

Industry and FDA." See § 888.1 for the availability of this guidance.

Dated: March 10, 2003.

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 23 CFR Part 655

[FHWA Docket No. FHWA-2002-13069]

RIN 2125-AE78

#### Traffic Control Devices on Federal-Aid and Other Streets and Highways; Standards

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Final rule.

**SUMMARY:** The FHWA revises its regulation on traffic control devices on Federal-aid and other highways, which prescribes procedures for obtaining basic uniformity of traffic control devices on all streets and highways. This final rule makes some nomenclature changes and removes a reference to an outdated regulation.

**EFFECTIVE DATE:** April 23, 2003.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ernest Huckaby, Office of Transportation Operations, (202) 366-9064; or Mr. Raymond W. Cuprill, Office of the Chief Counsel, (202) 366-0791, U.S. Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

Internet user may access comments received by the U.S. DOT Docket Facility, Room PL-401, by using the universal resource locator (URL) <http://dmses.dot.gov>. It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

An electronic copy of this document may also be downloaded by using a computer, modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661. Internet users may also reach the Officer of the Federal Register's home

page at: <http://www.archives.gov> and the Government Printing Office's Web page at: <http://www.access.gpo.gov/nara>.

#### Background

On October 30, 2002, at 67 FR 66076, the FHWA published a notice of proposed rulemaking (NPRM) proposing revisions to the regulation that prescribes procedures for obtaining basic uniformity of traffic control devices on all streets and highways. These proposals were to provide nomenclature changes and to remove the outdated reference to an outdated regulation. The Manual on Uniform Traffic Control Devices (MUTCD) is approved by the Federal Highway Administration and recognized as the national standard for traffic control on all public roads. It is incorporated by reference into the Code of Federal Regulations at 23 CFR part 655. Due to the reorganization of the FHWA and the deletion of 23 CFR 1204.4 by the National Highway Traffic Safety Administration (NHTSA), it is necessary to update 23 CFR 655.603.

The FHWA issued this notice to provide an opportunity for public comment on the proposed changes to 23 CFR 655.603. Based on the comment received and its own experience, The FHWA is issuing a final rule.

#### Summary of Comments

The FHWA received one comment to the docket in response to the NPRM. The comment referred to a concern to improve the visual impact of certain sign designs within the MUTCD, specifically signs related to park and ride, carpooling and commuter buses. Since the comment is outside the scope of the NPRM, the FHWA decided to revise the proposals contained within the NPRM without change. The comment will be forwarded to the FHWA Office of Transportation Operations for further review and action, if necessary.

#### Rulemaking Analysis and Notices

*Executive Order 12866 (Regulatory Planning and Review) and U.S. DOT Regulatory Policies and Procedures*

The FHWA has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of U.S. Department of Transportation regulatory policies and procedures. The economic impact of this rulemaking will be minimal. The actions in this final notice are intended to clarify 23 CFR 655.603 in light of the FHWA reorganization and to remove the reference to an outdated regulation. The

FHWA expects that this action will provide clarity at little or no additional expense to public agencies or the motoring public. Therefore, a full regulatory evaluation is not required.

#### Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601-612), the FHWA has evaluated the effects of this action on small entities. This final rule only updates the authorities of the FHWA and referenced documents regarding MUTCD compliance on existing highways. Such updates will provide transportation entities with the appropriate points of contact regarding the MUTCD. The FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities.

#### Unfunded Mandates Reform Act of 1995

This action does not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4, 109 Stat. 48, March 22, 1995). This final rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year to comply with these changes as this action is minor and non-substantive in nature, requiring no additional or new expenditures.

#### Executive Order 13132 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 dated August 4, 1999, and the FHWA has determined that this action does not have a substantial direct effect or sufficient federalism implications on States that would limit the policymaking discretion of the States and local governments. The FHWA has also determined that this action will not preempt any State law or State regulation or affect the States' ability to discharge traditional State governmental functions and does not have sufficient federalism implications to warrant the preparation of federalism assessment. The final rule is in keeping with the Secretary of Transportation's authority under 23 U.S.C. 109(d), 315, and 402(a) to promulgate uniform guidelines to promote the safe and efficient use of highways.

#### Executive Order 13175 (Tribal Consultation)

The FHWA has analyzed this action under Executive Order 13175, dated November 6, 2000, and believes that it would not have substantial direct effects on one or more Indian tribes; would not