



National Committee on Uniform Traffic Control Devices

Chair's Message

MESSAGE 2024-#1
January 16, 2024

Gene Hawkins
NCUTCD Chair

The new MUTCD is out, we have met, and we are back to doing what we do best. By all accounts, the 2024 Annual Meeting was a success. We have completed our initial review of the MUTCD and we are starting the work of identifying opportunities to improve the MUTCD. As we launch into working on the 11th edition of the MUTCD (2023 MUTCD), a brief review of highlights from our 2024 Annual Meeting is appropriate, along with a look ahead.

Officer Election

During the General Session on Thursday, the NCUTCD elected officers to two-year terms. For those that were not at our 2024 Annual Meeting, I made it clear that my new term will be my last as NCUTCD Chair. I am committed to seeing the NCUTCD elect a new Chair during the 2026 Annual Meeting. Both of the current vice-chairs, Bill Lambert and Bryan Katz, were reelected to new terms. We now have a new Treasurer, Monica Sutter, who was elected to her first term. I look forward to working with these officers as I work toward completing my work as Chair, positioning the NCUTCD to be the best organization it can be.

Bylaws and Operating Procedures

During the General Session on Friday, the Council approved a revision of the Bylaws. The revised Bylaws, and the accompanying Operating Procedures (previously approved by the Executive Board), became effective after our meeting on January 12, 2024. The revised Bylaws represent the most comprehensive improvement in the Bylaws since they were first established in 1980. The Operating Procedures have been dramatically expanded and provide the most comprehensive documentation of how we function that we have ever had. Both of the documents will soon be posted on our website under the "About" tab. I encourage all of our members to look over these documents as they will give you a much better understanding of our organization.

Among the most significant changes in these documents is an expansion in the capabilities of joint task forces. A key change is that JTFs have the ability to develop proposed changes to the MUTCD and send those to sponsoring organizations for review and comment. However, JTFs must obtain approval of relevant technical committees before presenting a proposed change to Council. This change should improve the ability of the NCUTCD to develop content in specialized areas. At present, there are four JTFs: Connected/Automated Vehicles, Pedestrians, Roundabouts, and Rules of the Road.

Resolutions

Also during the General Session on Friday, the NCUTCD Council approved three resolutions as described below:

- **Rescind Prior Recommendations:** This resolution rescinds all previous NCUTCD recommended changes to the MUTCD approved prior to the 2024 Annual Meeting. We have over 230 recommended changes to the MUTCD on our website, going back to the 2008 Annual Meeting. This resolution wipes the slate clean and eliminates the potential for conflict between a previous recommendation and a new recommended change. Technical committees that wish to revive a previous recommendation will need to update it to reflect current MUTCD content. However, if the update is limited to editorial changes, we will label it as a previously approved recommendation with the intent of

increasing the chances of it being approved by Council. We will start the process of stamping each of our previous recommendations with a "Rescinded January 2024" label, although that effort will take some time to complete.

- **Revised Final Rule Item:** This resolution identifies an inconsistency in the flashing yellow bicycle indication and recommends that FHWA issue a revised final rule restoring the language proposed in the NPA. As it may be two weeks or more before we have our meeting summary posted on the website, I have included the resolution on this issue at the end of this message. I submitted that resolution to FHWA on Friday, January 12 and we await the decision of FHWA on how they will address this issue.
- **PROWAG Related Content:** The Signals Technical Committee identified a requirement in PROWAG that current signal hardware is not capable of meeting. This resolution identifies the shortcoming and recommends that specific provision of PROWAG be suspended. I will submit the resolution to FHWA in the near future. I am waiting to submit in order to minimize potential confusion related to comments on the 2023 MUTCD during the first 30 days after rulemaking. The resolution will be available on the website as part of the draft meeting summary we hope to post in the near future.

Short-Term Review of New MUTCD

I want to extend my thanks and congratulations to NCUTCD members for their efforts in reviewing the 2023 MUTCD for content that needed immediate correction. Overall, our review found that FHWA did a good job of producing an MUTCD that represents an advancement from the 2009 MUTCD. While several technical committees and joint task forces had conversations about content that might have gotten over the bar for a revised final rule; in the end, we had only one issue that was presented to and approved by Council. That issue relates to the flashing yellow bicycle indications described in the resolution section of this Chair's Message.

Our short-term review has also identified a number of issues that are best described as editorial/grammatical errors. Anytime you publish a document containing over 1,000 pages, there are bound to be some mistakes. Our members found several errors and I am forwarding those to FHWA as I receive them from the technical committee chairs. I expect FHWA to publish a list of known MUTCD errors in the MUTCD in the near future. If you find something you believe is an editorial or other obvious error, send that to your technical committee chair.

Most of the technical committees also identified MUTCD content that fall into the "technical correction" category. These are items where minor changes in content are needed to improve the MUTCD. These technical corrections are more than an editorial error - they represent an actual change in the MUTCD content. These technical corrections will be processed through our normal process (sponsor review, Council action). I expect several of these to go to sponsoring organizations for review and comment this spring. We are hopeful that these technical corrections can be incorporated into an MUTCD revision in the near future.

Long-Term Review of New MUTCD

Once we finish with the errors and technical corrections aspects of our review, we will transition to doing what we have always done - identify and develop proposed changes to the MUTCD. With the legislative mandate to update the MUTCD at least every four years, I am hopeful that FHWA will improve the 11th edition of the MUTCD through successive revisions. It is incumbent upon us to provide our recommendations for those improvements. This will be a long-term effort, but having a consistent document to work from, along with a mandate from the federal government for regular revisions of the MUTCD, means that we have an opportunity to help make the MUTCD even better than it is today.

MUTCD Future

In the short-term, we can expect to see Revision #1 of the 11th edition MUTCD focus on incorporating Public Rights-of-Way Accessibility Guidelines (PROWAG) into the MUTCD. The first step in this process will be for the Department of Transportation to conduct rulemaking to adopt PROWAG as a federal regulation. Once that rulemaking is complete, FHWA will conduct rulemaking to incorporate PROWAG into the MUTCD. I expect the docket comment period for both of these rulemaking efforts to be short, perhaps in the 30-60 day range. It could be late spring or summer before we see the NPA for incorporating PROWAG into the MUTCD.

In general, the NCUTCD will not provide PROWAG-related MUTCD content recommendations in advance of the rulemaking for Revision #1. Instead, we will respond with docket comments similar to how we responded to the NPA for the 11th edition. I would expect each technical committee to develop a draft docket comment for the material that it is responsible for. We will send the draft docket comments to Council as part of an email ballot. Those items that are not approved in the email ballot will be voted on in a virtual Council meeting held a few days before the docket closes. This means that, if the docket comment period is only 30 days, technical committees will need to develop the draft docket comment within about two weeks of the NPA being published. Obviously, if the docket comment period is longer, TCs will have more time to develop their docket comment.

For the long-term, our efforts will be focused on developing proposed changes to the MUTCD. In addition, some part of what we do should be looking at how the MUTCD of the future can be improved. That visioning effort represents more than just revisions to current content. It involves discussions about what the MUTCD should be, the type of information (as opposed to specific content) that should be included in the MUTCD, how to organize that information for use by practitioners, and how to optimize delivery of the information so that users do not have to be MUTCD experts in order to effectively use the document. I hope to have some discussions with key individuals and stakeholders on this during the spring.

Terminology

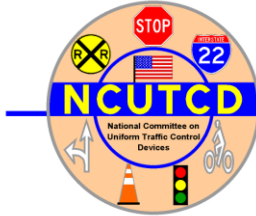
One of the purposes of the Bylaws and Operating Procedures update was to improve consistency in the use of terminology. As you conduct your NCUTCD activities, be aware of the appropriate terms as described below. The new Bylaws and Operating Procedures provide more detail about all of these terms.

- **Meetings:** The proper terms for our face-to-face meetings are “Annual Meeting” and “Midyear Meeting.” Please avoid using “January/June meeting” or “Winter/Summer Meeting” when labeling a meeting.
- **MUTCD Changes:** All changes that we develop for the MUTCD are to be labeled as “Proposed Changes.” Changes become “Recommended Changes” only after they have been approved by Council. Terms such as “draft changes,” “draft recommendations,” or “proposed recommendations” are inappropriate and should not be used.
- **Organizational Units:** Please be sure you use the correct terminology when describing the various units of the NCUTCD. Some of the most common units are:
 - ♦ *Council:* The policy-making body of the NCUTCD, consisting of 41 voting delegates representing the 21 sponsoring organizations. Each sponsoring organization appoints their Member(s) and Associate Member(s). Associate Members serve as an alternate to the Member.
 - ♦ *Joint Committee:* The Edit Committee and Research Committee. Members of these two committees are appointed by each of the technical committee chairs.

- ♦ *Technical Committee*: The RW, GMI, Markings, Signals, TTC, RR/LRT, and Bicycle Technical Committees. Technical Members are approved by the Executive Board. Each NCUTCD member belongs to only one technical committee.
- ♦ *Joint Task Forces*: A joint task force consists of an equal number of members from each of the seven technical committees, appointed by the technical committee chairs.
- ♦ *Multi-Committee Task Force*: A task force with members from more than one technical committee appointed by the respective technical committee chairs.
- ♦ *Task Force*: A task force with members from a single technical committee appointed by the chair of that technical committee.
- **Membership**: We have several categories of members, as described below:
 - ♦ *Member*: Appointed by a sponsoring organization as a voting delegate of Council.
 - ♦ *Associate Member*: Appointed by a sponsoring organization as the alternate voting delegate of Council to serve in the absence of the Member.
 - ♦ *Technical Member*: A member of a technical committee appointed by the Executive Board.
 - ♦ *Honorary Member*: The highest recognition available to NCUTCD members. Honorary Members are approved by the Executive Board.
 - ♦ *Distinguished Member*: The second highest recognition available to NCUTCD members. Honorary Members are approved by the Executive Board.

Dick Luettich Memories

Dick Luettich's memorial service will be February 10, 2024 at the Skidaway Island Methodist Church. If you have thoughts or memories of Dick that you would like me to share with his family, please email those to me at chair@ncutcd.org no later than January 31, 2024.



National Committee on Uniform Traffic Control Devices

13236 North 7th Street, Suite 4-259, Phoenix, Arizona 85022
Phone/Text: 231-4-NCUTCD (231-462-8823)
E-mail: secretary@ncutcd.org Website: <https://ncutcd.org>

NCUTCD Resolution Regarding Final Rule for Section 4A.05

Whereas, The National Committee on Uniform Traffic Control Devices (NCUTCD) represents 21 sponsoring organizations representing a wide range of transportation stakeholders, and uses a strong consensus-building approach to develop recommendations for traffic control device standards and guides;

Whereas, The NCUTCD and its predecessor organizations have developed or contributed to 11 editions of the Manual on Uniform Traffic Control Devices (MUTCD);

Whereas, NCUTCD members represent a wide range of MUTCD users and road users, with a significant emphasis on involvement by volunteers representing public agencies responsible for implementing MUTCD content;

Whereas, The NCUTCD expresses its appreciation to FHWA for publishing the 11th edition of the MUTCD (2023 edition);

Whereas, The NCUTCD has reviewed the 11th edition of the MUTCD and identified content in the final rule that is not consistent with the Administrative Procedures Act (APA) and that should be immediately addressed in a revised final rule;

Whereas, The Notice of Proposed Amendments (NPA) item 384 included a new Standard with a proposed meaning for a flashing YELLOW BICYCLE signal indication in Section 4A.05 paragraph 01 E;

Whereas, The Supplemental Summary of Final Rule Dispositions indicated that the proposed addition of Section 4A.05 Meanings of Bicycle Symbol Signal Indications (item 384) was "...adopted as proposed";

Whereas, The proposed text in the Final Rule for paragraph 01 E in Section 4A.05 was not "...adopted as proposed" but was replaced with the significantly more restrictive "A flashing YELLOW BICYCLE signal indication has no meaning and shall not be used";

Whereas, The prohibition listed in Section 4A.05 paragraph 01 E conflicts with at least the following two sections:

- Section 4H.05 paragraph 03 – (Guidance) “When a traffic control signal is operated in the flashing mode, bicycle signal faces should display a flashing YELLOW BICYCLE signal indication if the other vehicular signal faces for the through lanes on the same approach are displaying flashing yellow signal indications unless it is determined by engineering judgment that a flashing RED BICYCLE signal indication would provide a safer operation.”
- Section 4G.03 paragraph 08 – (Standard) – “All signal faces that are flashed on an approach shall flash the same color, either yellow or red ...”

Whereas, The NCUTCD recommends that the text proposed in the NPA for Section 4A.05 paragraph 01 E be established as the meaning of a flashing YELLOW BICYCLE signal indication;

Resolved, That the NCUTCD recommends the FHWA issue a revised final rule for the 11th edition of the MUTCD revising the MUTCD as shown in the attachment.

Be it Further Resolved, That the NCUTCD recommends such revised final rule for the 11th edition of the MUTCD be published immediately.

Approved by the NCUTCD on January 12, 2024.


Gene Hawkins, NCUTCD Chair

NCUTCD Attachment for Section 4#.05
Recommended Change to the 11th Edition of the MUTCD Final Rule

Section 4A.05 Meanings of Bicycle Symbol Signal Indications

~~**E. A flashing YELLOW BICYCLE signal indication has no meaning and shall not be used.**~~

E. Bicyclists facing a flashing YELLOW BICYCLE signal indication are permitted to cautiously enter the intersection only to make the movement indicated by the lane-use arrow(s) displayed on the Bicycle Signal sign (see Section 9B.22) that is located immediately adjacent to the signal face. Bicyclists proceeding into the intersection during the display of the flashing YELLOW BICYCLE signal indication shall yield the right-of-way to pedestrians lawfully within an associated crosswalk, and to other vehicles lawfully within the intersection.