

MUTCD Proposed Rules: Changes to Compliance Dates and Standard Definition

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AGENDA

- **Compliance Dates NPA**
- **Standard Definition NPA**

NOTICE OF PROPOSED AMENDMENTS TO THE 2009 MUTCD:

Change in Compliance Dates



NPA Published in Federal Register

- **Published on August 31, 2011**
- **Proposed changes to Table I-2**
 - eliminating, extending, revising most of the 58 listed compliance dates
- **60-day comment period**
 - ends October 31



What Are “Compliance Dates”?

- **Dates established by FHWA for compliance with new requirements, revised device designs**
- **Established by rulemaking in Final Rules for revisions to the MUTCD**
- **Listed in Table I-2 of 2009 MUTCD:**
 - **Dates for 58 specific items that were set by Final Rules in 2000, 2003, 2007, and 2009.**



What Do Compliance Dates Apply To?

- **Not for TCDs being newly installed or rebuilt**
 - These must comply immediately on Fed.-aid projects, and
 - All other new/rebuilt devices must comply once State adopts new MUTCD (within 2 yrs)
- **For replacement of existing TCDs in field**
 - Generally based on estimated service lives

What If There Is No Compliance Date?

- **Jurisdictions expected to upgrade devices over time to meet new req'm'ts**
 - “Systematic upgrading program”
- **Agencies can prioritize and schedule based on relative safety needs, resources, etc.**
 - Can decide to wait until noncompliant device wears out – replace w/ compliant device

What is the Issue?

- **Misinformation on street name signs, letter heights, mixed case lettering, min. sign retroreflectivity levels**
- **Concerns that “perfectly good signs” would have to be replaced before they wear out – (not true)**
- **Difficult economic conditions for many State and local jurisdictions**

Nov. 30, 2010

Request for Comments

- Published in *Federal Register*
- 592 letters submitted to docket
- Many highway agencies expressed concerns about:
 - Impacts of Min. Retroreflectivity Standards for Signs
 - Large number of compliance dates
 - Confusion over what is specifically required
 - Burden to comply by the established dates



What Happened Next?

- **Comments reviewed and analyzed by FHWA MUTCD Team**
- **Decision to proceed with NPA at end of August**

Proposed Changes

- Eliminate compliance dates (but NOT the requirements in the MUTCD) for 46 items:
 - 8 that have already expired
 - 38 that have future compliance dates
- Extend and/or revise the dates for 4 items
- No change in dates for the other 8 items

Table I-2. Target Compliance Dates Established by the FHWA

2009 MUTCD Section Number(s)	2009 MUTCD Section Title	Specific Provision	Compliance Date
2A.08	<u>Maintaining Minimum Retroreflectivity Levels</u>	Implementation and continued use of an assessment or management method that is designed to maintain traffic-regulatory and warning sign retroreflectivity at or above the established minimum levels (<u>see Paragraph 2</u>)	January 22, 2012 (e)-2 years from the effective date of this revision of the 2009 MUTCD
2A.08	Minimum-Retroreflectivity-Levels	Replacement of regulatory, warning, and post-mounted guide (except street name) signs that are identified using the assessment or management method as failing to meet the established minimum levels.	January 22, 2015 (e)
2A.08	Minimum-Retroreflectivity-Levels	Replacement of street name signs and overhead guide signs that are identified using the assessment or management method as failing to meet the established minimum levels.	January 22, 2018 (c)
2A.19	Lateral Offset	Crashworthiness of sign supports on roads with posted speed limit of 50 mph or higher (<u>see Paragraph 2</u>)	January 17, 2013 (a) <u>(date established in the 2000 MUTCD)</u>
2B.03	Size of Regulatory Signs	Increased sign sizes and other 2003 MUTCD revisions to Table 2B-1 (*)	December 22, 2013 (b)
2B.09	YIELD Sign Applications	Changes in YIELD sign application criteria from the 1988 MUTCD to the 2003 MUTCD (*)	January 17, 2011 (a)
2B.10	STOP Sign or YIELD Sign Placement	Signs mounted on the back of STOP or YIELD signs should not obscure shape of STOP sign, with exception for DO NOT ENTER signs (2003 MUTCD Sections 2B.06 and 2B.10) (*)	December 22, 2013 (b)
2B.11	Yield Here To Pedestrians Signs and Stop Here For Pedestrians Signs (R1-6 Series)	New Section 2B.11 in the 2003 MUTCD (*)	December 22, 2013 (b)
2B.13	Speed Limit Sign (R2-1)	Color of changeable message legend of YOUR SPEED legend	December 22, 2013 (b)
2B.26	Reversible Lane Control Signs (R3-0e through R3-0i)	Removal of the R3-0e and R3-0e signs that had been included in the 2000 MUTCD (2003 MUTCD Section 2B.26)	December 22, 2013 (b)
2B.40	ONE WAY Signs (R6-1, R6-2)	New requirements in the 2009 MUTCD for the number and locations of ONE WAY signs (<u>see Paragraphs 4, 9, and 10</u>)	December 31, 2019
2B.55	Photo Enforced Signs and Plaques (R10-18, R10-10P, R10-10aP)	New signs (2003 MUTCD Section 2B.46) (*)	December 22, 2013 (b)



Compliance Dates for Minimum Sign Retroreflectivity



Sign Retroreflectivity Compliance Dates

- Existing: Compliance Date of Jan. 22, 2012 for the Section 2A.08 provision requiring agencies to implement an assessment or management method designed to maintain sign retroreflectivity at or above the established minimum levels.
- Proposed: Extend date to 2 years after effective date of final rule of this revision of MUTCD – and limit date to regulatory & warning signs only



Sign Retroreflectivity Compliance Dates

- What this means:
 - MUTCD language requiring agencies to have and use a method is not changing, but:
 - Additional 2+ years to implement and start using management/assessment method for regulatory & warning signs
 - No specific date to implement method for guide & other signs – Agencies could decide when their resources and priorities will allow them to add to their sign retroreflectivity management/assessment systems.

Sign Retroreflectivity Compliance Dates

- Existing Compliance Dates for replacing any signs found to not meet min. sign retroreflectivity levels – Jan. 22, 2015 for regulatory, warning, & post-mounted guide signs (except street name signs), and Jan. 22, 2018 for street name signs & overhead guide signs.
- Proposed: Eliminate both dates.



Sign Retroreflectivity Compliance Dates

- **What this means:**
 - Any sign a jurisdiction identifies as not meeting the established min. retroreflectivity levels would still need to be replaced, but:
 - No specific date to replace
 - Flexibility to determine when the replacement would be scheduled.
 - The jurisdiction would need to be prepared to defend its replacement scheduling decisions if liability issues arise.

8 Compliance Dates To Be Retained Without Change



Compliance Dates Retained Unchanged

- **2A.19 – Crashworthiness of sign supports on roads w/ speed limit of ≥ 50 mph – Jan. 17, 2013**
- **2B.40 – One-way signs – Dec. 31, 2019**
- **2C.06 thru 2C.14 – Horizontal Curve warning signs – Dec. 31, 2019**



Compliance Dates Retained Unchanged

- **2E.31, 33, 36 – LEFT EXIT** plaques on guide signs for all left-hand exits – Dec. 31, 2014
- **6D.03, 6E.02, & 7D.04 – High-visibility** apparel for all workers, flaggers, school crossing guards – Dec. 31, 2011
- **8B.04 – YIELD or STOP** sign for all passive grade crossings – Dec. 31, 2019

Other Compliance Dates Proposed for Extension/Revision



Proposed Extensions of Compliance Dates

- 4D.26 and 4E.06 – durations of yellow change intervals & red clearance intervals, and ped signals to have min. 3-sec. buffer interval
- Existing Compliance Date = Dec. 31, 2014, or when timing adjustments are made to the individual intersection and/or corridor, whichever occurs first.
- Proposed: Extend date to 5 years after effective date of final rule of this revision of MUTCD

Proposed Revision and Extension of Compliance Dates

- 8B.03 and 8B.04 – retroreflective strip on the back of Crossbuck signs and on the front and back of supports for Crossbuck signs at passive grade crossings.
- Existing Compliance Date = Jan. 17, 2011.
- Proposed: Extend date to Dec. 31, 2019
 - To coincide with existing (retained) compliance date for adding YIELD or STOP signs with Crossbuck signs at passive grade crossings



Compliance Dates Proposed for Elimination



8 Expired Compliance Dates Proposed for Elimination

- **Certain provisions in Sections 2B.09, 2C.30, 2C.50, 2J.05, 7B.11, 7B.12, 8B.19, 8C.02 through 8C.05, and 9B.18**
 - Dates originally established in 2000 & 2003
- **Most agencies likely already upgraded these devices as their useful service lives have been reached.**
- **Some of these non-compliant devices might still exist in the field**
 - Replace with compliant devices under agencies' systematic upgrading programs.



33 Compliance Dates Set in 2000 & 2003 Proposed for Elimination

- **Mostly for new or revised sign designs (incl. larger letter heights and/or larger sizes for some signs), & other changes in TCD design, location, or operation that have made some existing devices in the field obsolete.**
- **Agencies could make decisions on device replacements based on actual useful service lives in their particular climates and environments**
 - **Instead of universal compliance date for all agencies based on estimated useful service life.**



3 Compliance Dates Set in 2009 Proposed for Elimination

2D.45 – Requirement for guide signs on multilane conventional road approaches to interchanges to identify which direction of turn is necessary for access to each direction of the freeway or expressway – ~~Dec. 31, 2019~~ [**Eliminate**]

- Signs still required, but no specific date to install where none currently exist.
- Either post-mounted or overhead signs can be installed under “systematic upgrading”

3 Compliance Dates Set in 2009 Proposed for Elimination

3B.04 & 3B.05 – Requirement for dotted lane lines for non-continuing lanes (dropped lanes, auxil. lanes, accel & decel lanes) – ~~Dec. 31, 2016, or at resurfacing, whichever comes first~~ [**Eliminate**]

- Burden for very durable markings, or with extended resurfacing cycles due to resources
- Agencies could go to dotted when existing broken lines become significantly worn to the point they can be marked over without causing road user confusion, or whenever next resurfacing occurs.

3 Compliance Dates Set in 2009 Proposed for Elimination

8C.12 – Requirement for a traffic queuing study of grade crossings within 200 feet of existing roundabouts or other circular intersections – ~~Dec. 31, 2014~~ [**Eliminate**]

- Very few currently exist, most already studied under planning/design process

NOTICE OF PROPOSED AMENDMENTS TO THE 2009 MUTCD:

Definition of Standard and Use of Engineering Judgment



NPA Published in Federal Register

- **Published on August 2, 2011**
- **Proposed changes to Section 1A.13 definition of “Standard” and Section 1A.09 regarding use of engineering judgment and studies**
- **60-day comment period**



In Final Rule for 2009 MUTCD:

ADDED to Definition of Standard in Section 1A.13: “Standard statements shall not be modified or compromised based on engineering judgment or engineering study.”

DELETED from Guidance in Section 1A.09:

- “The decision to use a particular device at a particular location should be made on the basis of either an engineering study or the application of engineering judgment.
- Thus, while this Manual provides Standards, Guidance, and Options for design and application of traffic control devices, this Manual should not be considered a substitute for engineering judgment.
- Engineering judgment should be exercised in the selection and application of traffic control devices...”



Why the NPA now?

- **Some State attorneys general advised their Chief Engineers that, even with the Official Interpretation, the State DOT could still face potential tort liability due to not complying 100% with all Standards**
- **AASHTO and NCUTCD requested FHWA to revise the actual words in the MUTCD to eliminate this concern**

What does the NPA propose?

1) Remove the “added sentence from definition of “Standard” in Section 1A.13:

Section 1A.13 Definitions of Headings, Words, and Phrases in this Manual

Standard:

01 When used in this Manual, the text headings of Standard, Guidance, Option, and Support shall be defined as follows:

- A. Standard—a statement of required, mandatory, or specifically prohibitive practice regarding a traffic control device. All Standard statements are labeled, and the text appears in bold type. The verb “shall” is typically used. The verbs “should” and “may” are not used in Standard statements. Standard statements are sometimes modified by Options. ~~Standard statements shall not be modified or compromised based on engineering judgment or engineering study.~~



What does the NPA propose?

2) Add paragraphs in Section 1A.09:

Section 1A.09 Engineering Study and Engineering Judgment

Support:

01 Definitions of an engineering study and engineering judgment are contained in Section 1A.13.

Standard:

02 This Manual describes the application of traffic control devices, but shall not be a legal requirement for their installation.

Guidance:

03 *The decision to use a particular device at a particular location should be made on the basis of either an engineering study or the application of engineering judgment.*

Option:

04 *When an engineering study or the application of engineering judgment determines that unusual site-specific conditions at a particular location make compliance with a Standard statement in this Manual impossible or impractical, an agency may deviate from that Standard statement at that location.*



How is this intended to be applied?

- Not intended to deviate from a Standard on a blanket basis jurisdiction-wide, region-wide, on all highways of a particular class, or using similar criteria
- MUTCD provisions that are STANDARDS are intended to be mandatory, as opposed to merely recommended
- Inappropriate to deviate from a STANDARD for any reason other than an engineering determination that the unusual site conditions at a particular location make it impossible or impractical to meet the explicit requirement of the STANDARD at that location

For More Information

- Go to MUTCD website at:
<http://mutcd.fhwa.dot.gov/>
- To Submit Comments:
<http://www.regulations.gov/>
 - Docket No. For Compliance Dates Rule:
FHWA-2010-0159
 - Docket No. for Std Definition Rule:
FHWA-2010-0170



QUESTIONS?

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