

marked and right turn on red is permitted.

In the NPA, the FHWA proposed to add a paragraph to the OPTION statement allowing the use of supplemental plaques showing times of day or with the legend WHEN PEDESTRIANS ARE PRESENT below a NO TURN ON RED sign, to allow the flexibility to restrict turns on red only during certain times or when a pedestrian conflict is present. The traffic engineering consultant also supported the use of both of the suggested plaques. The Insurance Institute for Highway Safety presented results from recent field research indicating that time-of-day restrictions are effective in reducing right turn on red related safety threats to pedestrians but the WHEN PEDESTRIANS ARE PRESENT plaque is not because its vague message makes enforcement difficult.¹³ Based on this research, the FHWA revises the text to delete the WHEN PEDESTRIANS ARE PRESENT plaque. Because it is a word message, State and local highway agencies may still use the WHEN PEDESTRIANS ARE PRESENT plaque prohibiting right turns on red when pedestrians are present if their laws so dictate, but they are not encouraged to do so because research has shown these plaques are ineffective. Finally, to respond to a comment from a traffic engineering consultant, the FHWA moves the last paragraph of this OPTION statement regarding the use of Traffic Signal Speed signs to the end of the second OPTION statement because this paragraph relates more to the information provided in the second OPTION.

The FHWA proposed in the NPA to add to the third STANDARD statement that the EMERGENCY SIGNAL—STOP WHEN FLASHING RED (R10–14) sign shall be used in conjunction with emergency beacons to correspond with proposed changes in Part 4 of the MUTCD, which proposed to require the use of these signs with Emergency Beacons. Due to extensive comments in opposition to the Emergency Beacon in Part 4, the FHWA does not adopt these changes in Part 4. (See the discussion of Section 4F.03). Therefore, the FHWA removes the R10–14 sign, associated text, and illustration from Part 2.

In the NPA, the FHWA proposed adding to the STANDARD statement the requirement to use a “U Turn Yield to Right Turn” sign when U-turns on a green arrow signal conflict with right turns on a green arrow signal. While there were comments from the City of Tucson, Arizona, and a traffic engineering consultant in support of this change, the FHWA received comments from the NCUTCD, Caltrans, and the City of Kennewick, Washington, opposed it, stating that the sign would not be understood, or was inappropriate. The FHWA concurs that there is some possibility of misunderstanding. Because there is no data to support or refute these concerns, the FHWA changes this to an OPTION statement, allowing the use of the sign but not requiring it. The FHWA also modifies Sections 4D.05 Application of Steady Signal Indications and 4D.09 Unexpected Conflicts During Green or Yellow Intervals accordingly.

52. The FHWA adds a new section numbered and titled, “Section 2B.46 Photo Enforced Signs (R10–18, R10–19)” (numbered Section 2B.51 in the NPA.) This new section provides guidance to State and local agencies on the use of the photo enforcement signs to alert road users of this type of traffic enforcement. The FHWA includes an OPTION statement with two paragraphs. The first paragraph states that a TRAFFIC LAWS PHOTO ENFORCED (R10–18) sign may be installed at a jurisdictional boundary to advise road users that some of the traffic regulations within that jurisdiction are being enforced by photographic equipment. The second paragraph states that a PHOTO ENFORCED (R10–19) sign may be mounted below a regulatory sign to advise road users that the regulation is being enforced by photographic equipment.

Additionally, the FHWA includes a STANDARD statement, which states that if the PHOTO ENFORCED (R10–19) sign is used below a regulatory sign, it shall be a rectangle with black legend and border on a white background.

The FHWA received three comments from the NCUTCD, ATSSA and the City of Tucson, Arizona, in support of this new section and two comments from the Wisconsin DOT and the Insurance Institute of Highway Safety opposed to it.

The Insurance Institute of Highway Safety stated that placing the TRAFFIC LAWS PHOTO ENFORCED sign at jurisdictional boundaries is vague with regard to which traffic laws (speed, red light) are photo enforced. The FHWA disagrees because this sign can be a useful reminder to drivers to obey all

traffic laws, just speed limits and red lights. The Insurance Institute of Highway Safety also suggested that rather than the general PHOTO ENFORCED regulatory sign, specific regulatory signs should be developed for both red light cameras and automated speed enforcement. The FHWA disagrees because the consistent placement of the PHOTO ENFORCED sign should provide adequate notice and should have the desired effect on driver behavior.

The Wisconsin DOT noted that not all States allow the use of photo enforcement. Because use of these signs is optional, States that do not use photographic enforcement will not need to use these signs.

The FHWA adopts this section in its entirety, as proposed in the NPA, in this final rule. The FHWA establishes a phase-in target compliance date of 10 years from the effective date of this final rule for existing signs of different designs that are in good condition to minimize any impact on State or local governments.

53. In Section 2B.52 Hazardous Material Signs (R14–2, R14–3) (numbered and titled “Section 2B.46 Hazardous Cargo Signs (R14–2, R14–3)” in the 2000 MUTCD), the FHWA changes the title and revises the OPTION and GUIDANCE statements to replace “cargo” with the word “material” and revises the symbol for the Hazardous Material sign (R14–3) sign to be HM rather than HC, to correspond with Section 2B.36 Selective Exclusion Signs and to reflect the change in terminology in the industry. The FHWA received three comments from ATSSA, the City of Tucson, Arizona, and a private citizen in support of these changes, and three comments from private citizens suggesting changes to the design of the R14–3 sign, particularly changes in the color of the circle around the letters. The FHWA adopts the sign design as proposed in the NPA. The FHWA revises the phase-in target compliance date to 10 years from the effective date of this final rule (the NPA proposed five years) for existing signs in good condition to minimize any impact on State or local governments.

54. In Section 2B.54 Other Regulatory Signs (numbered Section 2B.51 in the 2000 MUTCD), the FHWA proposed to revise the STANDARD statement to indicate that the symbol for the seat belt symbol is in the “Standard Highway Signs” book. The FHWA received one comment from the City of Tucson, Arizona, in support of this change. However, consistent with FHWA’s desire to include illustrations of all

¹³ “Field Evaluation of Two Methods for Restricting Right Turn on Red to Promote Pedestrian Safety,” by Retting, Nitzburg, Farmer, and Knoblauch, for the Insurance Institute for Highway Safety, was published in the January 2002 issue of the “ITE Journal,” a publication of the Institute of Transportation Engineers (ITE). Information on obtaining a copy of this publication is available from ITE at the following URL: <http://www.ite.org>.