

top stripe being orange. Any non-retroreflective spaces between the orange and white stripes shall not exceed 75 mm (3 in) in width. The FHWA also adds an illustration of a cone more than 900 mm (36 in) in height to Figure 6F-7 (Sheet 1 of 2). These changes will enhance the visibility of cones at night and improve safety in temporary traffic control zones. The FHWA received three comments from the Ohio DOT, the City of Tucson, Arizona, and the Association of Pedestrian and Bicycle Professionals in support of this new paragraph, and adopts it in this final rule. The FHWA also adds an illustration of a cone that is more than 900 mm (36 in) in height to Figure 6F-7 (sheet 1 of 2), to aid in user understanding. The FHWA establishes a phase-in target compliance date of five years from the effective date of this final rule for these changes in order to minimize any impact on State or local governments.

Additionally, in the first GUIDANCE statement the FHWA adds that cones should not be used for pedestrian channelization or as pedestrian barriers in temporary traffic control zones on or along sidewalks unless they are continuous between individual devices and detectable to users of long canes. Non-continuous, non-detectable series of cones have been found to be safety problems for pedestrians with visual disabilities. The FHWA received one comment from the NCUTCD opposed to this new paragraph, suggesting that it is repetitive because accessibility is addressed elsewhere. The FHWA agrees that it is repetitive but believes that, in this instance, the repetition is necessary and the FHWA adopts this paragraph in this final rule.

262. In Section 6F.60 Tubular Markers (numbered Section 6F.57 in the NPA), the FHWA adds to the GUIDANCE statement that tubular markers should not be used for pedestrian channelization or as pedestrian barriers in temporary traffic control zones on or along sidewalks unless they are continuous between individual devices and detectable to users of long canes. Non-continuous, non-detectable series of tubular marker have been found to be safety problems for pedestrians with visual disabilities. The FHWA received comments from the Cities of Tucson, Arizona, and Charlotte, North Carolina, the Association of Pedestrian and Bicycle Professionals, and a private citizen in support of this new paragraph. The NCUTCD opposed it, suggesting that it is repetitive because accessibility is addressed elsewhere. The FHWA agrees that it is repetitive but believes that, in this instance, the

repetition is necessary and the FHWA adopts this paragraph in this final rule, with minor editorial changes.

263. In Section 6F.61 Vertical Panels (numbered Section 6F.58 in the NPA), the FHWA proposed to include in the first STANDARD statement that vertical panels shall be mounted a minimum of 1050 mm (42 in) above the pedestrian travel way, so as not to interfere with pedestrians, and that vertical panels shall be mounted with the bottom no greater than 300 mm (12 in) above the ground. The FHWA received two comments from the City of Tucson, Arizona, and the Association of Pedestrian and Bicycle Professionals in support of the changes. The NCUTCD, the City of Charlotte, North Carolina, and a private citizen opposed this change stating that the text should be revised so that the requirements pertained only to those areas where disabled pedestrians were likely to be present. Because this information regarding pedestrian accessibility is now included elsewhere in Part 6 in this final rule, the FHWA withdraws this proposal and retains the text in the 2000 MUTCD.

264. In Section 6F.62 Drums (numbered Section 6F.59 in the NPA), the FHWA adds to the GUIDANCE statement that drums should not be used for pedestrian channelization or as pedestrian barriers in temporary traffic control zones on or along sidewalks unless they are continuous between individual devices and detectable to users of long canes. Non-continuous, non-detectable series of drums have been found to be safety problems for pedestrians with visual disabilities. The FHWA received two comments from the City of Tucson, Arizona, and the Association of Pedestrian and Bicycle Professionals in support of the changes. The NCUTCD opposed this change stating that the text regarding accessibility issues is repetitive. The FHWA disagrees and adopts these changes in this final rule.

The FHWA received two comments from the City of Charlotte, North Carolina, and a private citizen suggesting that the last paragraph of the GUIDANCE statement describing the weighting of drums and need for drain holes be changed to a STANDARD. This is a topic that is outside the scope of this rulemaking and may be a subject for further discussion in a future rulemaking.

265. In Section 6F.63 Type I, II, or III Barricades (numbered Section 6F.60 in the NPA), the FHWA proposed adding a STANDARD statement following the first GUIDANCE statement that barricade supports shall not project into

circulation routes more than 100 mm (4 in) from the support between 675 mm (27 in) and 2000 mm (80 in) from the surface, as described in Section 4.4.1 of the "Americans With Disabilities Act Accessibility Guidelines For Buildings And Facilities (ADAAG)." Additionally, supports shall not narrow the pedestrian facility to less than 1200 mm (48 in) in width, with a 1500 × 1500 mm (60 × 60 in) passing space at least every 60 m (200 ft), as described in Section 4.3.4 of ADAAG. The FHWA received three comments from the Ohio DOT, the City of Tucson, Arizona, and the Association of Pedestrian and Bicycle Professionals in support of this new STANDARD, and four comments from the NCUTCD, the Connecticut DOT, the City of Charlotte, North Carolina, and a private citizen opposed to it. The City of Charlotte, North Carolina, and a private citizen suggested that the wording be revised so that these requirements are necessary only in locations where pedestrians with disabilities are likely to be present. The Connecticut DOT suggested that this STANDARD conflicts with other sections of the MUTCD. In response to these comments, the FHWA replaces the proposed STANDARD with a two-paragraph GUIDANCE statement containing additional information regarding the width of pedestrian pathways and the mounting heights of signs in temporary facilities.

In concert with the changes outlined above, the FHWA also changes the last sentence of the following STANDARD to a GUIDANCE because it also contains information about the width of accessible passages when ballast is used. In the NPA, the FHWA proposed this sentence as a STANDARD. The change to GUIDANCE is necessary for consistency with the other GUIDANCE in this section.

Additionally, in the 2000 MUTCD the FHWA established a new recommendation in this section that barricades in temporary traffic control zones should be crashworthy. No special phase-in target compliance date was established at that time. Based on comments that agencies are encountering difficulties and economic impacts given the extensive testing of devices that has to occur in accordance with NCHRP Report 350⁵³ in order to determine and certify crashworthiness, the FHWA determines that a special phase-in target compliance date is required for the crashworthiness

⁵³ NCHRP Report 350, "Recommended Procedures for the Safety Performance Evaluation of Highway Features," 1993, is available for downloading from the Transportation Research Board at the following URL: http://guiliver.trb.org/publications/nchrp/nchrp_rpt_350-a.pdf.