

rate of between 50 and 60 flashes per minute as proposed in the NPA.

Discussion of Adopted Amendments to Part 8—Traffic Controls for Highway-Rail Grade Crossings

311. In Section 8A.01 Introduction, the FHWA revises the definitions in the STANDARD statement for: “Advance Preemption and Advance Preemption Time” (change to “Advance Preemption” and “Advance Preemption Time”), “Clear Storage Distance,” “Dynamic Envelope Delineation” (change to “Dynamic Envelope”), “Maximum Highway Traffic Signal Preemption Time,” “Minimum Track Clearance Distance,” “Pre-signal,” and “Queue Clearance Time” to reflect accepted practice and terminologies. There were a few editorial comments regarding some of these definitions that have been incorporated in this final rule as appropriate.

The FHWA also adds definitions for the following because they are referred to later in the MUTCD: “Dynamic Exit Gate Operating Mode,” “Exit Gate Clearance Time,” “Exit Gate Operating Mode,” “Flashing-Light Signals,” “Timed Exit Gate Operating Mode,” “Wayside Equipment,” and “Vehicle Intrusion Detection Devices” to reflect accepted practice and terminologies. There were a few editorial comments regarding some of these definitions that have been incorporated in this final rule as appropriate.

Additionally, in response to a comment from Norfolk Southern Railroad, the FHWA removes the definition for “Monitored Interconnected Operation” because it is not used in the MUTCD. The FHWA rennumbers the remaining definitions accordingly.

312. In Section 8A.02 Use of Standard Devices, Systems, and Practices, the FHWA adds a GUIDANCE statement following the STANDARD statement. This GUIDANCE statement is identical to the second GUIDANCE statement in Section 10A.02 Use of Standard Devices, Systems, and Practices, and reinforces that Part 1 principles of design, placement, operation, maintenance, and uniformity of traffic control devices should be considered for both highway-rail and highway-light rail transit grade crossings. There was one

comment from the City of Tucson, Arizona, in support of this change. The Ohio DOT suggested editorial changes to reduce redundancy in listing types of traffic. The FHWA agrees and changes the phrase “drivers, pedestrians, and bicyclists” to “vehicle operators and pedestrians.” The Virginia DOT suggested that the GUIDANCE be changed to a STANDARD. The FHWA disagrees because this statement is not specific enough to be a STANDARD.

313. In Section 8A.03 Uniform Provisions, the FHWA changes the STANDARD statement to indicate that no sign or signal shall be located in the center of an undivided highway, except in a “raised island.” In the 2000 MUTCD, the text used the phrase “island with non-mountable curbs,” however a traffic engineering consultant suggested a change to clarify that the curb should not be mountable. The FHWA agrees and modifies the text, with slight editorial changes, to be consistent with the AASHTO Green Book.⁶⁰

314. In Section 8A.04 Highway-Rail Grade Crossing Elimination, the FHWA adds a GUIDANCE statement at the beginning of the section. This GUIDANCE statement is identical to the first GUIDANCE statement in Section 10A.04 Highway-Light Rail Transit Grade Crossing Elimination, and reinforces that both highway-rail and highway-light rail transit grade crossings are a potential source of congestion and agencies should conduct engineering studies to determine the cost and benefits of eliminating such crossings. The FHWA received one comment from the Wisconsin DOT suggesting that the statement also mention that crossings are a potential source of crashes. The FHWA agrees and adds the appropriate text in this final rule.

Additionally, the FHWA adds an OPTION statement at the end of the section. This OPTION statement is identical to the last OPTION statement in Section 10A.04 and reinforces that TRACKS OUT OF SERVICE (R8–9) signs may be temporarily installed at locations where both rail or light rail

transit is eliminated at a highway-rail or highway-light rail transit grade crossing until the tracks are removed or paved over. The FHWA received one comment from the New Jersey DOT suggesting that this new OPTION be made a STANDARD. The FHWA also received a comment from the U.S. Access Board suggesting that the preceding GUIDANCE, as it relates to paving over tracks where a railroad is eliminated at a highway-rail grade crossing, be strengthened by adding a time limit by which the tracks should be paved over. The FHWA revises the OPTION statement to indicate that based on engineering judgment, the TRACKS OUT OF SERVICE sign may be temporarily installed until the tracks are removed or paved over and that the length of time that the tracks will be out of service before they are removed or paved over may be considered in making the decision as to whether to install the sign.

315. In Section 8A.05 Temporary Traffic Control Zones, the FHWA adds a SUPPORT statement at the beginning of the section. This SUPPORT statement is identical to the SUPPORT statement in Section 10A.05 Temporary Traffic Control Zones and reinforces that temporary traffic control planning provides for continuity of operations when the normal function of a roadway at both a highway-rail and a highway-light rail transit grade crossing is suspended because of temporary traffic control operations. The FHWA received one comment from the City of Tucson, Arizona, in support of this change. The FHWA adopts this change.

316. The FHWA adds a new section numbered and titled, “Section 8B.02 Sizes of Grade Crossing Signs.” This new section contains a STANDARD and an OPTION statement regarding sign sizes for grade crossing signs, as well as a reference to a new table numbered and titled, “Table 8B–1 Sign Sizes for Grade Crossing Signs.” The FHWA adds this section and table to consolidate information previously contained elsewhere in the MUTCD, make the information more readily accessible to readers, and for consistency with changes made in Part 2. The FHWA rennumbers the remaining sections accordingly.

317. In Section 8B.03 Highway-Rail Grade Crossing (Crossbuck) Sign and Number of Tracks Sign (R15–2) (numbered and titled “Section 8B.02 Highway-Rail Grade Crossing (Crossbuck) Signs (R15–1, R15–2, R15–9)” in the NPA), the FHWA proposed to add an OPTION statement for the optional use of a new Crossbuck Shield sign. The FHWA received two

Kingdom that specializes in epilepsy, states that a flash rate of 5 to 30 hertz (flashes per second) can cause seizures in some people. This information is available at the following URL: <http://www.epilepsynse.org.uk/pages/info/leaflets/photo.cfm>. A variety of websites of U.S. organizations also refer to the problem of photosensitivity (triggering of seizures by flickering lights) among epileptic persons.

⁶⁰ “A Policy on Geometric Design of Highways and Streets,” 4th Edition, 2001, in both hardcopy and CD-ROM, is available from the American Association of State Highway and Transportation Officials (AASHTO) by telephone (800) 231-3475, facsimile (800) 525-5562, mail AASHTO, P.O. Box 96716, Washington, DC 20090-6716, or at its Web site <http://www.transportation.org> and click on Bookstore. This document is a guide, based on established practices and supplemented by research, to provide guidance to the highway designer to provide for the needs of highway users while maintaining the integrity of the environment. It is incorporated by reference into the CFR at 23 CFR 625.4.