Ms. Stephanie C. Kopelousos  
Secretary  
Florida Department of Transportation  
605 Suwannee Street  
Tallahassee, FL 32399

Dear Ms. Kopelousos:

Thank you for your letter of October 5 to Administrator Mendez requesting reconsideration of several adopted revisions to the 2009 edition of the Manual on Uniform Traffic Control Devices (MUTCD). You specifically asked that an amended Final Rule be issued that changes four specific provisions. These provisions deal with the definition of “Standard,” Signing for freeway and expressway multi-lane exits with an option lane, longitudinal pavement markings, and signing for toll highways.

The first issue raised is regarding the definition of “Standard” as adopted in the Final Rule. As you note, we have issued an Official Interpretation on this matter. The Florida Department of Transportation (FDOT) is requesting that the MUTCD language be revised as soon as possible. We believe that the Official Interpretation sufficiently addresses the concerns expressed by the States until such time that a future rulemaking is initiated to either update the MUTCD or address this specific issue.

The next issue deals with the signing of freeway and expressway multi-lane exits that have an option lane. In your letter, MUTCD Figures 2E-11 and 2E-12 are referenced and tied to a requirement to use the Overhead Arrow-per-Lane signing concept. Your letter also notes that the FDOT was not given the opportunity to comment on this change. We believe that there is some confusion over the provisions and we wish to clarify that herein. First, the referenced figures do not relate in any way to the provisions governing the use of Overhead Arrow-per-Lane signing nor do they depict this type of signing. Rather, the Overhead Arrow-per-Lane signing concept is addressed in other figures and provisions and the two signing concepts are not related. Figures 2E-11 and 2E-12 apply to those situations where Overhead Arrow-per-Lane signing is not required or warranted, so there is no resulting requirement for larger signs. Further, the two figures referenced in your letter were adopted in the Final Rule as a result of comments to the public docket.
Adoption of these two additional figures in the Final Rule actually affords States more flexibility while maintaining a level of uniformity necessary to accommodate driver expectancy.

Another issue raised in your letter deals with the provisions for pavement markings. You state that certain Standard statements in Part 3 were adopted in the Final Rule without giving the public the opportunity to comment and request that these provisions be rescinded. The specific provision you reference is that the definition of a “wide” longitudinal line is twice the width of a “normal” longitudinal line. In fact, the definitions of “wide” and “normal” longitudinal lines did not change from the 2003 edition of the MUTCD. However, we intend to consult with the National Committee on Uniform Traffic Control Devices (NCUTCD) in the future on some of the technical issues you raise, such as the supplemental use of raised pavement markers and whether a “wide” line that is less than twice the width of a “normal” line would provide adequate visual impact in conveying the degree of restriction that wide lines are intended to convey. Depending on the outcome of these discussions with the NCUTCD, some of these issues might be addressed through an Official Interpretation or a proposed change to the MUTCD. Your letter also makes reference to the provisions of Sections 3B.04, 3B.05, and 3B.06 that require wide lines in certain conditions on freeways and expressways being adopted without giving the public the opportunity to comment. We have analyzed these provisions as they appear in the 2009 MUTCD and compared them with both the language proposed in the Notice of Proposed Amendments (NPA) and that of the 2003 MUTCD. With the sole exception of freeway route splits—which are just a special case of a lane drop—in all cases referenced, we have found that the provisions adopted in the 2009 MUTCD were, in fact, proposed in the January 2, 2008 NPA or were not changed from the 2003 MUTCD. Therefore, the FDOT and the general public were provided the opportunity to comment on those provisions.

The last issue raised in your letter concerns the requirement for the signing of entrances to a toll highway. As you note, there is no compliance date associated with this change, but that it would be very costly to change all the signs in the State. One of the reasons for not assigning a compliance date to a new provision is to mitigate the economic impacts of the change, providing greater flexibility to States in prioritizing the resources available to them. You note further that a gradual change would not be desirable because it would create a lack of uniformity and violate driver expectancy. We agree that uniformity is important to road users. In fact, the existence of a wide variety of practices throughout the Nation for the signing of entrances to toll highways is what led to the new provision. In upgrading non-conforming devices, there will be some level of transition during the period over which the existing signing is changed to achieve the overall improvement. However, there are sufficient provisions in the MUTCD that allow States to implement these changes in a manner that minimizes the impact of the change on the road users while allowing them the benefit of the improved signing that is uniform on a national level.

We appreciate the opportunity to clarify the provisions of the MUTCD and trust that this response satisfactorily addresses your concerns with the process employed to adopt the provisions of the MUTCD. We do appreciate the valuable contributions that the FDOT and other State departments of transportation make in the development of the MUTCD, and we look
forward to continuing our excellent relationship as we work together to improve the uniformity of traffic control devices.

Sincerely yours,

[Signature]

Jeffrey A. Lindley
Associate Administrator for Operations