MUTCD Team

Kevin Sylvester (Team Leader)
Marty Calawa
Eric Ferron
Dave Kirschner
Duane Thomas
(Friedman)

VACANT (evaluating candidates)
<table>
<thead>
<tr>
<th>Team Member</th>
<th>Technical Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Kevin Sylvester</strong></td>
<td>MUTCD Rulemaking Activities</td>
</tr>
<tr>
<td></td>
<td>AASHTO-CTE Support</td>
</tr>
<tr>
<td></td>
<td>Traffic Control Devices Pooled-Fund Study</td>
</tr>
<tr>
<td></td>
<td>MUTCD Peer-to-Peer Program</td>
</tr>
<tr>
<td></td>
<td>MUTCD Outreach</td>
</tr>
<tr>
<td></td>
<td>Standard Hwy Signs &amp; Markings, Colors, General Sign Design</td>
</tr>
<tr>
<td></td>
<td>Sponsorship Policy</td>
</tr>
<tr>
<td><strong>Dave Kirschner</strong></td>
<td>Markings</td>
</tr>
<tr>
<td></td>
<td>Traffic Control for Bicycle Facilities</td>
</tr>
<tr>
<td></td>
<td>MUTCD Official Rulings</td>
</tr>
<tr>
<td><strong>Eric Ferron</strong></td>
<td>Signs <em>(Regulatory, Warning)</em></td>
</tr>
<tr>
<td></td>
<td>Low-Volume Roads</td>
</tr>
<tr>
<td></td>
<td>Temporary Traffic Control</td>
</tr>
<tr>
<td></td>
<td>Traffic Control for School Areas</td>
</tr>
<tr>
<td><strong>Duane Thomas</strong></td>
<td>Traffic Signals</td>
</tr>
<tr>
<td></td>
<td>Traffic Control for RR and LRT Crossings</td>
</tr>
</tbody>
</table>
Getting the Word Out

- e-Subscribe Service (GovDelivery)
  - Receive notice when new info on MUTCD Web site

Over 1,200 subscribed!!

SIGN-up

Manual on Uniform Traffic Control Devices (MUTCD)
Official Rulings

- Under 2009 MUTCD
  - 158 active experiments
  - 88 interpretations
Current Activities

- Guide Sign Fonts—Report to Congress
  - Transmitted October 2018
  - Available at MUTCD Web site
Current Activities

- Pavement Marking Retroreflectivity Rulemaking
  - SNPA docket comment analysis completed
  - On path to Final Rule
Current Activities

- MUTCD Update

  - FHWA plans to issue new MUTCD edition!!

  - *Update technical provisions to reflect advances in technologies and operational practices*

  - *Incorporate recent trends and innovations*

  - *Set the stage for automated driving systems as those continue to take shape*
Current Activities

- MUTCD Update
  - Rulemaking sequence

- Current MUTCD
  - Experiments
  - Interpretations
  - Interim Approvals
  - Change Requests
  - Research

- Develop NPA
  - Technical Development
  - Gov’t-Wide Review
  - Finalize NPA

- Public Comment
  - Docket Open

- Develop Final Rule
  - Technical Development
  - Gov’t-Wide Review
  - Finalize Final Rule

- New MUTCD
  - Publish Final Rule
  - Effective 30 days
Current Activities

- NPRM—Procurement of Patented and Proprietary Products (Office of Infrastructure lead)
  - What’s this all about?
    - 23 CFR 635 – Process for procurement of patented or proprietary products with Federal-Aid funds
  - NPRM published Nov. 14
  - Docket closes Jan. 14
So how does this apply to the MUTCD?

“Neither proposal would alter any requirements in the Manual on Uniform Traffic Control Devices found in 23 CFR part 655, subpart F.”
But doesn’t the MUTCD prohibit patents?

“Any traffic control device design or application provision contained in this Manual shall be considered to be in the public domain. Traffic control devices contained in this Manual shall not be protected by a patent, trademark, or copyright, except for the Interstate Shield and any items owned by FHWA.”
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Example*: The Traffic Signal

- Red, Yellow, Green indications
- Shape
- Size
- Position
- Sequence of operation
- Application

Traffic Control Device

- Signal housing
- Wiring
- Manufacture of light source
- Controller

* Simplified for illustrative purposes.
Does the MUTCD really prohibit patents?

Traffic control device design or application contained in this Manual

Patently...

Section 1A.10 Interpretations, Experimentations, Changes, and Interim Approvals

Standard:

01 Design, application, and placement of traffic control devices other than those adopted in this Manual shall be prohibited unless the provisions of this Section are followed.

02 When a traffic control signal is being operated in a steady (stop-and-go) mode, at least one indication in

E. A legally binding statement certifying that the concept of the traffic control device is not protected by a patent or copyright. (An example of a traffic control device concept would be a countdown pedestrian signals in general. Ordinarily an entire general concept would not be patented or copyrighted, but specific signal indications shall be applied as follows:

A. A steady CIRCULAR RED signal indication:

1. Shall be displayed when it is intended to prohibit traffic except pedestrians directed by a
Deep Thoughts

- Application in practice

- FHWA can help...
  - Official Interpretation, for example
Thank You!

For your *professionalism*,
For your *cooperation*,
For your *expertise*,
For your *time*.