds. (23 CFR 710.403(e) and 710.409). Exceptions to the requirement for charging FMV may be approved by FHWA if the use in question is in the overall public interest based on social, environmental, or economic benefits, or is for a non-proprietary governmental use.

Guidelines

The following requirements are outlined for use by State DOTs when developing their policies on accommodating “Freedom 250” Signs and flags within the ROW:

- State DOTs must implement safety measures that protect individuals in the ROW as well as drivers and ensure that the signage and flags do not impede the safe and free flow of traffic.
- The FHWA is granting a time-limited alternative use of the ROW approval and FMV exceptions in this instance, which shall not extend beyond 2027. Thus, State DOTs must remove all Freedom 250 signage and flags by December 31, 2027. State DOTs should maintain an inventory of Freedom 250 signs and flags to aid in implementing this requirement.
- The FHWA has determined that Freedom 250 signs and flags are not traffic control devices and therefore are not subject to the Manual on Uniform Traffic Control Devices (MUTCD). However, Freedom 250 signage and flags must not be located where they will block, detract from, or interfere with any traffic control devices.¹ Implementing agencies would apply engineering judgment or conduct an engineering study to determine appropriate separation between “Freedom 250” signs and flags and other traffic control devices.
- The FHWA has determined that the Freedom 250 signs and flags display information of national significance that is not considered advertising. In addition, such signs and flags associated with Freedom 250 enhance travel and tourism associated with that event.
- As a result of the Federal approvals outlined above (both Alternative Use of the ROW approval and the exception to FMV), the use would be a Federal action subject to the National Environmental Policy Act.

Sign and Flag Design

State DOTs must ensure that signs and flags are consistent with the “Freedom 250” design guidelines, which are available at: <https://www.transportation.gov/fhwa-freedom-250> and attached for convenience.

¹ MUTCD 11th Edition, § 1D.02 at Paragraph 5

Funding

Note that Freedom 250 signage and flags may be eligible as a project to enhance travel and tourism under the Surface Transportation Block Grant (STBG) Program at 23 U.S.C. 133(b)(24) due to the travel and tourism that is expected to be associated with Freedom 250 at the national, State and local levels. Please note that the use of STBG Program funds is subject to all generally applicable Federal requirements that apply to the obligation of Federal funds. These include Federal share (23 U.S.C. 120), prohibition on the use of convict labor and convict produced materials (23 U.S.C. 114), and Buy America (23 U.S.C. 313).

Except for the statutes and regulations cited, the contents of this document do not have the force and effect of law and are not meant to bind States or the public in any way. This memorandum is intended only to provide clarity regarding existing requirements under the law or agency policies.

If you have any questions or need additional information, please contact Emily Biondi at Emily.Biondi@dot.gov or Martin Knopp at Martin.Knopp@dot.gov.