



## National Committee on Uniform Traffic Control Devices

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July 21, 2015

Mr. Gregory G. Nadeau  
Deputy Administrator  
Federal Highway Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Subject: Manual on Uniform Traffic Control Devices (MUTCD) – New Traffic Control Devices

Dear Mr. Nadeau:

We are writing regarding the application and design of new traffic control devices (TCDs) that are not included in the *Manual on Uniform Traffic Control Devices* (MUTCD). State and local highway agencies may utilize some of these devices/applications based on guidelines that have been “endorsed” by various organizations, without realizing that some TCDs/applications may or may not be in compliance with the MUTCD and/or state laws (vehicle codes). This can lead to potential safety risks and tort liability concerns.

Following increased publicity and “endorsement” of publications related to new pedestrian and bicycle-related features, the use of TCDs/applications not in the MUTCD appears to be on the rise. Given this, the National Committee on Uniform Traffic Control Devices (NCUTCD) has considered how this issue should be addressed. Accordingly, the NCUTCD requests clarification on the legal interpretation of “endorsed” guidelines, offers its assistance to work cooperatively with the FHWA, and submits recommendations to the FHWA regarding these issues.

Transportation professionals increasingly face a growing amount of pressure to rapidly deploy new traffic control devices or new applications of existing traffic control devices. While some of these can be more rapidly approved, others may require more thorough testing, research and/or vetting through a consensus-building process. These steps help to ensure that the devices can operate safely and meet road user expectations without unintended consequences. New TCDs/applications may also require updates to traffic laws along with the education of police officials to ensure proper enforcement. These processes take time.

As a volunteer organization, the NCUTCD continues to be committed to expedite reviews of new bicycle, pedestrian, transit, railroad, and roadway related traffic control devices, and to provide timely, thoughtful, consensus-driven recommendations to the FHWA. As with all specialized uses of roadways, we welcome the continuous evolution of the MUTCD to address the needs of all users. Further, it is important that new devices and/or applications be appropriately evaluated before they are considered for inclusion in the MUTCD.

In the past, the NCUTCD and the FHWA expanded outreach efforts to work constructively with advocates for the physically challenged community. This resulted in the addition to the MUTCD of many new devices specifically to aid road users who are disabled in crossing streets and traveling safely along roadways and to other collaborative efforts regarding Americans with Disabilities (ADA). Following this past approach, we recommend that joint outreach efforts be provided to current advocates for MUTCD changes, especially in the pedestrian, bicycle, and complete streets arenas. This outreach should include educational efforts to explain the status of proposed new traffic control devices and applications that fall into one or more of a variety of categories:

1. Those that comply with or are not in conflict with the MUTCD.
2. Those that have received Interim Approval status from the FHWA.
3. Those that do not comply with the MUTCD and have not received Interim Approval status from the FHWA.
4. Those that require or encourage road user behavior that is either not addressed in or is in conflict with the “Rules of the Road” of the Uniform Vehicle Code (UVC) and/or most State Vehicle Codes.
5. Those that require further review, research, safety testing, experimentation, professional vetting, and consensus building before being considered for adoption into the MUTCD.
6. Those that may have unintended consequences as currently recommended.

In addition to the above, the NCUTCD recommends that the FHWA also consider:

1. Providing clarification to the NCUTCD, state and local highway agencies, and other organizations as to how “endorsements” of guides such as the *Urban Bikeway Design Guide* should be interpreted where there are discrepancies with the MUTCD and/or state vehicle codes (rules of the road).
2. Developing revised processes that would provide for expanded and expedited use of Interim Approval for promising new TCDs that have shown substantial success in experimental use and are deemed to be non-controversial.
3. Disseminating on a broader scale the interim approval and experimentation processes for new TCDs to state and local highway agencies.
4. Disseminating, on a broader scale, information on the approval and evaluation status of TCD experimentations.
5. Revising experimentation processes so that smaller agencies with fewer resources could “piggy-back” onto approved experimentations with other agencies where they would have a reduced requirement to collect data.
6. Reviewing the experimentation process for streamlining wherever feasible.
7. Developing more broad-based communication on the MUTCD rulemaking process, including the role of the NCUTCD.
8. Providing a dedicated source of funding, outside of the NCHRP and TCD Pooled Fund Study processes, for the purpose of financing particularly high-priority and time-sensitive TCD research. Such funding could possibly also provide assistance to local agencies for experimentation-related data collection, analysis, and evaluation.

Mr. Gregory G. Nadeau

June 30, 2015

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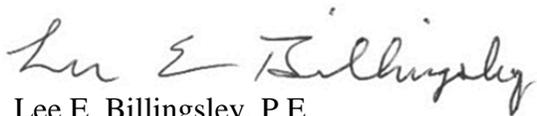
9. Establishing a “call for projects” on specific TCD priority experimentations and invite agencies of all sizes and in various geographic regions to participate.
10. Partnering with the NCUTCD to assist with publicizing and promoting to state motor vehicle administrators the updated “Rules of the Road” portion of the UVC that the NCUTCD is currently developing. The NCUTCD has technical expertise to update the UVC document, which is 15 years out-of-date. However, administrations within the US DOT, such as the NHTSA and the FHWA, are in a better position to promote this important document to the states.

We share the common goal to be responsive to interested advocates of new traffic control devices/applications and to find ways to streamline and expedite experimentation and research processes for the MUTCD.

The adherence to the MUTCD’s provisions is mandated by Federal and state law. States and local jurisdictions are legally obligated to follow the MUTCD. Addressing the processes and recommendations herein can help minimize the likelihood of non-approved TCDs/applications being perpetuated where discrepancies with the MUTCD and/or law could create potential tort liability claims and safety risks.

We appreciate the opportunity to provide our input and what we hope will be viewed as constructive suggestions for the FHWA’s consideration, and we look forward to working closely with you on these important traffic control device matters as we have done over many years.

Sincerely,



Lee E. Billingsley, P.E.

Chair, National Committee on Uniform Traffic Control Devices

cc: Jeffrey F. Paniati, P.E., Executive Director of the FHWA  
Chung Eng, FHWA MUTCD Team Leader  
Kevin Sylvester, FHWA MUTCD Team