



National Committee on Uniform Traffic Control Devices

Chair's Message

MESSAGE 2021-#1
February 9, 2021

Gene Hawkins
NCUTCD Chair

To start, I would like to thank each of you for your contributions to making our January meetings successful. Our first fully virtual meeting is behind us and by all accounts, it was a successful meeting. While we had a few minor technical hiccups, the input that I have received is that the meeting exceeded all expectations. While we still have some administrative items left over from the January meeting to address, our real focus in the weeks and months ahead will be preparing and submitting our docket comments on the MUTCD NPA.

MUTCD NPA

- **Docket Extension:** The docket comment period for the MUTCD has been extended to May 14, 2021.
- **Rulemaking Rules:** A few comments about the federal rules related to rulemaking, as many of you may not be familiar with them:
 - ♦ FHWA must comply with federal regulations for rulemaking. They are not going to comment on the NPA content nor the potential language that might appear in a Final Rule. I believe it is unlikely that we will see any further corrections in the NPA content.
 - ♦ The rulemaking process requires that the public have an opportunity to comment on proposed changes. From the Federal Register website:
 - *“If the rulemaking record contains persuasive new data or policy arguments, or poses difficult questions or criticisms, the agency may decide to terminate the rulemaking. Or, the agency may decide to continue the rulemaking but change aspects of the rule to reflect these new issues. If the changes are major, the agency may publish a supplemental proposed rule. If the changes are minor, or a logical outgrowth of the issues and solutions discussed in the proposed rules, the agency may proceed with a final rule.”¹*
 - ♦ We should strive to align our comments with the last sentence of the quote. If our docket comments suggest the need for significant change to the MUTCD NPA language, it could terminate or significantly delay advancement toward a new edition of the MUTCD. *Our job is to comment, not rewrite.*

NCUTCD & MUTCD NPA

- **Our Goal:** The NCUTCD's goal is to promote publication of a Final Rule for a new edition of the MUTCD. I have yet to hear one person say that they would prefer to continue using the 2009 MUTCD for years into the future rather than see the NPA become a new MUTCD. In all of our NCUTCD actions, remember our goal.

¹ https://www.federalregister.gov/uploads/2011/01/the_rulemaking_process.pdf.

- **Path Forward:** The best way for us to advance the NPA to a Final Rule is to focus our docket comments on correcting errors, omissions, and technical inaccuracies. The docket comment process is not the time for the NCUTCD to try to add new content or to make significant technical changes in the NPA language.
- **Ownership:** The MUTCD belongs to FHWA and they get to decide what to put into it. The NCUTCD has already submitted over 200 recommended changes to the 2009 MUTCD. If FHWA did not include a previous NCUTCD recommendation in the NPA, the most likely reason is that they didn't want to include it. If that is the case, just recommending that FHWA add it back in is not likely to change the outcome unless overwhelming evidence of the need is included with the docket comment.
- **Environment:** Consider the administrative environment that the NPA is in:
 - ♦ Actions to date show that the current administration is reversing many of the prior administration's regulations and executive orders.
 - ♦ Although the NPA was initiated by the previous administration, it should be a non-political regulatory activity. The best way to keep it non-political and moving toward a Final Rule is to stay within the boundaries established in the NPA. Docket comments should be minor or a logical outgrowth of the issues and solutions discussed in the NPA.
 - ♦ Significant change to the NPA might require publication of a supplemental NPA, which opens the process up to additional changes beyond those included in the original NPA and the related docket comments. It could also significantly delay progress toward a Final Rule or stop the process altogether.

NPA Docket Comment Processing

- **Docket Comments:** Only the NCUTCD Chair (or his designee) can submit docket comments on behalf of the NCUTCD or any of its subgroups. Members cannot submit comments that represent themselves as the NCUTCD or any of its subgroups.
- **Council Approval:** Council approval is needed for any MUTCD NPA content not previously approved by Council.
- **Council Voting:** To reduce the time devoted to detailed discussion during a Council session, we will take a two-stage approach to some proposed docket comments:
 - ♦ In the first stage, selected proposed MUTCD language will be emailed to Council for a quick review and comment. Then, a revised version (if revised) will be distributed to Council for a vote. The vote will be by individual sections with a choice between the following:
 - *Approve:* If two-thirds approve, the language will be submitted to the docket.
 - *Discuss:* If two-thirds do not approve, the proposal will be discussed in a virtual Council session.
 - ♦ More specific details on this process will be provided to Council Members and Associate Members. The email voting is expected to be used for comments that are expected to generate minimal discussion.
 - ♦ I realize that this approach eliminates the benefits of open discussion, but the number of items that will require Council approval will require a significant time commitment of Council members if all items are sent to Council.
- **Consensus, not Unanimity:** Our threshold for consensus is two-thirds of Council or a technical committee. We do not need a unanimous vote for a proposal to be

- approved. If it appears that you are in a small minority advocating for a change to the NPA language, accept that your change will not be made and move on.
- **Process:** Responding to this NPA is a production line activity, not a custom home building effort.
 - **No Nitpicking:** One of the strengths of the NCUTCD Council is its ability to focus on the details of proposed MUTCD language. One of the weaknesses of the NCUTCD Council is its ability to focus on the details of proposed MUTCD language. During the NPA docket approval stage, we need to keep in mind the following:
 - ♦ **Quantity:** We have a lot of material to cover. If we spend a lot of time debating relatively minor issues in the text, then Council members should prepare for many virtual Council meetings. If the level of detail and discussion for future NPA items is consistent with that from the January Council sessions, then Council will have a lot of sessions in April and May.
 - ♦ **Avoid Last Minute Jam:** I hope to avoid a situation where the Council is forced to consider a large number of items in a short period of time during a virtual meeting. If discussion is needed for an item, we will have that discussion. I do not want to create a situation where Council is rubber-stamping docket comments just to get them approved by a deadline.
 - ♦ **NCUTCD Leadership:** The NCUTCD is respected within the profession. If we submit docket comments that show general support for the NPA, then many in the profession will follow our lead. The sooner we can do that, the better we are able to advance the goal of a Final Rule in the near future.
 - **Member Perspective:** One of our members sent me the following after the January meeting. These are wise words and worth sharing:
 - ♦ “You are right when you keep reminding the members we need to take up big issues and not get lost in the weeds. After all, FHWA has had the opportunity to review all the suggested changes or additions that the NCUTCD has sent to them over the past 10 years and that's what they used to develop the NPA. The FHWA should have known what the NCUTCD wanted and they either agreed with us and put it in the NPA or they didn't and left it out. For the NCUTCD to review the NPA and simply submit a docket comment that says to change it back to our prior recommendation really doesn't do much good and only prolongs the process. I think the goal would be to support all that we can of what's in the NPA and review all the other items with one thing in mind. We need to ask ourselves ‘Can practitioners live with the content, especially if it is not a standard?’ Let's work on helping get a new Manual out as quick as possible and then if there is something we just can't live with, make future recommendations to FHWA to change the new MUTCD. We do not need to wordsmith the NPA text. The bottom line is let's move to get a new MUTCD as soon as possible and work on future changes later.”

Announcements

- **News Page:** During January, we added a new feature to our website. We now have a News tab/page where we will post information and updates. We will use this page to share a lot of information that was previously sent to members in emails.
- **Calendar:** The home page of our website has a calendar that lists all scheduled NCUTCD meetings.

- **Spring Meeting Registration:** Registration will not be required for technical committee and Council meetings from February through May, although chairs can restrict participation to only members and invited guests.
- **Database:** Our database is the basis for much of our communication. Make sure that your information in the database is accurate. All members can log in and check their information.
- **NPA Comment Process:** My previous Chair's Message contained a detailed description of our process for developing docket comments.
- **Special Thanks:** I want to offer special thanks to our relatively new Executive Secretary Richard Moeur for all of his hard work during December and January. He went far above and beyond what was expected of him.

NCUTCD Meetings

- **January 2021:** During January, the NCUTCD conducted no less than 49 virtual meetings and Council sessions. We had 420 individuals register for our meetings.
 - **Council Action:** During the Council sessions in the third week, Council approved several recommended changes to the 2009 MUTCD and docket comments for the MUTCD NPA related to Part 4 and Part 8. The approved items will be posted on our website in the future.
- **Spring 2021:** The NCUTCD online calendar lists numerous meetings that will be conducted between February and June. These includes Council sessions in the first and fourth weeks of March. Additional Council sessions will be added to the calendar soon.
- **June 2021:** AASHTO has informed us the Committee on Traffic Engineering meeting will be a virtual only meeting. As the NCUTCD piggybacks on the AASHTO CTE meeting, we will also be a virtual only meeting. We will announce meeting details at a later date after we have a sense of the status of our NPA docket comments. Attendees will have to pay a registration fee to participate in the meeting.
- **January 2022:** We continue to evaluate conditions that will determine whether our next January meeting will be face-to-face or virtual.
- **June 2022:** For next year's summer meeting, we are hoping that we can finally have our summer meeting in a face-to-face only format.

NCUTCD Honorary Members

The designation of Honorary Member recognizes those individuals who have made outstanding contributions to the NCUTCD in a leadership role over an extended period of time. It is the highest level of recognition within the NCUTCD. As we have a large number of new members, I wanted to share the following information about our living Honorary Members. They are the ones that served as the foundation for our organization. The parenthesis after their name indicates the date of Executive Board action. They are listed in the order that they became Honorary Members.

- **Carlton C. (Robbie) Robinson (1/02), Emeritus (1/14):** First NCUTCD Honorary Member. Served as the Director of Program Planning for the Highway Users Federation for Safety and Mobility (HUFSA) and represented HUFSA on the NCUTCD Council. HUFSA was one of the founding sponsoring organizations of the NCUTCD from 1979 to 1996. Passed away August 2017.

- **Dick Luettich (1/03):** I started out over 65 years ago working part time in the City Engineers Office in Champaign, IL when I was president of an ITE student chapter. This is when I attended my first National Joint Committee for Traffic Control Devices (NJC, NCUTCD predecessor) meeting. In the mid-1950s, I started working for the Maine Highway Department (later Maine DOT) as Assistant Traffic Engineer. I worked up to Deputy Commissioner for Operations and Chief Engineer and retired as the Acting Commissioner in 1980. In 1980 I was privileged and honored to be elected as Chair of the newly organized NCUTCD. I served in that position for ten years, then served as Chair of the Signs until 2002 when I was selected as an Honorary Member. In retirement, I worked for a consulting firm and then started my own consulting firm in 1988 providing a variety of consulting and expert witness services. I would like to leave two thoughts for our members. First, I recognize the current need for virtual meetings, however every effort should be made to hold at least one annual face-to-face meeting. There is no substitute for sitting down over dinner or drinks and discussing situations in the “real world.” Second, I would you to remember that the MUTCD was developed to assure that the use and application of traffic control devices was uniform throughout the country.
- **Jim Pline (1/04):** I spent 35 years with the Idaho Transportation Department and 25 years as a consultant for Pline Engineering, Inc but retired after active practice at age 85. Since then, I have worked on ITE and NCUTCD activities but will probably totally retire after this 2021 Edition. The 2021 Manual will be the 7th Edition I have participated on during more than 100 meetings. I want the new members to keep a practical sense and don't overlook the many miles of roadway that are maintained by the local jurisdictions. There is responsibility on the road user to use the facilities responsibly and we can't provide a traffic control device for everyone or someone's wish.
- **Dave Kuemmel (1/06), Emeritus (6/15):** Served 40 years on the NCUTCD and its predecessor NAC. All of those years were on the Signals Technical Committee. I chaired Signals as it made the transition away from FHWA. I chaired APWA's delegation and later served as Vice Chair - Programs and Edit chair. I was part of a small group of people who first proposed changing “Shall, Should & May” to the current “Standards, Guidance & Option.” I was often referred to as heading up the “Weasel Word Police.” I served 35 years in the City of Milwaukee, rising to chief Traffic Control Engineer and later Commissioner of Public Works. After retiring, I joined the faculty at Marquette University, teaching and doing research for 15 years before retiring again. I am most proud of chairing the Pedestrian Task Force of the STC as they invited groups working to help the blind to provide input to develop recommendations for Accessible Pedestrian Signals in the MUTCD. But my fondest memories are of the friendships developed within Signals and the socializing done after meetings that often lasted well past the normal dinner hour.
- **George Butzer, PE (6/07):** Retired after 27 years as City of Columbus, Ohio Traffic Engineer followed by serving as Deputy Director of the Ohio Department of Transportation until my first retirement. Spent an additional 16 years in consulting until my second retirement. This is my 42nd year on the NCUTCD Signals Technical Committee (STC). I served as Vice Chair for Programs (including Chairman of the Edit Committee) of the NCUTCD from 1998 to 2002 and Chair of Signals 1992-1998. My favorite part of being on the NCUTCD is the ability to spend a day discussing,

and sometimes disagreeing, with my fellow Signals members (even being on the losing side of a vote or two) on issues, then going for a drink and dinner with them. The discussions have always been issue oriented and never got personal. Much has changed over the years as technology advances have forced us to keep the MUTCD relevant to the technology. Many of my closest friends are or have been members of the NC. Since my second "retirement", I was an Adjunct Instructor for Northwestern University teaching their Traffic Engineering Short Courses and now I am the CEO for my son's start up cyber security business. My wife and I love to travel and have found that we also enjoy cruises. We have taken 16 since 2001. We pretty much do whatever else we want to.

- **Ken Kobetsky (1/10):** I started work at the Iowa DOT, followed by the City of Des Moines, Iowa. Then after grad school, I went to work for the WVDOT. I retired after 29 years and went to work for AASHTO. I retired in 2010 after spending 16 additional years at AASHTO. I attended my first NJC (NCUTCD predecessor) meeting in 1968 and have continued to attend all the NC meetings ever since. I served in various leadership positions including Treasurer, Signals chair, Research chair, and as the second NCUTCD chair where I served for 14 years. Even though I have been retired for 10+ years, I have continued to stay involved with updating the MUTCD. I have also been involved with the Transportation Research Board and have attended every annual meeting since 1965. I chaired the TRB Traffic Control Devices Committee and always promoted the need for research statements that ended up getting funding and were used to update the MUTCD. I continue to attend the TRB Annual Meetings and work with many of the technical committees and still remain active. My wife Karen (of 62 yrs.) and I have done a lot of traveling over the years as we have visited 49 of the 50 states in the past 50 years, but this past year has required us to pretty much stay at home.
- **Tom Hicks (1/13):** First state traffic engineer for Oklahoma DOT. Attended first NJC meeting in 1962. Was Director of the Maryland State Highway Administration Office of Traffic and Safety from 1969 to 2012. He was the recipient of national recognition awards from three separate NCUTCD sponsoring organizations: 1990 National Safety Award from ATSSA, 1999 Theodore M. Matson Memorial Award from ITE, and 2007 John Landen Memorial Award from ARTBA. Was chair of C&M (TTC predecessor) 1976-1990 and Vice Chair - Programs for NCUTCD from 2002-2012. Could not pass up the opportunity to say that understanding human factors is our greatest need.
- **Bruce Ibarguen (1/14):** I retired as the State Traffic Engineer for Maine DOT in 2013, having been in that position for 20 years. I had 43 years of service with Maine DOT, all in Traffic Engineering. I became a member of the National Committee in 1994. I chaired RWSTC from 2003-2013. One of my fondest memories of working on the MUTCD was when the major change to create "Standard, Guidance, Option and Support" was implemented. Chairman Gene Hawkins, who was secretary for RW at that time, and I worked until 3:00 am on the changes to the sign sections. It was a rewarding experience! Since retiring, my wife, Ann and I have enjoyed trips to the Grand Canyon, San Francisco, Yosemite, as well as Spain and Italy!! May the 2021 MUTCD be quickly published. It is a huge step in the right direction for all practitioners!

- **Ray Pusey (6/14), Emeritus (6/18):** Served as state traffic engineer for Delaware. Represented the National Committee on Uniform Traffic Laws and Ordinances until 2009 on the NCUTCD Council. Passed away January 2018.
- **John Logan (6/14), Emeritus (8/14):** Served as Director of Traffic Engineering for King County, Washington. Was NCUTCD Treasurer 1998-2014. Passed away September 2014.
- **Bob Garrett (1/20):** After serving in the Marine Corps during the Korean War, I earned my CE degree. During my career, I worked for a county, contractor, and then started working for associations. I was the Chief Engineer with the Calcium Chloride Institute, then a Division Engineer with ARBA (later ARTBA). In 1980, I became the Executive Director of ATSSA. When I retired from ATSSA in 1998, I became the NCUTCD Executive Secretary and served in that capacity until 2020. My long professional career has been fantastic, but I have to say that the most outstanding part of my life has been my family. Donna and I have been married now for 63 years and we have been blessed with five children, 15 grandchildren and soon to be nine great grandchildren. Counting spouses, there are now 42 members of our family, all of whom get along very well and love each other. What more could you ask of this life?