

Tucson, Arizona, and the FHWA adopts this change.

The FHWA also revises Figure 5G–1 Temporary Traffic Control Signs on Low-Volume Roads, to change the W20–7a Flagger sign to conform with the correctly designed sign in Section 6F.29 Flagger Sign (W20–7a, W20–7). There was one comment from the NCUTCD in support of this change. The FHWA also changes the metric version of the W13–1 Advisory Speed Plaque to conform to the use of the black circle for metric speed values as adopted in Chapter 2C. Two commenters from the Minnesota and Ohio DOTs were opposed to this change, suggesting that the use of the color black and the circle symbol are non-standard, and motorists in the U.S. will not understand. Similar to previous discussions in Chapter 2C, the FHWA disagrees and adopts the change as proposed in the NPA. The NCUTCD suggested that the NO CENTER STRIPE (W8–12) sign be deleted from this figure. The FHWA agrees and deletes the NO CENTER STRIPE sign from the figure, as well as from Table 5A–1, because this sign has little if any application to low volume roads.

Discussion of Adopted Amendments to Part 6—Temporary Traffic Control

217. In the NPA, the FHWA proposed to add to a number of places in sections throughout Part 6, references to ensure that temporary traffic controls involving or affecting pedestrian walkways and paths account for the needs of pedestrians with disabilities. These proposed additions followed the accessibility requirements of the Americans with Disabilities Act of 1990 (ADA) (Pub. L. 101–336, 104 Stat. 327, July 26, 1990. 42 U.S.C. 12101–12213 (as amended)). While the U.S. Access Board, many private citizens and associations representing the blind generally agreed with including the accessibility requirements, there were many comments from private citizens and from the Ohio and Kansas DOTs suggesting that the multiple references were unnecessarily repetitive, and should be handled in a different manner in this final rule. In addition, the Virginia and Oregon DOTs suggested that requirements based on the proposed ADA Accessibility Guidelines for Buildings and Facilities (ADAAG)⁴²

rulings on accessibility of public rights-of-way should not be incorporated until the new guidelines are adopted by the U.S. Access Board. The FHWA notes that the requirements in the MUTCD are not based on the proposed ADAAG ruling, rather they are based on existing laws, such as the Americans with Disabilities Act (ADA).

Based on general comments and a suggestion by the NCUTCD, the FHWA places a common introductory STANDARD statement at the beginning of Sections 6A.01, 6B.01, 6C.01, 6D.01, 6F.01, 6G.01, 6H.01, and 6I.01 to emphasize accessibility provisions. The FHWA revises the reference as the “Americans with Disabilities Act of 1990 (ADA), title II, Paragraph 35.130” to provide a more specific legal reference.

The FHWA also adds a SUPPORT at the beginning of each chapter in Part 6 that the acronym “TTC” refers to “temporary traffic control” and replaces the words with the acronym in many places throughout Part 6. This is in response to a comment from a traffic engineering consultant suggesting that this acronym is well understood and would reduce unnecessary text.

Additionally, the FHWA received comments from the NCUTCD and the Ohio DOT suggesting that the parenthetical reference “(drivers, bicyclists, and pedestrians)” after “road users” be removed, because the term “road users” is already defined as including these entities. There were also arguments from the Florida DOT, the City and County of Denver, Colorado, and many private citizens to retain the text as proposed throughout Part 6 to remind readers of the importance of considering bicyclists and pedestrians. The FHWA includes the parenthetical reference the first time it appears in each chapter, and removes it from many of the remaining occurrences. The FHWA also revises the parenthetical reference to change “drivers” to “motorists” and to include pedestrians with disabilities, to reflect changes to the definition of “road user” that FHWA makes in Part 1 and elsewhere in the MUTCD. Additionally, the FHWA adds, in a number of sections in Part 6, references to the needs of bicyclists through temporary traffic control zones, as many temporary traffic control plans affect a substantial amount of bicycle activity. The FHWA received eight comments from private citizens in support of these changes, and adopts these changes.

218. In Section 6A.01 General, the FHWA received two comments from a traffic engineering consultant opposed to the existing second STANDARD

statement regarding the responsibility for temporary traffic control plans and devices as being that of the public body or official having jurisdiction for guiding road users. There were no significant changes to this statement proposed in the NPA, therefore these comments are outside the scope of this rulemaking.

Additionally, the FHWA adds to a number of places in this section and a number of sections in Part 6, statements that temporary traffic control principles are applicable to managing traffic incidents along the roadway because incidents are temporary road or lane closures and are one of the major causes of congestion. In this regard, the FHWA adds a new chapter titled “Chapter 6I Control of Traffic Through Traffic Incident Management Areas.” There were no specific comments regarding the inclusion of traffic incidents in Chapter 6A, and individual comments regarding Chapter 6I are addressed in the discussion for that chapter.

219. In Section 6B.01 Fundamental Principles of Temporary Traffic Control, the FHWA adds to a number of places in this section references about accounting for the needs of pedestrians with disabilities, bicyclists, and traffic incident management responders.

The FHWA received three comments from the NCUTCD, the City of Charlotte, North Carolina, and a private citizen suggesting that the last paragraph of the second SUPPORT be restored to contain the text in the 2000 MUTCD, which included the sentence, “While these principles provide guidance for good temporary traffic control for the practitioner, they do not establish standards and warrants.” The commenters felt that removing this sentence would change the emphasis of the section to mean that it contains STANDARDS. The FHWA disagrees and does not include this sentence because it is a generic statement in reference to fundamental principles. Only the second and last paragraphs of the section are STANDARDS, the rest are GUIDANCE and SUPPORT.

The FHWA withdraws the proposal to add to the first and second GUIDANCE statements that the needs of pedestrians with disabilities should be considered when planning, designing and establishing a temporary traffic control zone, because this information is now contained in a new STANDARD statement at the beginning of the section.

Additionally, the FHWA adds to the second GUIDANCE statement that the needs of commercial vehicle operators should be assessed and appropriate accommodations made when

⁴² “Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities,” as amended through January 1998, is published by the U.S. Architectural and Transportation Barriers Compliance Board (Access Board), 1331 F Street, NW., Suite 1000, Washington, DC 20004–1111. It may be obtained from the Access Board, or viewed electronically at the following URL: <http://www.access-board.gov/adaag/html/adaag.htm>.