

The FHWA removes the last OPTION statement from the 2000 MUTCD in this final rule because the signs that the statement refer to are now called Intermediate Reference Location signs, and are described in more detail in Section 2E.54.

109. In Section 2D.48 General Information Signs (I Series) (numbered Section 2D.47 in the 2000 MUTCD), the FHWA removes all references concerning Adopt-A-Highway signs from the MUTCD. Current State and local practices pertaining to Adopt-A-Highway signs vary widely and, in some cases, include the use of commercial logos for indicating Adopt-A-Highway sponsors. The use of logos has raised deeper policy issues regarding Federal and State laws concerning advertising along the right-of-way, general commercialization of the right-of-way, the safety of motorists and workers, and the ability to raise revenues for activities such as litter removal. Recent discussions of the signing criteria in the MUTCD, along with dialogue of several American Association of State Highway and Transportation Officials (AASHTO) subcommittees, have highlighted that these issues go beyond the current standards included in the MUTCD. For example, the AASHTO Subcommittee on Maintenance has argued that several States have existing contracts that allow a commercial entity to exchange maintenance and litter pickup services for signs acknowledging the commercial sponsors who pay for the services. These contracts supplement scarce maintenance resources for these States. The Subcommittee also noted that the use of more experienced crews in such arrangements is safer than using volunteers.

The AASHTO Subcommittee on Traffic Engineering, on the other hand, has argued that these acknowledgements of the commercial sponsors is an opening for other types of advertising (including electronic advertising on overhead dynamic message signs along freeways and at signalized intersections) and raise serious concerns over driver distraction, confusion, and crash potential and liability. At the request of the Subcommittee on Maintenance, the AASHTO Standing Committee on Highways has established a task force to consider commercialization within the right-of-way, including, but not limited to, signage for the Adopt-A-Highway program.

An FHWA policy memorandum dated November 9, 2001²⁵ indicated that

these signs are acknowledgement signs, not advertisements. However, until the AASHTO study is completed, the FHWA removes all references to Adopt-A-Highway signs in the MUTCD. The FHWA received two comments from the NCUTCD and Caltrans in support of this position, and two from ATSSA and the Connecticut DOT opposed to it.

In the NPA, the FHWA proposed adding new OPTION, GUIDANCE, and STANDARD statements regarding the use of signs to display safety or transportation-related messages. These messages, such as "SEAT BELTS BUCKLED?" and "DON'T DRINK AND DRIVE," are in common and widespread use in many jurisdictions and they provide valuable reminders to road users of important laws. The additions to this section were proposed in order to provide for consistency in application of these types of messages on General Information signs and to reduce the possibility of such signs being misused. The FHWA received four comments from the NCUTCD, Caltrans, the Minnesota DOT, and a private citizen opposed to these new statements, stating that they do not regulate, warn or guide motorists, and should not be encouraged. The FHWA disagrees with these comments. However, because these statements are duplicative of statements already contained in Chapter 2A, the FHWA withdraws these statements from Section 2D.48 in this final rule.

Finally, the FHWA revises the third STANDARD statement replacing the words "jurisdiction logos" with "boundary" to provide additional flexibility to highway agencies to use different colors for political boundary signs. The FHWA received no comments regarding this change, and adopts this change.

110. In Section 2D.49 Signing of Named Highways (numbered Section 2D.48 in the 2000 MUTCD), in the first STANDARD statement the FHWA adds additional requirements for installing memorial signs on the mainline. These requirements prohibit the use of memorial names on the directional guide signs, interference with necessary highway signing, and placement which compromises the safety or efficiency of traffic flow. The STANDARD statement is identical to the STANDARD statement in Section 2E.08 Memorial Highway Signing. The FHWA adds this for consistency and to clarify the acceptable locations to install memorial signs. The FHWA received two comments from the NCUTCD and the

City of Tucson, Arizona, supporting this change, and adopts this change.

111. The FHWA adds a new section, numbered and titled "Section 2D.52 National Scenic Byways Sign (D6-4, D6-4a)." This section includes SUPPORT, OPTION, and STANDARD statements that describe the National Scenic Byways program and the signs that may be placed on roads designated as National Scenic Byways or All-American Roads by the U.S. Secretary of Transportation. This new section provides for uniformity of design and application of markers on designated National Scenic Byways. The FHWA received three comments in support of the new section and the D6-4 signs. The FHWA incorporates several suggested clarifications to the proposed language in this final rule, including revising the SUPPORT statement to remove unnecessary information. In addition, the FHWA includes the proper color illustration of the D6-4 and D6-4a signs, which features a blue flag and border, red text, and white background. The black and white version was inadvertently published in the NPA. The FHWA also adds an illustration of a half-size D6-4 sign in response to comments.

112. In Section 2E.01 Scope of Freeway and Expressway Guide Sign Standards, the FHWA adds to the SUPPORT to clarify that guide signs for freeways and expressways are primarily identified by sign name and not necessarily by a standard sign number. The FHWA incorporates this additional minor editorial information in this final rule to clarify the intent of the section.

113. In Section 2E.10 Number of Signs at an Overhead Installation and Sign Spreading, the FHWA expands the title and relocates the SUPPORT and GUIDANCE statements related to sign spreading from Section 2E.11 Pull-Through Signs to this section because they are more appropriately associated with sign location installation. The FHWA received two comments from the NCUTCD and the City of Tucson, Arizona, supporting this change, and adopts this change.

114. In Section 2E.11 Pull-Through Signs, the FHWA shortens the title to reflect the relocation of the SUPPORT and GUIDANCE statements that deal with "sign spreading" to Section 2E.10 Number of Signs at an Overhead Installation and Sign Spreading.

In the first sentence in the GUIDANCE statement, the FHWA replaces the words "only when" with "where" to broaden the use of Pull-Through signs. The FHWA adopts this change to recognize that Pull-Through signs can be beneficial in congested traffic for

²⁵ Policy memorandum is available for downloading from the following URL: http://mutcd.fhwa.dot.gov/res-memorandum_adopt-a-highway_110901.htm.