NCUTCD Proposal for Changes to the Manual on Uniform Traffic Control Devices

TECHNICAL COMMITTEE: NCUTCD Executive Board
ITEM NUMBER: 19B-NCUTCD-01.Bylaws Change
TOPIC: Bylaws Change
ORIGIN OF REQUEST: Applications to become sponsoring organizations
AFFECTED SECTIONS OF MUTCD: Not related to MUTCD content
DEVELOPMENT HISTORY
- Approved by Executive Board: 06/20/2019
- Approved by NCUTCD Council: 01/09/2020

This change in the NCUTCD Bylaws has been approved by the NCUTCD Council.

SUMMARY
At its June 2019 meeting, the NCUTCD Executive Board considered two applications from organizations that wish to become NCUTCD sponsoring organizations. The two organizations are the National Association of City Transportation Officials (NACTO) and the Intelligent Transportation Society of America (ITSA).

DISCUSSION
If approved by Council, the Bylaws would be revised to add NACTO as a Group I sponsoring organization with 3 Members and 3 Associate Members and would add ITSA as a Group II sponsoring organization with 1 Member and 1 Associate Member. The total number of sponsoring organizations would increase to 21 (which equals the number of NCUTCD sponsoring organization from 2004 through 2011. The overall size of Council would increase from 37 to 41 members.

In its application: NACTO provided the following information in describing how the organization can contribute to the purpose and objectives of the NCUTCD:

NACTO as an organization has an interest in continuing to develop the MUTCD itself as a document. In a time of rapid change, recalling in some respects the early days of the automobile, NACTO is committed to helping the NCUTCD maintain the relevance of the guidance and standards of the MUTCD. NACTO has both staff and working
groups of city practitioners who are equipped to serve the Council and technical committees by developing new recommendations, providing updates on research and practice, analyzing and responding to proposals, and in general by supporting the core work of the NCUTCD.

The professional conversation function of the NCUTCD also provides an important resource for cities. Many cities are conducting experiments on traffic control devices, or have performed evaluations of the application of existing devices in their street networks. Cities have access to a wealth of data and analysis but do not always have a venue to share this information. City staff have shown strong interest in participating in this forum role of the NCUTCD.

Finally, NACTO and its cities have experience in structuring and advancing large guidance projects, as well as using visual communications to reach professional and public audiences. As the NCUTCD grows, we look forward to contributing to the organization’s efforts in this regard.

In its application: ITSA provided the following information in describing how the organization can contribute to the purpose and objectives of the NCUTCD:

*Bringing important additional perspective to the NCUTCD organization as they develop proposals for future traffic controls.*

Spread throughout its application is the thought that ITSA will bring technical knowledge and expertise regarding Connected and Automated Vehicle technologies to NCUTCD discussions and MUTCD language development.

**RECOMMENDED BYLAWS CHANGES**

The following present the proposed changes to the current Bylaws. Proposed additions are shown in blue underline and proposed deletions CD are shown in red strikethrough. Only those articles of the Bylaws that included changes are distributed for review. The Bylaws can be reviewed in their entirety at [http://ncutcd.org/wp-content/uploads/About%20Us/Bylaws/NCUTCDBylaws.2018-01.pdf](http://ncutcd.org/wp-content/uploads/About%20Us/Bylaws/NCUTCDBylaws.2018-01.pdf).
ARTICLE 3. ORGANIZATIONS

3.1 Sponsoring Organizations. The following Sponsoring Organizations shall be the principal supporters of the activities of the National Committee:

- American Association of State Highway and Transportation Officials (AASHTO)
- American Automobile Association (AAA)
- American Highway Users Alliance (AHUA)
- American Public Transportation Association (APTA)
- American Public Works Association (APWA)
- American Railway Engineering and Maintenance of Way Association (AREMA)
- American Road and Transportation Builders Association (ARTBA)
- American Society of Civil Engineers (ASCE)
- American Traffic Safety Services Association (ATSSA)
- Association of American Railroads (AAR)
- Association of Pedestrian and Bicycle Professionals (APBP)
- Human Factors Resources (HFR)
- Institute of Transportation Engineers (ITE)
- Intelligent Transportation Society of America (ITSA)
- International Association of Chiefs of Police (IACP)
- International Bridge, Tunnel and Turnpike Association (IBTTA)
- International Municipal Signal Association (IMSA)
- League of American Bicyclists (LAB)
- National Association of City Transportation Officials (NACTO)
- National Association of County Engineers (NACE)
- National Safety Council (NSC)

3.2 Composition. Each Sponsoring Organization shall be assigned to one of the following Groups:

- **Group I.** Group I Sponsoring Organizations shall generally represent state, county and municipal highway officials having the legal responsibility of administering public highway programs.
- **Group II.** Group II Sponsoring Organizations shall represent national organizations with a membership that includes officials directly associated with traffic operations and regulations.
- **Group III.** Group III Sponsoring Organizations shall represent the general public and/or private highway user groups.
- **Group IV.** Group IV Sponsoring Organizations shall represent industry oriented organizations that include, but are not limited to, manufacturers, distributors, and installers of traffic control devices and related equipment, and industry highway users groups.

Sponsoring Organizations shall appoint Members and Associate Members in accordance with Sections 6.2 and 6.3.
3.3 Admission of New Sponsoring Organizations. Any organization that demonstrates that it has a substantial and continuing interest in traffic control and meets the eligibility requirements established by the Executive Board may become a Sponsoring Organization, if approved by the Council.

3.4 Application for Sponsorship. The Executive Board shall establish admission procedures. Any eligible organization may file, with the National Committee Secretary, an application to become a sponsoring organization of the National Committee in the form prescribed by the Executive Board. The Board may require the applicant to furnish additional information and may otherwise inquire into the organization’s qualifications.

3.5 Election of Sponsoring Organizations. The Executive Board shall consider the application of a prospective Sponsoring Organization and shall forward its recommendation and all application materials to the Council for consideration. The Council shall provide for and supervise the election of Sponsoring Organizations according to the Operating Procedures.

3.6 Termination or Suspension of Sponsorship.

(1) A Sponsoring Organization may withdraw from the National Committee at any time by submitting a letter to the Executive Board.

(2) Failure by the Sponsoring Organization to appoint Members to the Council demonstrates lack of interest in the National Committee and may constitute grounds for the termination of the organization’s sponsorship by the Executive Board.

(3) Failure by a Sponsoring Organization to be represented by a full voting delegation at three consecutive Council meetings may constitute grounds for termination.

(4) Notwithstanding Article 22, when a Sponsoring Organization withdraws or is terminated from the National Committee, all references to that Sponsoring Organization shall be deleted from the Bylaws. All Remaining Sponsoring Organizations shall be notified of the change.

ARTICLE 6. THE COUNCIL

6.1 Powers and Functions. The governing body of the National Committee shall be the Council. As the governing body, the Council shall act upon all proposals and recommendations received from the Technical Committees and the Executive Board. Approval by the Council in accordance with Section 6.6 of the Bylaws is required before any such policies, recommendations, or other matters become the official statements of the National Committee. The Council shall supervise and direct the Executive Board, the Technical Committees, and the agents of the National Committee. The Council may delegate to the Executive Board the Authority to establish a Secretariat and may delegate to the Executive Board such duties, powers, and responsibilities as it may prescribe.

6.2 Composition. The Council shall consist of Members and Associate Members appointed by the Sponsoring Organizations. One Member from each Sponsoring Organization shall be appointed, by the Sponsoring Organization, as Chair of that organization’s delegation. Each Member of the Council shall have one vote. In the event that a Member is absent, an Associate Member appointed by the Member’s organization and designated as an alternate may vote in the Member’s place. In no instance shall the Member and his/her alternate vote on the same issue at the same time. If neither the Member(s) nor Associate
Member(s) are present for the Council meeting, the Sponsoring Organization may appoint a Technical Member(s) to represent them as a voting member of the Council for that one meeting. Honorary Members serve as nonvoting members of the Council.

6.3 Member Appointments. The Members and Associate Members shall be appointed as follows:

- **Group I.** A minimum of fifty percent (50%) of the Members and fifty percent (50%) of the Associate Members shall be appointed by Group I Sponsoring Organizations. Members of this Group generally represent those state, county and municipal highway officials having the legal responsibility of administering public highway programs. Of this Group, no more than forty-five percent (45%) of the Members and forty-five percent (45%) of the Associate Members may represent any one level of government (state, county, or municipal government each being a level of government). Of this group at least seventy percent (70%) of the total number of Members and Associate Members from each Sponsoring Organization shall, at the time of appointment, be government members as defined by the Executive Board. The number of Members and Associate Members appointed by each of the Group I Sponsoring Organizations shall be as follows:
  - AASHTO: 8 Members & 8 Associate Members
  - ITE: 8 Members & 8 Associate Members
  - APWA: 3 Members & 3 Associate Members
  - NACE: 3 Members & 3 Associate Members
  - NACTO: 3 Members & 3 Associate Members
  - Each of the Group I Sponsoring Organizations shall designate a Member to serve as its Delegation Chair and that Member shall serve as a member of the Executive Board.

- **Group II.** Members of this Group represent national organizations with a membership that includes officials directly associated with traffic operations and regulations. The number of Members and Associate Members appointed by each of the Group II Sponsoring Organizations shall be as follows:
  - AAR: 1 Member & 1 Associate Member
  - APBP: 1 Member & 1 Associate Member
  - APTA: 1 Member & 1 Associate Member
  - AREMA: 1 Member & 1 Associate Member
  - ASCE: 1 Member & 1 Associate Member
  - IACP: 1 Member & 1 Associate Member
  - IBTTA: 1 Member & 1 Associate Member
  - IMSA: 1 Member & 1 Associate Member
  - ITSA: 1 Member & 1 Associate Member
  - There shall be two voting Members on the Executive Board from Group II. These persons shall be elected by the Members of the Sponsoring Organizations representing Group II.

- **Group III.** Members of this Group represent organizations that represent the general public or private highway users. The Members and Associate Members appointed by Group III Sponsoring Organizations shall be the following:
  - AAA: 1 Member & 1 Associate Member
  - HFR: 1 Member & 1 Associate Member
LAB: 1 Member & 1 Associate Member

NSC: 1 Member & 1 Associate Member

There shall be one voting Member on the Executive Board from Group III. This person shall be designated as the Chair of Group III, and shall be elected by the Members of the Sponsoring Organizations representing Group III.

- **Group IV.** Members of this Group represent industry oriented organizations. The Members and Associate Members appointed by Group IV Sponsoring Organizations shall be the following:
  - AHUA: 1 Member & 1 Associate Member
  - ARTBA: 1 Member & 1 Associate Member
  - ATSSA: 1 Member & 1 Associate Member
  - There shall be one voting Member on the Executive Board from Group IV. This person shall be designated as the Chair of Group IV and shall be elected by the Members of the Sponsoring Organizations representing Group IV.

### 6.4 Terms and Vacancies

The term of a Member and Associate Member shall be three National Committee years, beginning with the adjournment of an Annual Meeting. Members and Associate Members may be reappointed. In case of a vacancy, the Sponsoring Organization shall promptly appoint an individual to fill the unexpired term.

### 6.5 Meeting Agenda

The agenda at all Annual, Midyear and Special Meetings of the Council shall be prepared by the Chair. The National Committee Secretary shall transmit and/or post on the official National Committee website all Council agenda material including proposed revisions and recommendations, and important supporting documents and minority reports to Members and Associate Members and Sponsoring Organizations at least twenty (20) days in advance of each meeting of the Council. If agenda material is posted only on the official National Committee website, all National Committee Members, Associate Members and Sponsoring Organizations shall be notified via email that the material has been posted on the website. At the same time, these materials should be made available for inspection at the National Committee offices. A copy of the agenda shall be available to all registrants at the time of the meeting. Items not included on the announced agenda may be added at the meeting by a vote of two-thirds of the Members of the Council.

### 6.6 Referendum for a Recommendation

On questions relating to the substance of proposed changes or revisions in the standards relating to the MUTCD or other accepted national standards, the following principles and procedures shall be adhered to in generating a recommendation of the National Committee

1. Changes in the standards should be recommended only after thorough consideration of the demonstrated need for a change, based on substantial documentation from research, scientific study, or operational experience giving due consideration to all aspects of implementing the proposed change. Technological advances and experimentation from time to time reveal the desirability for changes in the design, location, and operation of traffic control devices, and the knowledge thus derived should be considered for incorporation of the standard.

2. Technical Committee actions and supporting research materials shall be promptly transmitted to the Sponsoring Organizations. The Sponsoring Organizations shall have forty-five (45) days to review the materials and to submit their
recommendations to the National Committee Secretary and to the Chair of their own delegation. The National Committee Secretary shall then have them transmitted to the appropriate Technical Committee(s) and to the Council and/or post them on the official National Committee website. If the Sponsoring Organization’s recommendations are posted only on the official National Committee website, all National Committee Members, Associate Members and Sponsoring Organizations shall be notified via email that the material has been posted on the website.

(3) The Technical Committee(s) shall carefully consider all comments and recommendations made by the Sponsoring Organizations in formulating their final recommendations to the Council.

(4) The Council shall carefully consider all comments and recommendations made by the Sponsoring Organizations, the Executive Board and the Technical Committees. Following this review and floor discussion, the Council shall vote on all proposals for changes or revisions in the MUTCD. An affirmative vote of two-thirds (2/3) of the Members of the Council determines the policy of the National Committee with respect to a motion made and seconded.

(5) A Technical Committee Chair who is an Associate Member or Technical Member may, at meetings of the Council, make motions that the Council approve recommendations of the Technical Committee. However, such Technical Committee Chair shall not have the right to vote unless serving as the designated alternate to an absent Member.

(6) The Federal Highway Administration solicits input on possible changes to the MUTCD via notices published in the Federal Register. On occasion, the date of publication of a Federal Register notice and the comment due date may not allow for the referendum procedure described in paragraphs (1), (2), (3) and (4) to be followed and completed by the comment due date. The publication date and comment due dates may not allow an opportunity for one or more of the following:

(a) Consideration by a Technical Committee at a meeting of the Technical Committee.

(b) Sponsoring Organization review and comment

(c) Floor discussion and a vote by the Council at a meeting of the Council.

(d) Other steps in the development of a recommendation.

In these instances, the Referendum procedure described in paragraphs (1), (2), (3) and (4) should be followed to the fullest possible extent. In the event that the publication date and comment due date do not allow time for Sponsoring Organization review and comment, the Council, acting as representatives of the Sponsoring Organizations, shall vote based upon the recommendation of the appropriate Technical Committee(s) and all other pertinent information. The Sponsoring Organizations shall be notified of the Council’s action. Mail ballots or electronic ballots may be used by Technical Committees and/or the Council.

(7) Any recommendation of the National Committee developed under the procedures described in Section 6.6 shall be clearly labeled “Recommendation of the National Committee.”
(8) Affirmed actions of the National Committee and supporting research materials shall be transmitted to the appropriate federal, state and local agencies. In forwarding proposals, recommendations, and other materials to the Department of Transportation and other federal agencies, the National Committee will normally utilize Section 553(e) of Title 5, United States Code.

ARTICLE 9. THE EXECUTIVE BOARD

9.1 Powers and Function. The Executive Board shall be responsible for the administrative functions of the National Committee and its members shall also serve as directors of the National Committee in its incorporated status. The Executive Board may adopt Operating Procedures consistent with the Bylaws.

9.2 Composition. The Executive Board shall be composed of the following voting members representing those Sponsoring Organizations listed in Section 3.1 or Groups described in Section 6.3 of the Bylaws:

(1) The Chair of the National Committee
(2) The Chair of the AASHTO delegation
(3) The Chair of the NACE delegation
(4) The Chair of the APWA delegation
(5) The Chair of the ITE delegation
(6) The Chair of the NACTO delegation
(7, 8) The two elected representatives of the Group II delegation
(8, 9) The Chair of the Group III delegation
(9, 10) The Chair of the Group IV delegation

The Executive Board shall also be composed of the following ex-officio, nonvoting members:

(1) The Vice-Chair for Programs
(2) The Vice-Chair for Research
(3) The Treasurer

Each voting member of the Executive Board shall have one vote.

9.3 Term and Vacancies. The term of a member of the Executive Board is two years, beginning with the adjournment of an Annual Meeting in an even numbered calendar year. A vacancy in the position of a Group I Delegation Chair on the Executive Board shall be filled for the unexpired term by a Member selected by the Sponsoring Organization of the position that was vacated. A vacancy in the Executive Board representatives for Groups II, III or IV shall be filled for the unexpired term as described in Section 6.3.

9.4 Alternate Representation. In the event of the absence of a Delegation Chair from an Executive Board meeting, the Sponsoring Organization may designate one of its other Members to serve in the Delegation Chair’s absence. In the event of the absence of an Executive Board representative for Groups II, III or IV, an alternate representative shall be designated by the Group in the same manner as described in Section 6.3 to serve in the representative’s absence.

9.5 Meetings. The Executive Board shall meet at the Annual Meeting and at Midyear Meetings held by the Council. Other meetings of the Board may be held on call of the Chair or at the request of five or more members of the board. A quorum is two-thirds (2/3) of the membership of the Executive Board authorized to vote.