

Section 6D.02 Accessibility Considerations, Section 6F.03 Sign Placement, 6F.66 Longitudinal Channelizing Barricades (numbered 6F.53 in the NPA), Section 6F.82 Crash Cushions (numbered 6F.78 in the NPA), and Section 7B.12 Reduced Speed School Zone Ahead Sign (S4–5, S4–5a).

The FHWA is not including in this final rule the following phase-in target compliance dates that had been proposed in the NPA: Section 3B.14 Raised Pavement Markers Substituting for Pavement Markings, Section 4E.04 Size, Design, and Illumination of Pedestrian Signal Head Indications, Sections 4F.04 and 4L.03 (these sections are removed from this final rule), Section 6F.69 Temporary Raised Islands (numbered 6F.63 in the NPA), and for Section 8B.02 Highway-Rail Grade Crossing (Crossbuck) Sign (R15–1) and Number of Tracks Sign (R15–2). Discussion of these changes, additions, and removals of phase-in target compliance dates may be found under the discussions of the individual sections.

#### *Discussion of Adopted Amendments to the Table of Contents*

3. The FHWA condenses the Table of Contents to include only the list of Parts and Chapters. Each Part continues to begin with a “table of contents” that contains the page number of every section, figure, and table. This change simplifies the search for an item by those with visual disabilities by enabling them to advance to the appropriate Part and then page more quickly and easily. There were no comments on the Table of Contents and the FHWA adopts the changes.

#### *Discussion of Adopted Amendments to Part 1—General*

4. In Section 1A.05 Maintenance of Traffic Control Devices, in the second paragraph of the GUIDANCE statement, the FHWA revises the text to eliminate redundancy. The FHWA received one editorial comment from a traffic engineering consultant, and adopts the suggested editorial changes with minor revision.

5. In Section 1A.07 Responsibility for Traffic Control Devices, the FHWA makes a minor editorial change to correct the section reference to the Uniform Vehicle Code (UVC) in the first sentence of the second paragraph of the SUPPORT statement to Section 15–116 of the UVC. The 2000 MUTCD and the NPA incorrectly referenced Section 15–117 of the UVC regarding traffic control

devices on private property used by the public.

6. In Section 1A.10 Interpretations, Experimentations, Changes and Interim Approvals, titled “Interpretations, Experimentations, and Changes” in the NPA, the FHWA changes the first GUIDANCE statement to a STANDARD statement to require that requests for interpretations, permission to experiment, interim approval, or changes to the MUTCD must be submitted to the FHWA’s Office of Transportation Operations. There were no comments on this change.

The FHWA received three comments from the NCUTCD and the Minnesota and Ohio DOTs regarding item E of the second GUIDANCE statement and item D of the fourth GUIDANCE statement, both of which pertain to patented or copyrighted traffic control devices. The commenters suggested that certifying that a “concept” for a traffic control device is not protected by a patent or copyright is vague and difficult to interpret. The FHWA agrees and inserts an example of a traffic control device concept in both items to clarify the intent.

Additionally, following the fourth GUIDANCE statement the FHWA adds SUPPORT, GUIDANCE, OPTION, and STANDARD statements describing the “interim approval” process for the FHWA to approve or allow the use of new traffic control devices. Seven commenters representing industry and local governments were all in general support of the new interim approval process.

The NPA included an additional new STANDARD statement between the new SUPPORT and GUIDANCE statements. In response to comments from the NCUTCD and the California Department of Transportation (Caltrans), the FHWA removes as incorrect the proposed STANDARD statement to the effect that interim approvals will be considered only when submitted by the public agency or private toll facility responsible for the operations of the road or street. It is not FHWA’s intent to limit requests for interim approvals to only public agencies or private toll road authorities. Requests for interim approvals, interpretations, and changes can be made by anyone. However, requests for experimentation approvals will continue to be accepted only from public agencies or private toll road authorities.

The FHWA also modifies Figure 1A–2 to reflect the “interim approval”

process and to make the figure more accurately reflect the text of the MUTCD.

7. In Section 1A.11 Relation to Other Publications, the FHWA modifies the STANDARD statement to update the documents listed to the latest editions. The FHWA also adds additional sources of information in the SUPPORT statement and revises the order of the sources of information, alphabetizing first by source, then by the title of the document. There were several editorial comments suggesting revisions to reflect current editions of documents that the FHWA incorporates in this final rule.

8. In Section 1A.12 Color Code, the FHWA adds to the STANDARD statement the assignment of the color fluorescent pink to incident management to make it easier for road users to follow directions relating to traffic incidents. This color was referred to as fluorescent coral in the NPA. The FHWA received several comments from the NCUTCD, ATSSA, the Ohio, California, Virginia and Missouri DOTs, and traffic control device manufacturers, regarding this color. ATSSA, the Virginia DOT, and several traffic control device manufacturers felt that the color should be called fluorescent pink, other traffic control device manufacturers agreed with the color coral, and Minnesota DOT wanted more studies regarding effectiveness of the color. The FHWA believes that the study<sup>3</sup> that found this color to be effective is sufficient and that further study is not needed. The coordinates of the color box are most appropriately titled “fluorescent pink,” and the FHWA intends for the color to appear pinker in nature, similar to the sample signs that were studied and found effective, rather than coral. The FHWA reorders the items in the STANDARD statement so that the colors appear in alphabetical order, adds the color “fluorescent pink,” and restores the color “coral” as unassigned. The color coordinates for the color fluorescent pink are indicated below.

<sup>3</sup> “Improvement of Conspicuity of Trailblazing Signs: Phase III—Evaluation of Fluorescent Colors”, Virginia Transportation Research Council (VTRC) Report No. FHWA/VTRC 01–CR4, February 2001, by Neale, Anders, Schreiner, and Brich, may be ordered from VTRC at the following URL: [http://www.virginiadot.org/vtrc/main/index\\_main.htm](http://www.virginiadot.org/vtrc/main/index_main.htm). The color tested and recommended in this report is referred to as fluorescent coral, however the characteristics (color box coordinates, etc.) of the color tested are more accurately described as fluorescent pink.