

U.S. Department
of Transportation
Federal Highway
Administration

400 Seventh St., S.W.
Washington, D.C. 20590

February 9, 2005

Refer to: HOTO-1

Mr. Chad Dornsife
Founding Director
Best Highway Safety Practices Institute
25 Northwest 23rd Place, Suite 6
Portland, OR 97210-5599

Dear Mr. Dornsife:

Thank you for your January 21 email requesting an official interpretation of the Manual on Uniform Traffic Control Devices (MUTCD).

The first question in your email asked, "Is it true that any traffic control device that is posted on a public highway that causes traffic to change lanes and or brake is subject to the MUTCD: mandates for approval first, then uniformity in appearance and application? If not why?" The answer to this question is yes based on the following references:

The first standard statement in the Introduction to the MUTCD states that the MUTCD is incorporated by reference in 23 Code of Federal Regulations (CFR), Part 655, Subpart F, and that the MUTCD shall be recognized as the national standard for all traffic control devices installed on any street, highway, or bicycle trail open to public travel in accordance with 23 U.S.C. 109(d) and 402(a). The policies and procedures of the Federal Highway Administration (FHWA) to obtain basic uniformity of traffic control devices are described in 23 CFR 655, Subpart F. The issue of uniformity in appearance is further addressed in our response to your second question (see below). It is also important to note that 23 CFR, Part 655.603(b) allows for conformance with other State and Federal MUTCDs that have been approved as being in substantial conformance with the national MUTCD.

The second question in your letter asked if the Move Over Sign is an approved regulatory device?

Although this regulatory sign is not included or directly addressed in the MUTCD, Section 2B.54 of the Manual gives the State and local highway agencies the option of developing special word message signs other than those specified in the MUTCD. Additionally, Section 2A.06 explains that there might be situations where word message signs other than those shown in the MUTCD are necessary. In those situations the MUTCD states that the signs shall be the same shape and color as standard signs of the same functional type. As long as the shape, color, and legend size for the Move Over Sign is consistent with the requirements of the MUTCD for regulatory signs, then it can be considered in substantial conformance with the MUTCD.

We appreciate the opportunity to provide the clarification. We have assigned the following official ruling number and title to your request for interpretation: 2-558(I)-Move Over Sign. Please refer to this number in future correspondence. If you need further assistance, please contact Mr. Fred Ranck of my staff at 708 283-3545.

Sincerely
yours,

Regina S. McElroy
Director, Office of Transportation
Operations