



National Committee on Uniform Traffic Control Devices

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Executive Order 12866 Meeting
Office of Information and Regulatory Affairs
Office of Management and Budget
Executive Office of the President
Washington, D.C.

RE: RIN 2125-AF85

The National Committee on Uniform Traffic Control Devices (NCUTCD) is a private organization comprised of over 300 volunteer subject matter experts representing 21 sponsoring organizations (see Attachment A) whose sole purpose is to improve standards and practices regarding traffic control devices. These sponsoring organizations and volunteers represent a wide range of stakeholders, including public agencies, national organizations, user groups, and industry. The NCUTCD's primary focus is to recommend improvements to the *Manual on Uniform Traffic Control Devices* (MUTCD). The NCUTCD is believed to be the only organization whose sole focus is on traffic control devices. Our predecessor organization was responsible for creating the first MUTCD in 1935 and for succeeding editions in 1942, 1948, 1961, and 1971. The Federal Highway Administration (FHWA) assumed responsibility for the MUTCD after publication of the 1971 edition and the NCUTCD predecessor organization became a formal federal advisory committee, advising on content for the 1978 MUTCD. The NCUTCD in its current form was created in 1980 upon the dissolution of the National Advisory Committee on Uniform Traffic Control Devices. Since 1980, the NCUTCD has met twice a year to develop and approve recommended changes to the MUTCD, providing recommendations that were incorporated into the 1988, 2000, 2003, and 2009 editions of the MUTCD.

Our process for recommending changes to the MUTCD is comprehensive and includes soliciting comments on proposed changes from our 21 sponsoring organizations, which represent a variety of stakeholders. NCUTCD recommendations require support from at least two-thirds of our 41 Council members who represent the sponsoring organizations. The value of NCUTCD recommendations was recognized by Congress in Section 11135 of the Infrastructure Investment and Jobs Act (IIJA), which states "...the Secretary shall include updates necessary to provide for ... any additional recommendations made by the National Committee on Uniform Traffic Control Devices that have not been incorporated into the Manual on Uniform Traffic Control Devices."

With respect to the current MUTCD rulemaking effort, the NCUTCD recommended over 200 changes to the 2009 MUTCD between 2009 and 2020, almost all of which were fully or partially incorporated into the Notice of Proposed Amendments (NPA) to the 2009 MUTCD published in the *Federal Register* on December 14, 2020. The NCUTCD submitted 86 documents to the

NPA docket, one for each chapter of the NPA plus one resolution, plus 85 spreadsheets with a summary of our comments for each chapter. The docket submission for each chapter included word-level changes (comments, additions, deletions) on recommended changes to the NPA content (over 1,500 total pages for the 85 documents). The NCUTCD is grateful for this opportunity to meet with OMB to emphasize critical aspects of the rulemaking effort and to encourage swift publication of the final rule establishing the 11th edition of the MUTCD.

A key point in our 11th edition resolution (docket comment FHWA-2020-0001-0427, see Attachment B) is that a final rule should be published as soon as possible. A joint letter from ITE, AASHTO, and the NCUTCD submitted to the Acting Administrator (docket comment FHWA-2020-0001-0275, see Attachment C) also encouraged FHWA to expedite publication of a final rule, including the statement “We support a full reexamination of the structure, process, and content of the MUTCD, but not at the expense of delaying a new edition.”

While there were numerous docket comments suggesting a reevaluation of the MUTCD, the NCUTCD recommends that any such reevaluation effort should occur after publication of a final rule. The fact is that the current MUTCD has not been significantly revised since its publication in December 2009.¹ We are approaching 14 years of continued use of the same MUTCD content without addressing changes and advancements in travel behavior and transportation technologies. Perhaps as a result of the lack of updates to the 2009 MUTCD, IIA Section 11129 requires the MUTCD to be updated no less than every four years.

If the NCUTCD were to convey only one message to OMB at this time, it is that practitioners and the traveling public are best served by the immediate publication of a final rule for the new MUTCD. Restarting or delaying the rulemaking effort to address issues not included in the NPA would negate years of MUTCD progress and represent a lost opportunity to save lives.

As the IIA requires the MUTCD to be updated at least every four years, issues that are not addressed in the 11th edition final rule can be addressed reasonably soon in a revision. An imperfect MUTCD now is preferable to continued delays in the rulemaking process. The NCUTCD has begun the process of creating a vision for the 12th edition of the MUTCD, and we are actively developing recommendations for scope, content, organization, and delivery options of a future MUTCD to address many of the issues identified by our sponsoring organizations.

In addition to our primary message of “publish the final rule now,” I offer the NCUTCD’s recommendations on those issues that we believe are some of the more controversial issues associated with the rulemaking. Those issues are listed below in order by MUTCD NPA section number. NCUTCD docket comments are available on our website, which includes hyperlinks to the comment on the regulations.gov website.²

¹ We recognize the 2009 MUTCD has been revised three times, but these three revisions do not represent significant updates of MUTCD content. Revisions 1 and 2 (both issued in May 2012) corrected a language error that had been included in the final rule and revised compliance dates for specific devices. Revision 3 (August 2022) addressed only minimum retroreflectivity for pavement markings, fulfilling a mandate established by Congress in the 1993 Transportation Appropriations Act.

² NCUTCD docket comments: <https://ncutcd.org/approved-changes/docket-comments/>.

1. 2B.21: Setting Speed Limits

- a. *Issue:* Some organizations are opposed to the use of the 85th percentile speed in establishing speed limits.
- b. *NCUTCD Recommendation:* The NCUTCD recommends removing most of the NPA MUTCD content related to setting speed limits and leaving the remaining content as support language (docket comment FHWA-2020-0001-1558). Setting a speed limit is a traffic engineering practice, not a traffic control device practice. The MUTCD is the national standard for traffic control devices. It should not be used to establish standards/procedures for traffic engineering practices and is not intended to be a traffic engineering or road design manual (see MUTCD purpose, NPA MUTCD Section 1A.01). Procedures for setting speed limits would be better addressed in an independent document on the issue.

2. 3A.04: Required 6-inch Line Where Speed Limit is greater than 40 mph

- a. *Issue:* A normal line is 4-inches wide. Wider lines (6-inch or wider) are easier for drivers and vehicle sensors to recognize. However, they are more expensive for agencies to provide.
- b. *NCUTCD Recommendation:* The NCUTCD supports the use of a wider 6-inch line on selected roadways, but recommends that 6-inch lines be used when the speed limit is 55 mph or more and the ADT is 6,000 or greater as shown in our related docket comment (FHWA-2020-0001-4722) instead of the 40 mph criteria proposed in the NPA. Limiting the required use of 6-inch lines to high-speed, high-volume roadways provides the more beneficial marking where it will have the greatest value to the largest number of users without the associated expense of placing on a large number of roadways.

3. 3H.03: Crosswalk Aesthetic Treatments

- a. *Issue:* Some agencies want to place crosswalk markings and crosswalk treatments that use a wide range of patterns, colors, and other types of art to improve the attractiveness of the urban environment. The safety benefits of alternative crosswalk treatments have not been comprehensively evaluated.
- b. *NCUTCD Recommendation:* The NCUTCD supports the NPA language for aesthetic treatments in crosswalks with minor editorial revisions to the language as shown in our related docket comment (FHWA-2020-0001-5565). The NCUTCD is open to evaluating expanded crosswalk treatments but there is not sufficient data on the performance of such markings to allow them to be included in the MUTCD at this time.

4. 3H.06: Green-Colored Pavement for Bicycle Facilities

- a. *Issue:* Green pavement for bicycle facilities is commonly used on the basis of a 2011 Interim Approval but is not addressed in the 2009 MUTCD. An Interim Approval is not an appropriate basis for long-term and widespread use of a traffic control device.
- b. *NCUTCD Recommendation:* The NCUTCD supports the additional of green-colored pavement as shown in the NPA MUTCD but recommends several revisions in the application of green-colored pavement as shown in our related docket comment (FHWA-2020-0001-5565).

5. **4C.02-10: Traffic Signal Warrants**
 - a. *Issue:* Current MUTCD warrants for traffic signal installation establish numerical criteria that need to be met before considering installation. Some agencies would like to have greater flexibility in deciding where to install traffic signals.
 - b. *NCUTCD Recommendation:* The NCUTCD supports the traffic signal warrant content as presented in the NPA MUTCD (FHWA-2020-0001-2413).
6. **4H.01-12: Bicycle Signals**
 - a. *Issue:* Traffic signals that are specific to bicycles may have value in specific circumstances but are not addressed in the 2009 MUTCD. There is a 2013 Interim Approval for bicycle signal faces but it is not sufficient for long-term and widespread use of bicycle signals.
 - b. *NCUTCD Recommendation:* The NCUTCD supports the addition of bicycle signals to the MUTCD, but offers numerous recommendations for changes in the content of the bicycle signal sections as shown in our related docket comment (FHWA-2020-0001-2571).
7. **4L.01-03: Rectangular Rapid Flashing Beacons (RRFB)**
 - a. *Issue:* RRFB installations are used at many locations although they are not addressed in the 2009 MUTCD. RRFBs were first addressed in a 2008 Interim Approval that was later rescinded in 2017. A new Interim Approval was issued in 2018. Inconsistencies in appearance and use of RRFB installations create the need to address the device in the MUTCD.
 - b. *NCUTCD Recommendation:* The NCUTCD supports the content for RRFB installations as provided in the NPA MUTCD with minor editorial comments (FHWA-2020-0001-2419).
8. **Part 5: Automated Vehicles**
 - a. *Issue:* Vehicle technologies are evolving toward automated vehicle (AV) systems. Some of these systems increasingly rely upon specific aspects of the traffic control device infrastructure, some of which may display variabilities that presents challenges to AV systems.
 - b. *NCUTCD Recommendation:* The NCUTCD supports the addition of MUTCD content related to AV even though that content is largely conceptual in nature. Due to the evolving nature of AV content, the NCUTCD recommends that all content in the NPA MUTCD Part 5 be shown as Support language as shown in our related docket comments (FHWA-2020-0001-5776, FHWA-2020-0001-5779) along with other recommended editorial and content changes. The NCUTCD believes it is important to include this content in the 11th edition of the MUTCD to establish a base from which to improve MUTCD AV content in future revisions and/or editions and to encourage automotive manufacturers to engage with the MUTCD.
9. **9E.03 Extensions of Bicycle Lanes Through Intersections**
 - a. *Issue:* Bicycle lane extensions are not addressed in the 2009 MUTCD. The NPA MUTCD added bicycle lane extensions through intersections as a required practice.
 - b. *NCUTCD Recommendation:* The NCUTCD supports the expansion of provisions for bicycle lane extensions but recommends that bicycle lane extension practices provide greater flexibility. The NCUTCD recommends they be shown as a recommended rather than required practice. See recommended changes in our related docket comment (FHWA-2020-4800).

10. MUTCD Revisions to Incorporate PROWAG

- a. *Issue:* The federal government is expected to publish a final rule in the near future on Public Rights-of-Way Accessibility Guidelines (PROWAG). The reginfo.gov website indicates that OMB has concluded its review. Some of the content in PROWAG is expected to require changes in MUTCD content.
- b. *NCUTCD Recommendation:* The NCUTCD and other stakeholders should have an opportunity to comment on all potential changes to MUTCD content. As such, any changes in MUTCD that may result from a PROWAG final rule should be incorporated into the MUTCD through an independent rulemaking effort that occurs after the final rule for the 11th edition of the MUTCD.

Thank you again for this opportunity to meet with OMB. We encourage the federal government to publish the MUTCD final rule as quickly as possible, as further delays in producing an up-to-date MUTCD further hampers road safety and the ability of travelers to safely and efficiently travel from one location to another.

Sincerely,



Chair, NCUTCD

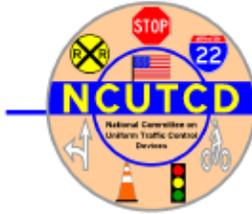
Attachments

ATTACHMENT A: NCUTCD SPONSORING ORGANIZATIONS

The NCUTCD's twenty-one sponsoring organizations are listed below according to four categories of stakeholder groups.

- **State, County, and Municipal Agencies**
 - ♦ American Assoc. of State Highway & Transportation Officials (AASHTO)
 - ♦ American Public Works Association (APWA)
 - ♦ Institute of Transportation Engineers (ITE)
 - ♦ National Association of City Transportation Officials (NACTO)
 - ♦ National Association of County Engineers (NACE)
- **National Traffic Operations/Regulation Organizations**
 - ♦ American Public Transportation Association (APTA)
 - ♦ American Railway Engineering & Maintenance of Way Association (AREMA)
 - ♦ American Society of Civil Engineers (ASCE)
 - ♦ Association of American Railroads (AAR)
 - ♦ Association of Pedestrian and Bicycle Professionals (APBP)
 - ♦ Intelligent Transportation Society of America (ITSA)
 - ♦ International Assoc. of Chiefs of Police (IACP)
 - ♦ International Bridge, Tunnel & Turnpike Association (IBTTA)
 - ♦ International Municipal Signal Association (IMSA)
- **General Public and Highway Users**
 - ♦ American Automobile Association (AAA)
 - ♦ Human Factors Resources (HFR)
 - ♦ League of American Bicyclists (LAB)
 - ♦ National Safety Council (NSC)
- **Industry**
 - ♦ American Road & Transportation Builders Association (ARTBA)
 - ♦ American Traffic Safety Services Association (ATSSA)
 - ♦ American Highway Users Alliance (AHUA)

ATTACHMENT B: NCUTCD RESOLUTION ENCOURAGING FINAL RULE



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NCUTCD Resolution Encouraging MUTCD Final Rule

- Whereas*, The National Committee on Uniform Traffic Control Devices (NCUTCD) represents 21 sponsoring organizations, and uses a strong consensus-building approach to develop recommendations for traffic control device standards and guides;
- Whereas*, The NCUTCD expresses its appreciation to the Federal Highway Administration (FHWA) for publishing a Notice of Proposed Amendments (NPA) for a new edition of the Manual on Uniform Traffic Control Devices (MUTCD);
- Whereas*, The NCUTCD expresses its appreciation to FHWA for extending the comment period to allow careful and thorough consideration of the NPA proposals by all stakeholders;
- Whereas*, Federal regulation establishes the MUTCD as the national standard for traffic control devices on all streets and highways open to public travel;
- Whereas*, The federal rulemaking process is the mechanism for updating the MUTCD and is a process that allows for all perspectives and points of view – including all levels of government - to be voiced and considered in determining the content of the next edition of the MUTCD;
- Whereas*, The MUTCD states that “The purpose of traffic control devices, as well as the principles for their use, is to promote highway safety and efficiency by providing for the orderly movement of all road users on streets, highways, bikeways, and private roads open to public travel throughout the nation.”;
- Whereas*, The current MUTCD reflects a now outdated state of the practice that existed more than 11 years ago (when the current 2009 edition was adopted);
- Whereas*, There have been a multitude of significant advancements in traffic control device practices over the past 11 years that are not in the 2009 MUTCD, thus in many cases precluding their use on the nation’s streets and highways;
- Whereas*, Many of those significant advancements can improve highway safety and have been included in the NPA;
- Whereas*, Proceeding with the current rulemaking process, culminating in a Final Rule, represents the best path to incorporating those significant advancements in a national standard at the earliest possible date, and thus allowing their use and improving highway safety; and
- Whereas*, The NCUTCD supports an examination of the MUTCD scope, structure, process, and content to meet the needs of all users in an equitable manner, but not at the expense of delaying a new edition of the MUTCD; now, therefore, be it
- Resolved*, That the NCUTCD encourages the FHWA and the U.S. Department of Transportation to stay the course in obtaining public comment on the NPA and expediting the issuance of a new MUTCD.

Adopted by the National Committee on Uniform Traffic Control Devices on March 17, 2021.

Gene Hawkins, NCUTCD Chair

ATTACHMENT C: ITE/AAHTO/NCUTCD JOINT LETTER



March 11, 2021

Stephanie Pollack
Acting Administrator
Federal Highway Administration
1200 New Jersey Ave., SE
Washington, DC 20590

Dear Acting Federal Highway Administrator Pollack:

We write to you today to thank you for responding positively to our requests to extend the comment period for the Manual on Uniform Traffic Control Devices (MUTCD) Notice of Proposed Amendment (NPA) and to encourage you to stay the course in obtaining public comment on the NPA and expediting the issuance of a new MUTCD.

The MUTCD is a key tool utilized by practicing transportation professionals at all levels of government across the United States. Collectively, the Institute of Transportation Engineers, the American Association of State Highway and Transportation Officials and the National Committee on Uniform Traffic Control Devices represent a broad cross-section of this constituency.

With the current version of the MUTCD being more than 10 years old, the transportation community and the traveling public desperately need an update. During this decade there have been many advancements in transportation research, technology, practice, and services that are not reflected in the current Manual. These advancements, if well-integrated into the next edition, have the potential to save numerous lives and prevent serious injuries on the nation's transportation system.

We are confident that through the ongoing comment period, USDOT will obtain timely and relevant input on the proposed changes to the Manual and many suggestions on how to improve upon them, as well as ideas for rethinking and restructuring the Manual. Both are important. However, rescinding the NPA and starting over again, as some have recently suggested, risks not only negating years of important work by FHWA and countless volunteers but also misses the opportunity to save lives now.

We support a full reexamination of the structure, process, and content of the MUTCD, but not at the expense of delaying a new edition. With the rapid evolution of transportation technologies and services, the current process of creating wholly new editions every 10 years is insufficient. We must also ensure it is meeting the needs of all users of the transportation system in an equitable and consistent manner. This is a significant undertaking that should not be rushed; however, it does not need to wait until a new Manual is published to begin. We stand ready to work with USDOT in this endeavor immediately.

We appreciate your leadership and support for the transportation community and look forward to working with you on the issuance of a new MUTCD and, more broadly, on saving lives, improving the nation's transportation system, and enhancing equity.

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Sincerely,

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Jim Tymon
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Gene Hawkins
Chair
National Committee on Uniform Traffic Control Devices

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