

March 12, 2021

Stephanie Pollack, Acting Administrator
Federal Highway Administration
US Department of Transportation
1200 New Jersey Ave SE
Washington, DC 20590

RE: Request for an expedited reframing of the MUTCD as a proactive safety regulation

Dear Acting Administrator Pollack:

On behalf of 79 transportation and transit agencies in major US cities, Transportation for America (T4A) respectfully requests that FHWA reframe and rewrite the MUTCD, creating a path for the creation of comprehensive safety-based guidance.

Reframing the MUTCD as proactive safety guidance will allow FHWA and the Biden Administration to make strides towards equity and sustainability, while reducing traffic deaths and serious injuries. To date, the MUTCD has done little to help stem the approximately 40,000 traffic deaths the U.S. sees each year. This is due largely to the Manual's over-emphasis on motor vehicle operations and efficiency on rural highways, and neglect of other modes and contexts. To guide the development of an improved, safety-oriented document that supports the equity, safety, and sustainability vision of the Biden Administration, T4A would like to call attention to the following fundamental problems that must be addressed in an updated MUTCD:

- **Disproven and unsafe practices remain in place, despite significant research and evidence on alternatives.** In particular, the draft continues to include the 85th percentile approach to setting speed limits and does not go far enough to implement the NTSB's clear recommendation to no longer use this approach. The draft also retains outdated signal warrant requirements that ignore known conflicts and land use.
- **The focus on uniformity across all road contexts leads to delayed, costly, and insufficient guidance, especially in populated and urban areas.** For example, traffic control devices appropriate for urban contexts, such as red transit lanes and pedestrian safety measures, are subject to lengthy reviews and arbitrarily high standards of testing. The restrictive stance of the proposed regulation can leave cities exposed to more liability for making efforts to improve pedestrian and bicycle safety than for leaving an unsafe existing environment in place. Many Biden Administration sustainability goals will be hamstrung if Federal guidance continues to uphold practices that impede implementation of basic pedestrian safety measures and essential transit infrastructure.
- **Elements of the new draft exacerbate cost burdens for cities,** including a new section aimed at accommodating unproven automated vehicle (AV) technology and a requirement that cities conduct patent searches before experimenting on local streets. In particular, the newly proposed

AV section would require municipalities to re-configure roadways to accommodate the needs of AV technology, rather than requiring companies to ensure that their vehicle technologies are roadworthy. This would further increase financial burdens to city governments, making it harder for them to provide essential services for their residents, especially in this financially precarious moment.

It is our opinion that, if published, **the current NPA will do little to advance any meaningful safety, equity, or sustainability benefits.** The draft 11th Edition of the MUTCD, released in December 2020, introduces new barriers to implementing environmentally responsible bicycle and transit infrastructure, and would do little to fix the inequities that previous editions helped entrench. In particular, the introduction of new sections (e.g. on automated vehicles) and the addition of related restrictions (e.g. shifts from should to shall), will result in major backslides on key safety and sustainability outcomes. The issues described above are endemic to the document's underlying approach and undercut efforts to provide safe, multimodal accessibility in urban settings. The MUTCD needs holistic reframing to support cost-effective, sustainable, and equitable city street design and improve safety and accessibility for the most vulnerable users.

The Biden Administration has a once-in-a-lifetime opportunity to redirect US transportation policy toward safer, more sustainable, more equitable outcomes, and to enable cities and communities across America to quickly build the safer streets that their residents desire. This is the moment for bold action and meaningful change. We respectfully request that FHWA reframe and rewrite the MUTCD, creating a path for guidance that more closely aligns with the equity, safety, and sustainability goals of American cities, as well as those of the new administration. Transportation for America and our network of experienced practitioners stand ready to work with you.

Thank you,



Beth Osborne
Director, Transportation for America