

175. In Section 4C.05 Warrant 4, Pedestrian Volume, based on a comment from the NCUTCD, the FHWA removes the second sentence under item A of the GUIDANCE statement. The NCUTCD suggested that it is not necessary to describe the type of actuated operation that should be used at a traffic control signal, if this warrant is met. The FHWA agrees that the sentence is unnecessary and duplicative of the first sentence and makes this minor editorial change to remove this sentence in this final rule.

176. In Section 4C.06 Warrant 5, School Crossing, based on a comment from the NCUTCD similar to its comment on Section 4C.05 suggesting that it is not necessary to describe the type of actuated operation that should be used at a traffic control signal, if this warrant is met, the FHWA removes the second sentence under item A of the GUIDANCE statement.

177. In Section 4C.08 Warrant 7, Crash Experience, the FHWA received several comments from the NCUTCD, Caltrans, the City of Kennewick, Washington, and a private citizen regarding the proposed OPTION explaining the use of 56 percent traffic volumes. The comments were similar to those received regarding similar proposed wording in Section 4C.02 Warrant 1, Eight-Hour Vehicular Volume. The FHWA adopts the 56 percent column in the table as discussed in Section 4C.02.

178. In Section 4D.01 General, the FHWA removes from the STANDARD statement the requirement that a traffic control signal be operated in either a steady (stop-and-go) mode or a flashing mode at all times. That former requirement was in conflict with other STANDARD statements in Chapter 4E that require flashing indications (flashing UPRAISED HAND pedestrian signal indications) to be displayed during an otherwise steady mode of traffic control signal operation. This change allows practitioners the flexibility to use flashing indications along with steady indications where appropriate in a signal sequence to improve the efficiency or safety of the intersection. The FHWA received comments from the NCUTCD and the U.S. Access Board supporting the removal of this requirement, and the FHWA adopts it.

The FHWA received two comments from the NCUTCD and the Wisconsin DOT opposed to the removal of "within or" from item B of the STANDARD statement describing exceptions to locations where STOP signs shall not be placed in conjunction with any traffic control signal operation. The FHWA agrees with the commenters who

suggested that these words need to be retained to cover situations where minor driveways or extremely low-volume roadways intersect within the controlled area. The FHWA withdraws this proposal and retains the existing language in the 2000 MUTCD.

The FHWA adds a STANDARD statement prior to the GUIDANCE reiterating text that also appears in Chapter 4C Traffic Control Signal Needs Studies, that restricts signalization of midblock crosswalks if they are located within 90 m (300 ft) from the nearest traffic control signal, unless the proposed traffic control signal will not restrict the progressive movement of traffic. The FHWA believes that repeating the STANDARD found elsewhere in Part 4 will improve the chances of readers properly applying this restriction. The FHWA adds this statement based on a comment received from the NCUTCD recommending this change.

The FHWA also received three comments regarding the GUIDANCE statement that the location of signalized midblock crosswalks should be at least 30 m (100 ft) away from adjacent stop or yield controlled driveways or streets. The NCUTCD suggested revised wording to clarify that midblock crosswalks should not be signalized if they are located within 30 m (100 ft) from adjacent stop or yield controlled driveways or streets. The FHWA agrees with this recommendation and adopts this in this final rule. One commenter from the City of Tucson, Arizona, suggested that there are some situations where a signalized midblock crossing would be less than 30 m (100 ft), and therefore the wording should be changed to allow flexibility. The FHWA disagrees with the commenter because the suggested wording will diminish the text to the point where it is meaningless. Because this is a GUIDANCE, conditions where there is a good engineering reason to deviate would still be able to be accommodated without violating the MUTCD. A traffic engineering consultant questioned the five-year phase-in target compliance date, stating that it would be a burden for jurisdictions to address existing locations where signalized midblock crosswalks did not meet the new criteria within a five-year timeframe. Accordingly, the FHWA changes the phase-in target compliance date from five years to 10 years from the effective date of this final rule.

However, the FHWA clarifies that the December 31, 1996, compliance date established in Official Ruling IV-8 (Sg-

44)³⁵ issued in 1987 is not affected by this "new" 10-year phase-in target compliance date. The 1987 ruling was that all "half-signals" (signalized pedestrian crossings where only the major street and the pedestrian crosswalk are provided with signal indications, and the minor street is stop-sign controlled) located "at" intersections had to be either relocated to a midblock location or modified to include signalization of the minor street approaches by December 31, 1996. That date still applies to such non-conforming signals that were in place as of the 1987 ruling. (Some of the "half-signals" still have not been relocated or modified.) The new 10-year date is intended to apply only to "half-signals" installed after 1987 that may not be immediately at the intersection but are within 100 feet of a side street or driveway controlled by stop or yield signs.

179. In Section 4D.03 Provisions for Pedestrians, the FHWA received one comment from a traffic engineering consultant suggesting that consideration of accessible pedestrian signals be an OPTION, rather than GUIDANCE. The FHWA strongly disagrees because this GUIDANCE merely recommends accessible pedestrian signals "where appropriate" and refers to Sections 4E.06 Accessible Pedestrian Signals and 4E.09 Accessible Pedestrian Signal Detectors. In those sections, there is guidance on what conditions should prompt a study and what factors should be considered, but the decision to use the device is optional. The FHWA strongly supports provisions in the MUTCD that provide accommodations for all pedestrians and road users. In addition, the FHWA feels that by including this as a GUIDANCE, it will encourage more traffic engineers to consider issues involving pedestrians with disabilities. The FHWA adopts the changes to this section as proposed in the NPA.

180. In Section 4D.04 Meaning of Vehicular Signal Indications, the FHWA received several comments from the NCUTCD, State DOTs, and a private citizen regarding the proposal to remove the phrase "unless otherwise determined by law" from the beginning of the STANDARD statement. While the NCUTCD and a private citizen were in favor of the change, the Ohio, North Carolina, Florida, and Oregon DOTs were opposed to it. Those opposed were concerned that the removal of the

³⁵ Official Ruling IV-8 (Sg.-44) is described on page OR-IV-4 of the 1988 edition of the MUTCD. This ruling was published in a final rule in 1987 in the **Federal Register** at 52 FR 7126.