



COIN TOSS: SOLICITING DONATIONS ON ROADWAYS BEST PRACTICES

Many charitable or non-profit agencies solicit donations from motorists on public roadways. These go by several names (coin toss, boot drop, etc.) and may be conducted by various organizations (civic groups, scouting, athletic teams, unions, and volunteer emergency responders). Certain steps should be taken to ensure the safety of the collectors and motoring public, and to minimize the liability exposure of the municipality.

- Municipalities should first enact an ordinance that regulates or prohibits the practice. N.J.A.C. Title 16:40 sets forth the requirements for soliciting donations on state roadways and can serve as a model if the town allows the activity. A county permit is required for county roads.
- Municipalities should develop a permit application and review process. Include the police department in the review process. The municipality may also wish to require a resolution be passed to recognize each approved solicitation event. Notify the day's police commanders of the event and provide them with a copy of the permit, special provisions, and contact numbers. Make sure there are redundant contact numbers, including cell phones, for primary and secondary representatives. These events often take place on holidays and weekends when office / work phones may not be covered.
- The application form must clearly define permitted and prohibited actions for organizations during the solicitation. The following, at a minimum, should be considered:
 - Solicitation should only be permitted at signalized intersections during daylight hours. Solicitation at difficult intersections, traffic circles, etc. should be prohibited.
 - Solicitation may not stop or impede the flow of traffic. Traffic must be stopped before solicitation can begin, and cease when traffic resumes movement. A flagman is not permitted.
 - Signs and traffic control devices must be in accordance with the latest edition of the Manual on Uniform Traffic Control Devices. Signs advertising the solicitation may be placed about 500 feet in advance. Signs must be temporary, break-away, and a maximum of 16 square feet. They may not create a distraction to drivers.
 - Ensure advance notice of the event is posted to available agency social media platforms and websites to warn motorists of the event due to possible increased traffic and pedestrians near the highway.
 - Emergency Service members who may not be participating in the event should be alerted of potential traffic hazards while responding to the fire or EMS station or an emergency.
 - Only adults over the age of 18 shall be allowed in the roadway. Adults soliciting in the roadway, or within 15 feet of the roadway, must wear properly sized, ANSI 107-2004 (or later) Class 2 or 3 high visibility apparel. Wearing non-ANSI approved apparel will be reason for immediate cessation of the event. Children may be present but must be at a safe distance and location from the street. Decisions of the local police official will be final in determining the safe location.
 - Workers must be trained on the provisions of safely working in traffic and special provisions of the solicitation permit. Solicitors may not harass the motorists or public. Solicitors shall not consume or be under the influence of alcohol or drugs.
 - The organization will be responsible for cleaning any debris from the solicitation site.

Consult with your solicitor and risk manager for additional and specific advice on protecting the municipality against civil actions for claims of property damage or personal injury arising out of the activity.