

In the NPA, the FHWA proposed a phase-in target compliance date of five years from the effective date of this final rule for the changes in Section 6F.69 regarding pedestrian accessibility. Because a five-year phase-in target compliance date has been established for Sections 6D.01 Pedestrian Considerations and 6D.02 Accessibility Considerations, which in turn affect many other sections throughout Part 6, a special phase-in target compliance date just for Section 6F.69 is not necessary. Accordingly, the FHWA withdraws the proposed five-year phase-in target compliance date for accessibility requirements of this section.

272. In Section 6F.70 Opposing Traffic Lane Divider (numbered Section 6F.66 in the NPA), the FHWA adds to the STANDARD statement that opposing traffic lane dividers shall not be placed across pedestrian crossings, to assure that pedestrians have a clear and useable facility. The FHWA received one comment from the City of Tucson, Arizona, in support of this change, and adopts this change.

273. In Section 6F.71 Pavement Markings (numbered Section 6F.67 in the NPA), the FHWA proposed to add to the STANDARD statement that to require that delineation and channelizing devices for use by pedestrians shall be accessible and detectable to pedestrians who have disabilities and shall be continuous throughout the temporary traffic control zone. The FHWA received comments from the NCUTCD, the City of Charlotte, North Carolina, and a private citizen opposed to this new language. The City of Tucson, Arizona, expressed support if the text was reworded to apply only at locations where persons with disabilities are likely to pass. The FHWA withdraws this proposal because accessibility information is included in other sections of Part 6 and does not need to be repeated here.

In the NPA, the FHWA proposed revising the last OPTION statement to specify the amount of time that removable, nonreflective, performed tape may be used to temporarily cover markings. The FHWA received five comments from the NCUTCD, the Wisconsin DOT, the City of Charlotte, North Carolina, a private citizen, and a traffic control device manufacturer opposing this change, stating that there is not sufficient documentation to support the notion that temporary tape becomes ineffective after two weeks. The FHWA agrees and withdraws this proposal.

Additionally, in the NPA the FHWA proposed adding a SUPPORT statement

at the end of the section that pavement markings alone are generally not sufficient for use by pedestrians who have visual disabilities. Tactile warnings on the roadway surface or audible devices are usually more helpful to these pedestrians. The FHWA received four comments from the NCUTCD and associations representing the blind community opposed to this new SUPPORT statement. Representatives of the blind community stated that there are currently no consistently understood tactile markings for roadway surfaces. The FHWA agrees with the commenters and withdraws this proposal.

274. In Section 6F.72 Temporary Pavement Markings (numbered Section 6F.68 in the NPA), the FHWA modifies the OPTION statement and the second GUIDANCE statement to indicate the use of DO NOT PASS and PASS WITH CARE signs is acceptable for temporary situations rather than pavement markings. In the NPA, the FHWA proposed deleting the use of the NO PASSING ZONE sign. While the FHWA received one comment from the City of Tucson, Arizona, in support of the changes, the NCUTCD was opposed to removing the NO PASSING ZONE sign because it felt that use of the sign should remain an option. The FHWA agrees and restores the use of the NO PASSING ZONE sign and includes a reference to Section 2C.35 for use of the NO PASSING ZONE sign in this final rule.

275. In Section 6F.75 Lighting Devices (numbered Section 6F.71 in the NPA), the FHWA adds to the GUIDANCE statement that the maximum spacing for warning lights should be identical to the channelizing device space requirements. The FHWA received one comment from the NCUTCD opposed to this change, suggesting that the proposed wording may cause practitioners to think that warning lights are needed on all channelizing devices. The City of Charlotte, North Carolina, and a private citizen suggested rewording the text to clarify that the statement applies only when warning lights are used to supplement channelization. The FHWA adopts the change, with editorial changes to indicate that the requirements apply when warning lights are used to supplement channelization.

Additionally, the FHWA changes the second SUPPORT statement (in the 2000 MUTCD) to an OPTION statement to more accurately reflect the uses of lighting devices. The FHWA received one comment from a traffic engineering consultant opposed to this change, suggesting that, because this sentence refers specifically to warning beacons, it

belongs in another section. The FHWA disagrees because this statement is generic and is most appropriate in this section.

In the NPA, the FHWA proposed adding an OPTION statement at the end of this section stating that vehicle hazard warning signals may only supplement the rotating lights or strobe lights. The FHWA received three comments from the NCUTCD, the City of Charlotte, North Carolina, and a private citizen opposed to this statement, suggesting that the statement was repetitive because this information is contained in the previous STANDARD. The FHWA agrees and withdraws this proposal, and removes this OPTION from this final rule.

276. In Section 6F.76 Floodlights (numbered Section 6F.72 in the NPA), the FHWA revises the first GUIDANCE statement by removing "flagger stations" from the text and adds a new STANDARD statement, following the GUIDANCE, to indicate that, except in emergency situations, flagger stations shall be illuminated at night. The FHWA incorporates this change in this final rule to retain consistency with other sections of the MUTCD, such as in Section 6E.05 Flagger Stations, and to improve flagger visibility during nighttime operations.

The FHWA also adds to the existing STANDARD statement that floodlighting shall not produce a disabling glare condition for approaching road users, flaggers, or workers. The FHWA adds flaggers and workers to the statement based on comments from the City of Charlotte, North Carolina, and a private citizen expressing concerns about safety of flaggers and workers. The FHWA believes that it is important and necessary to protect flaggers and workers, as well as road users, from disabling floodlight glare.

In the NPA, the FHWA proposed adding a SUPPORT statement at the end of the section, that based on research,⁵⁴ 50 lux (5 foot candles) is a desirable nighttime illumination level where workers are active. The FHWA received one comment from the Laborers' Health and Safety Fund of North America in support of this new statement. The NCUTCD, the City of Charlotte, North Carolina, a private citizen, and NIOSH suggested that additional information

⁵⁴ Information on "Illumination Guidelines for Nighttime Highway Work", NCHRP Project 5-13, 1993, is summarized in NCHRP research Results Digest Number 216, December, 1996, which is available for purchase from the Transportation Research Board's bookstore, at the following URL: http://64.118.69.9/acb1/showdet1.cfm?&DID=92&Product_ID=2048&CATID=1&series=7.