



# National Committee on Uniform Traffic Control Devices

## Chair's Message

MESSAGE 2020-#6  
December 11, 2020

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NCUTCD Chair

The long awaited event has finally arrived! This morning, FHWA announced that the Notice of Proposed Amendments to the MUTCD will be published in the *Federal Register* on Monday, December 14. Being published so close to our January meeting, there is not adequate time to fully review the content of the NPA and prepare draft docket comments for possible approval by Council. In this message, I describe the NCUTCD plans for the January virtual meeting and our process for responding to the NPA, plus details for June.

### January 2021 NCUTCD Meeting

- **Meeting Platform:** Technical committee and Council meetings in January will be conducted using the Zoom platform. Meeting links are distributed to individuals after they register for the meeting (see registration below).
- **Meeting Schedule:** The general schedule for meetings in January is listed below. This schedule was revised in early December due to the NPA not being published by our internal deadline of December 1 for scheduling decisions. The NCUTCD home page has an embedded calendar that indicates specific days and times for individual meetings.
  - ♦ **First Week of January (1/4-8/21):** Task Forces and Joint Task Forces meet.
  - ♦ **Second Week of January (1/11-15/21):** Technical Committees meet.
  - ♦ **Third Week of January (1/18-22/21):** Council and selected technical committees meet.
    - **Monday:** Federal holiday
    - **Tuesday and Wednesday:** Council meets.
    - **Thursday:** Technical Committees with proposals needing revisions meet.
    - **Friday:** Council meets.
  - ♦ **Fourth Week of January:** Council meetings canceled due to NPA not being published by December 1, 2020.
- **Registration:** Registration information is on the NCUTCD website. The registration fee is \$50 per individual and registration is required to participate in technical committee and Council meetings. Links to participate in your meetings are provided after you register. Meeting registration is for an individual. Do not share your meeting links with other individuals. Meeting participation and registration will be checked. Any individuals found to be attending a meeting that have not registered will be removed from the meeting.
- **Meeting Participation:** Due to the nature of the work being conducted in our meetings, participants must connect using a computer so that they can see the material being shared. Individuals who are participating only by telephone will be removed from the meeting.
- **Recommended Proposals:** The NCUTCD sent 14 items to sponsors for review and comment in the fall, as listed below. There are also 3 additional items that were

distributed in the spring that were not acted on in June. Accordingly, the Council could be voting on as many as 17 proposals during the January meeting.

- ♦ **Edit**
  - 20B-EC-01: Speed Terminology
- ♦ **RW**
  - 20B-RW-01: Vertical Clearance of Large Signs
  - 20B-RW-02: Bus Transit/BRT Traffic Control - Signs, Markings, Signals
  - 20B-RW-03: Electronic Display Traffic Control
- ♦ **Signals**
  - 20B-SIG-01: Accessible Pedestrian Push Button Locations
  - 20B-SIG-02: Requirement for Accessible Pedestrian Signals When Leading Pedestrian Intervals are Used
- ♦ **TTC**
  - 20B-TTC-01: Typical Application Refinement and Stopping Sight Distance
  - 20B-TTC-02: Typical Application Coordination
  - 20B-TTC-03: Shoulder Work
  - 20B-TTC-04: Shoulder Lane Revision
- ♦ **RR**
  - 20B-RR-01: Grade Crossings Near Circular Intersections
  - 20B-RR-02: Advance Pavement Markings Near Grade Crossings
- ♦ **Bikes**
  - 20B-BIK-01: Buffered Bike Lane/Separated Bike Lane Extension Markings
  - 20B-BIK-02: Separated Bike Lane Definition
- ♦ **Previous Recommendations:** Proposals distributed in Spring 2020:
  - 20A-RW-01: STOP/SLOW Paddle LED Lights
  - 20A-RW-02: Speed Advisory Signs for Changes in Horizontal Alignment
  - 20A-GMI-01: Publicly Accessible Off-Street Parking General Service Signs
- **Council Meeting Participation:** During the Council meetings, only the Council members will have the ability to speak. Other participants will need to submit questions and comments through the chat feature.

## MUTCD NPA

- **Federal Register Notice:** The December 14 *Federal Register* is the official NPA notice. The notice contains 647 numbered items that identify specific changes to the MUTCD. The notice also includes the docket number, which will allow one to access the docket at <http://regulations.gov>. At this site, one can view the notice, supplemental documents, and public comments once the notice is published.
- **Supplemental Documents:** In addition to the *Federal Register* notice, the docket contains two versions of the proposed MUTCD text (one clean and one markup), and other supplemental documents. FHWA will have a comment form in the docket that respondents can use to streamline the comment processing.
- **Presentations:** FHWA is preparing a PowerPoint presentation that describes the major changes for each part of the MUTCD. We will work to arrange a time for FHWA to make the presentation to our members.
- **NCUTCD NPA Review:** In anticipation of the publication of the NPA, I developed guidelines for the technical committee chairs to use in reviewing the NPA. Those guidelines are attached at the end of this message.

- **Docket Comment Period:** The docket for this NPA is expected to close on March 14, 2021. This is significantly shorter than the 180 days that has been typical for previous NPAs on a new edition of the MUTCD. It is also a relatively short period of time considering that we have been waiting five years for it and there are 647 identified major changes. Given the expectation for a change in person and party in the White House, I suspect that FHWA will not be taking quick action on issuing a final rule on a new MUTCD. Here is my plan for submitting our docket comments, subject to change based on input from NCUTCD leadership:
  - ♦ We will use our normal process (as normal as it can be in the current conditions) to review the NPA and develop draft docket comments.
  - ♦ We will work as quickly as feasible, but will not unduly rush our process.
  - ♦ We will work with our sponsoring organizations to determine whether to submit a request for an extension of the docket deadline.
  - ♦ We will likely submit docket comments in multiple batches over time, with early comments indicating items that are consistent with previous NCUTCD recommendations. Each batch of comments will identify items previously commented on and items for which we are still developing comments.
  - ♦ We will conduct virtual Council sessions during the spring as needed so that Council can approve as many docket comments as possible by the deadline.
  - ♦ If Council is not able to approve docket comments in a virtual environment by the docket deadline, then we may not take action on some docket comments until our June meeting. We should strive to minimize the number of docket comments that are delayed until June.
  - ♦ We will not be concerned with submitting docket comments after the docket deadline based on the assumption that there will not be quick movement toward a final rule.
- **Marking Retro Final Rule:** The final rule on minimum pavement marking retroreflectivity is still working its way through the regulatory process. It is not included in the NPA, but would be added to the MUTCD upon a final rule.
- **Personal Remarks:** I am thrilled that after a wait of 11 years, we are seeing the first rulemaking step toward a new MUTCD edition. Given the change in administration and party in the White House, I have concerns that progress might be delayed or worse, although I am hopeful that the MUTCD will be viewed as a rulemaking effort that does not have political implications. Too many times in the past, we have shortened our process to provide a fast response, only to see action stalled in the regulatory environment. The NCUTCD is a leader in this field and our actions are respected by many in the profession. I do not want us to sacrifice that respect for the sake of speed.

### June 2021 NCUTCD Meeting

- **Meeting Plans:** At its mid-year meeting, the AASHTO Committee on Traffic Engineering indicated that they are currently planning on conducting their June 2021 meeting face-to-face. As the NCUTCD meeting piggybacks on the CTE meeting, we will work closely with AASHTO in the coming months as both monitor conditions. We will make a decision sometime in the spring regarding the format of the June conduct of the meeting.

## NCUTCD Plan for Responding to an NPA

1. Prior to publication of the NPA:
  - a. Each technical committee (TC) to have a Word document with all approved changes.
  - b. Each TC to have process for assigning NPA content to task forces
2. When published, the MUTCD NPA will be divided into items for each change. Our docket comment will be aligned with the numbered items. There were 513 in the 2008 NPA. One of those from the 2008 NPA is shown to the right.
3. Upon publication of the NPA:
  - a. Every NPA numbered item will need to be assigned to a TC. This will be coordinated during the first two weeks after publication. TCs can immediately focus on those items that are clearly within their areas of responsibility. The general approach to assigning responsibility are:
    - i. Edit: Intro and Part 1
    - ii. RW: 2A, 2B, 2C, 5A, 5B, 5C, 5H, 7A, 7B, 7D
    - iii. GMI: 2D, 2E, 2H, 2I, 2J, 2K, 2M, 2N
    - iv. RW + GMI: 2G, 2F, 2L
    - v. Markings: Part 3, 5E, 7C
    - vi. Signals: Part 4
    - vii. TTC: 5G, Part 6
    - viii. RR: 5F, Part 8
    - ix. Bikes: Part 9
  - b. Be aware that the pre-NPA that FHWA shared in 2014 created a large number of chapters within each part. For example, Part 2 had chapters from A to BC (I think that is 55 chapters in Part 2).
  - c. Each TC to review NPA content and prepare draft docket comments. Docket comments will need to be prepared in a manner consistent with the docket comment categories (see #4 and flow chart on the last page). Docket comments that support previously approved recommendations can be submitted without a vote by Council. Docket comments that are not consistent with a previously approved recommendation or that address MUTCD content that has not been addressed by the NCUTCD will need to be approved by Council before submitting to the docket.
4. Docket comment categories:
  - a. ***NPA item is same as an NCUTCD recommendation:*** If an item in the NPA is consistent with a previously approved NCUTCD recommendation(s), the TC will prepare a docket comment that indicates the consistency and NCUTCD support for the NPA item. The docket comment can be submitted without Council approval, as it reflects a previously approved position. Editorial differences do not need to be approved by Council.
  - b. ***NPA item is different from a prior NCUTCD recommendation and NCUTCD recommendation supported:*** If the NPA item conflicts with, or is not consistent with, a previously approved NCUTCD recommendation(s) and the TC recommends the originally approved recommendations in place of the NPA content, the TC will prepare a docket comment that indicates why the previously approved NCUTCD recommendation is preferred over the NPA item. The docket comment should include the original NCUTCD recommended for MUTCD content. The docket comment can be submitted without Council approval, as it reflects a previously approved position. Editorial differences do not need to be approved by Council.

### Discussion of Proposed Amendments Within Chapter 2B

48. In Section 2B.02 Design of Regulatory Signs, the FHWA proposes changing the first SUPPORT statement to a STANDARD statement to clarify that regulatory signs are rectangular unless specifically designated otherwise. As part of this change, the FHWA also proposes adding a reference to the Standard Highway Signs and Markings<sup>13</sup> book for sign design elements.

The FHWA also proposes relocating the first two paragraphs of existing Section 2B.54 to a new OPTION statement in Section 2B.02, because the paragraphs contain information about regulatory word messages and symbols which is more relevant in this section.

- c. ***NPA item is different from a prior NCUTCD recommendation but the TC agrees with NPA item:*** If the NPA item conflicts with, or is not consistent with, a previously approved NCUTCD recommendation(s) but the TC agrees with the content of the NPA, the TC will prepare a draft docket comment for Council consideration. The draft docket comment will need to identify differences from previously approved recommendations and identify why the TC agrees with the content. The docket comment will need to be approved by Council before submitting to the docket.
  - d. ***NPA item is different from a prior NCUTCD recommendation but the TC recommends language other than NPA or prior NCUTCD recommendation:*** If the NPA item conflicts with, or is not consistent with, previously approved NCUTCD recommendations, the TC does not support the NPA recommendation, but wants to recommend an MUTCD change that is different from that originally approved by Council, then the TC will prepare a draft docket comment for Council consideration. The draft docket comment should describe the differences and indicate recommended changes in MUTCD content. The docket comment will need to be approved by Council before submitting to the docket. It may be appropriate to include the previously approved NCUTCD recommendation, but it is not required to do so.
  - e. ***NPA item is new content not previously addressed by the NCUTCD:*** If the NPA item is new content that has not been previously addressed by Council, then the TC will prepare a draft docket comment. The draft docket comment will need to indicate approval of the NPA language or recommend alternative language for all or a part of the NPA item. The docket comment will need to be approved by Council. The docket comment should include the NPA MUTCD language that is being recommended for Council approval.
  - f. ***New material not in NPA:*** If the NCUTCD has approved recommendations that are not included in the NPA and they relate to content published in the NPA, then the new content can be included in a docket comment.
5. Docket comment submissions: The NCUTCD will submit docket comments throughout the docket comment period based on the two categories below.
- a. Docket comments that support a prior NCUTCD recommendation:
    - i. These docket comments will be collected early in the review process and combined. The NCUTCD will submit the docket comments early to indicate the items in the NPA that the NCUTCD agrees with or where it prefers a prior NCUTCD recommendation over NPA content. These docket comments will also be distributed to Council members and sponsoring organizations. The docket comments will indicate any remaining items in the NPA that will be addressed in a future NCUTCD docket comment(s).
  - b. Docket comments that reflect a Council vote on the docket comment:
    - i. When Council approves several TC draft docket comments during a relatively short period of time, the approved docket comments will be combined and submitted. These docket comments will also be distributed to Council members and sponsoring organizations. The docket comments will indicate any remaining items in the NPA that will be addressed in a future NCUTCD docket comment(s). There may be multiple submissions of docket comments in this category based on how many Council meetings are necessary and when those meetings occur.