

**ALTERNATIVES  
FOR CONSIDERATION  
IN A  
LONG RANGE PLAN  
FOR ADDING  
NEW NCUTCD  
SPONSORS**

**FIRST DRAFT**

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**by**

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# **FIRST DRAFT**

## **Alternatives for Consideration in a Long Range Plan for Adding New NCUTCD Sponsors**

Prior to considering alternative long range plans, it is important to review the past 75 years of NCUTCD history in order to understand that the public sector community historically has had the majority of the sponsorship of the NCUTCD.

### **History of the NCUTCD**

The following is the history of the NCUTCD that is posted on the NCUTCD website:

Throughout the life of the Manual on Uniform Traffic Control Devices (MUTCD), there has been a committee associated with the Manual. This committee has been known by four different names and has had many changes in membership. In its early years, the committee was responsible for the development and publication of the MUTCD. However, since 1948, the committee has served as an independent organization providing professional input on the content of the Manual, which has been published by the federal government.

The first committee was created in 1931 in response to the conflicts caused by having separate manuals for rural and urban areas. Formed in 1931, it was named the Joint Committee on Uniform Traffic Control Devices (JC). Its purpose was to bring all standards for traffic control devices under one cover and to recognize the rapid developments in the art of traffic control. In its original form, the JC consisted of members representing the American Association of State Highway Officials (AASHO) and the National Conference on Street and Highway Safety (NCSHS). The first meeting was held in March 1932. The JC published a preliminary draft of the MUTCD in 1934 and the first edition of the MUTCD in 1935. The JC was revived in 1938 in order to reexamine the Manual and it published a supplement to the MUTCD in February 1939.

The United States entry into World War II placed many demands upon traffic control. Therefore, the JC was reconvened shortly after the start of World War II to deal with the needs of wartime traffic control. It was expanded to add representatives of the Institute of Traffic Engineers (ITE) to those of AASHO and the NCSHS. Due to the special nature of wartime conditions, the JC was further expanded to include a representative of the War Department and one from the Office of Civilian Defense. Close liaison relations were also established with the War Production Board. The JC published the 1942 War Emergency Edition of the MUTCD in November 1942.

The JC began working on the peacetime edition of the MUTCD in December 1944. The JC continued to be made up of representatives from AASHO, ITE, and

NCSHS. The committee developed a preliminary review copy of the manual in January 1947. The review comments from this draft were used to prepare the 1948 MUTCD, which was published by the Public Roads Administration in August 1948.

Two changes in the committee took place after the 1948 MUTCD was published. The NCSHS was dissolved and replaced on the JC by the National Committee on Uniform Traffic Laws and Ordinances (NCUTLO) and the committee was renamed the National Joint Committee on Uniform Traffic Control Devices (NJC). The NJC developed a revision to the 1948 MUTCD that was published in 1954.

The NJC began meeting in the late 1950's to prepare a new edition of the MUTCD. In 1960, the American Municipal Association and the National Association of County Officials were added to the committee. The 1961 MUTCD was prepared by the NJC and published by the Bureau of Public Roads in June 1961. As in the past, the NJC developed the MUTCD with the cooperation of the federal government.

The NJC continued in existence after publication of the 1961 edition. This was due in part to the early recognition of several deficiencies in the 1961 edition. The committee determined that a complete rewrite of the MUTCD was needed and work on the new edition began in 1965. The final draft of the 1971 MUTCD was approved by the five parent organizations of the NJC in May 1970.

The publication of the 1971 MUTCD was significant for a number of reasons and marked a point of departure for the NJC. Following the publication of the 1971 Manual, the Federal Highway Administration (FHWA) took over full responsibility for the development of the MUTCD from the NJC, although the NJC continued to exist in an advisory role to FHWA. Accordingly, in 1972, the name of the committee was changed to the National Advisory Committee on Uniform Traffic Control Devices (NAC) and its role was changed to that of an official advisory committee to the Secretary of Transportation. Requests for rulings or changes were submitted by FHWA to the NAC and the committee returned its recommendations to FHWA for a final decision. The NAC continued to grow, and by the time the 1978 MUTCD was published in September 1978, NAC membership had grown to 10 organizations.

In June 1979, the Secretary of Transportation terminated its sponsorship of the NAC in accordance with President Carter's policy to limit the number of federal advisory committees. About the same time, FHWA also announced it would adopt all future changes to the MUTCD through the Federal Register rulemaking process. The NAC responded to this action in 1980 by forming a new National Committee on Uniform Traffic Control Devices (NC) that was independent of the federal government. In its new role, the responsibilities of the NC were to initiate, review, or comment on proposed changes to the MUTCD. As such, the NC had the opportunity to review proposals and make recommendations to the FHWA in the same manner as any other member of the public.

Today, the NC continues to function in the same way that it has since 1980. The governing body of the NC is a Council. The Council has 38 members appointed by the sponsoring organizations. All recommendations and comments of the NC must be approved by the Council. There is also an Executive Board and seven permanent Technical Committees: The chairmen of the Technical Committees are typically members of the Council and the Technical Committee members are appointed by the Executive Board. The Technical Committees are responsible for developing the recommendations and comments that go to the Council for final action.

## **OVERVIEW**

In reviewing the history of the NCUTCD (and its predecessor organizations), it can be seen that the NCUTCD started out with a limited number of sponsors, but has experienced rapid growth in the past 30 years: two sponsors in 1931; three sponsors in 1944; ten sponsors in 1978; 17 sponsors when the NCUTCD was created in 1980; and 21 sponsors at the present time. In contrast, the total number of members on the seven technical committees that actually develop the detailed recommendations for consideration by the NCUTCD has not demonstrated as rapid a growth rate.

One of the major functions of the NCUTCD Council has always been to provide review and approval of the technical committees' recommendations. The technical committees' recommendations are also reviewed by the sponsors. If a recommendation is approved by the NCUTCD Council, it is forwarded to the Federal Highway Administration for consideration for adoption into the MUTCD, through the Federal rulemaking process.

Because the installation and maintenance of the majority of the traffic control devices in the United States are on public-funded roadways, any changes made to the MUTCD have a direct impact on the budgets of public agencies and have a possible impact on the tort liability of public agencies.

Therefore, when the founders organized the NCUTCD in 1980, an important and outstanding requirement was to assure that the Group 1 delegation (the public sector group – AASHTO, ITE, APWA, and NACE) would comprise more than 50% of the Council membership (and therefore have a majority of the votes of the Council). According to the NCUTCD's by-laws, 70% of the Group 1 delegation would be public employees responsible for installing, maintaining, operating, and financing traffic control devices.

Of the 17 original NCUTCD sponsors, the public sector (Group 1) delegation was given 20 voting delegates (seven each for AASHTO and ITE and three each for APWA and NACE), while the other 13 sponsors were given one voting delegate each. This meant that 60.6% of the original 33 votes were from Group 1.

When the 19<sup>th</sup> NCUTCD sponsor was submitted to the Council for approval, AASHTO and ITE each requested an additional voting delegate. This request was approved resulting in ITE and AASHTO each adding one more delegate, thus increasing their delegation totals to eight members each, and increasing the total number of Group 1

voting delegates from 20 to 22. At this point, the percentage of votes from Group 1 had decreased to 59.5% of the 37 votes.

The number of Group 1 voting delegates remained the same (22 voting delegates) when the 20<sup>th</sup> and 21<sup>st</sup> NCUTCD sponsors were added. This means that at the present time, the percentage of votes from Group 1 has further decreased to 56.4% of the 39 votes.

## **ORIGINAL INTEND**

In order to restore the original intent of the founding organizations and in order to maintain more than a simple majority of public sector voting delegates, this long range plan for dealing with the issue of additional NCUTCD new sponsors has developed five alternative plans for consideration.

### **Items for considerations in determining a limit on and qualifications for new sponsors**

The following items should be considered when applications are received for additional NCUTCD sponsors:

What should be the primary considerations for becoming a NCUTCD sponsor?

- What areas of expertise and perspective would any new organization bring to the NCUTCD as a sponsor?
- Does this organizations expertise and perspective currently exist in existing NCUTCD sponsors or in any of the seven technical committee members?
- The following factors should be considered regarding the size and age of the potential sponsor?
  - Consider long range interest
  - Consider the past history of the organizations stability
  - Does the organization have a wide range of interest (all parts of the MUTCD) or is it narrowly focused in one particular area or field?

### **Items for consideration to continue as a NCUTCD Sponsor.**

- If Sponsors delegates miss more than three consecutive meetings they should be evaluated for removal as a sponsor.
- Is the sponsor area of interest has changed since becoming a sponsor and it is now more narrowly focused or no longer interested in traffic control issues
  - If so should they be dropped or moved to Affiliate sponsor status

- What might be the financial impact of the NCUTCD with the change in the number of sponsors?

## **OPTIONS FOR ADDING NEW SPONSORS TO THE NCUTCD**

The following five options have been developed for the long range plan to for consideration in the future and number of NCUTCD sponsors.

### **Option #1 – Maintain current practice**

Consider potential new sponsors on a case-by-case basis as they apply for sponsorship.

- Advantages:
- Additional sponsors can be added
  - Maintains flexibility in adding sponsors
  - Enables adding new interests and expertise
  - Adds marginally to financial support of NCUTCD
- Disadvantages:
- The number of votes on the Council would continue to become larger
  - Would require frequent revisions of the by-laws (or a new Council membership formula would need to be added in the by-laws to ensure that the influence of Group 1 is not diminished)

### **Option #2 – Freeze the number of NCUTCD sponsors**

Maintain the present number of sponsors (21) and encourage interested organizations to encourage their members to join the seven technical committees.

- Advantages:
- The present percentage of public sector vs. non-public sector voters would be maintained
  - Keeps the number of voting delegates on the NCUTCD Council relatively small
  - Allows for more direct influence in the oversight function
  - Keeps sponsorship interest at a higher level
- Disadvantages:
- The organization remains stagnant – same old, same old
  - Harder to introduce new technology into the MUTCD

**Option #3 – Add up to four affiliate sponsors**

Maintain the present number of sponsors (21) by allowing the addition of up to four affiliate sponsors. The affiliate sponsors would participate in the debates of the issues before the NCUTCD, but would not have a vote on the Council. The affiliate sponsors should encourage their members to join the seven technical committees.

- Advantages:
- The present percentage of public sector vs. non-public sector voters would be maintained
  - Keeps the number of voting delegates on the NCUTCD Council relatively small
  - Allows for the debate of the issues
  - Brings in new interests
- Disadvantage: Small incentive to become an affiliate sponsor

**Option #4 – Set the maximum number of sponsors at 25**

Continue to add new sponsors, but set the maximum number of sponsors at 25 for at least the next ten years. In order to restore and maintain the Group 1 (public sector) voting percentage established by the founders, consider adding the following policy to the by-laws:

- When the 22<sup>nd</sup> NCUTCD sponsor is approved, increase the number of voting delegates from APWA and NACE by one each (each of these delegations would then have four voting delegates). This would mean that the percentage of votes from Group 1 would be 57.1% of the 42 votes.
- When the 23<sup>rd</sup> NCUTCD sponsor is approved, increase the number of voting delegates from AASHTO and ITE by one each (each of these delegations would then have nine voting delegates). This would mean that the percentage of votes from Group 1 would be 57.8% of the 45 votes.
- When the 24<sup>th</sup> NCUTCD sponsor is approved, increase the number of voting delegates from APWA and NACE by one each (each of these delegations would then have five voting delegates). This would mean that the percentage of votes from Group 1 would be 58.3% of the 48 votes.
- When the 25<sup>th</sup> NCUTCD sponsor is approved, increase the number of voting delegates from AASHTO and ITE by one each (each of these delegations would then have 10 voting delegates). This would mean that the percentage of votes from Group 1 would be 58.8% of the 51 votes.

- Advantages: Additional sponsors can be added

Increases the Group 1 voting percentage to 58.8%, but is still below the original 60.6% that existed when the NCUTCD was founded

Allows public sector agencies a more direct influence in the oversight function

Keeps sponsorship interest at a higher level

Disadvantages: Because of the larger number of voting delegates, it might be harder to maintain a 2/3 quorum

Because of the larger number of voting delegates, it might be more difficult to reach the 2/3rds voting membership approval to support the technical committee recommendations

Because of the larger number of voting delegates, there might be a much higher turnover rate of delegates

**Option #5 – Do not set a maximum number of sponsors, but establish a formula for increasing the size of the Group 1 delegation**

Continue to add new sponsors without a maximum limit, but in order to restore and maintain the Group 1 (public sector) voting percentages established by the founders; add the following formulas to the by-laws:

- Each time a new NCUTCD sponsor is approved, if the percentage of votes from Group 1 would be less than 60.6%, increase the number of voting delegates from Group 1 either by increasing the number of voting delegates from AASHTO and ITE by one each or by increasing the number of voting delegates from APWA and NACE by one each.
- Each time it becomes necessary to increase the number of voting delegates from Group 1, increase the number of voting delegates from APWA and NACE by one each unless doing so would cause the number of voting delegates from the APWA and NACE delegations to be greater than 42.9% of the number of voting delegates from the AASHTO and ITE delegations, in which case the number of voting delegates from the AASHTO and ITE delegations would be increased by one.

Advantages: Additional sponsors can be added

Restores the Group 1 voting percentage to the original 60.6% that existed when the NCUTCD was founded

Restores the ratio of the APWA and NACE delegations to the AASHTO and ITE delegations to the original 42.9% that existed when the NCUTCD was founded

Allows public sector agencies a more direct influence in the oversight function

Keeps sponsorship interest at a higher level

Disadvantages: Because of the larger number of voting delegates, it might be harder to maintain a 2/3 quorum

Because of the larger number of voting delegates, it might be more difficult to reach the 2/3rds voting membership approval to support the technical committee recommendations

Because of the larger number of voting delegates, there might be a much higher turnover rate of delegates