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

May 13, 2021

RE: Comments on the MUTCD to advance safety, climate, and equity

Dear Acting Administrator Pollack,

I thank you and your staff for their thoughtful work thus far, and for the opportunity to comment on the Manual on Uniform Traffic Control Devices (MUTCD). After careful review, I respectfully urge consideration of the comments summarized below as you begin the important work of updating the MUTCD.

The 11th edition of the MUTCD is a unique opportunity to enshrine its safety, sustainability and equity goals in a core regulatory document that impacts nearly every roadway across our nation. However, I believe that the proposed draft undercuts the Administration by continuing to elevate operational efficiency for motor vehicles above safe and accessible mobility for people. Without significant revisions and reframing, the MUTCD will continue to enable almost 40,000 people to die each year on U.S. roads and encourage unsustainable increases in greenhouse gas emissions from the transportation sector.

I encourage FHWA to seize this moment to reframe the MUTCD to become a document that goes beyond merely allowing practitioners to build safer roads and instead encourages and empowers them to do so while also addressing the inequitable and unsustainable elements of our land use and transportation systems. **I support the comments submitted by the National Association of City Transportation Officials (NACTO), as well as those from America Walks and Transportation for America.** In particular, I urge FHWA to pay close attention to the following issues within the draft MUTCD and enact the listed recommendations:

- **Elevate the goal of eliminating serious injuries and deaths as a guiding principle of the Manual, ensuring a "safe systems" approach throughout the document:**
    - **Description**: The Manual unrealistically identifies target road users as pedestrians and bicyclists who always act "alertly and attentively", "reasonably and prudently", and "in a lawful manner" (Section 1A.03). This definition fails to recognize the inevitability of human error, as well as the enormous range of urban street users. Most children, for example, would not meet this standard. By including it, the Manual implies that engineers are only responsible for protecting road users who meet this specific impractical definition.
    - **Recommended Actions:**
        - Define the Manual's goal as enabling safe roadways for all users. (Section 1A.01)

        - Remove Section 1A.03.
        - Replace Section 1D.03 with contextually-sensitive text that recognizes the limits of uniformity ‑ using identical signs everywhere ‑ as an approach to the inherently diverse environment of city streets.

- **Remove dangerous and disproven guidance recommending the use of free-flow speeds, including the 85th percentile speed, in setting speed limits.**
    - **Description:** A substantial body of published research, most recently Safety Study NTSB/SS-17/01 that clearly recommends to no longer use this approach, shows that using the 85th percentile rule to establish speed limits leads to increases in vehicular speed over time. As a result, a wide consortium of American safety and engineering organizations, including the National Committee on Uniform Traffic Control Devices (NCUTCD), the National Safety Council, NACTO, and the Vision Zero Network no longer endorse the MUTCD's recommended speed-limit-setting approach. While FHWA has downgraded the use of the 85th percentile approach from a requirement to a recommendation, even the persisting recommendation sends the message that local engineers may continue using this highway-based tool on most or all urban streets.
    - **Recommended Actions:**
        - Remove all guidance recommending the use of free-flow / 85th percentile speed in setting speed limits. (Section 2B.21)
        - Require that states and cities adopt an injury-minimization approach to setting speed limits.

- **Make it safer to cross the street by reforming signal and hybrid beacon warrants so that practitioners can install protected street crossings without requiring pedestrians to risk their lives.**
    - **Description:** The Manual's circular signal warrants call for *either* a high volume of people crossing the street without a protected crossing *or* waiting for multiple traffic injuries or deaths to occur in order to justify installing signals or beacons for pedestrians - while motor vehicle signals are routinely installed simply on the basis of traffic projections from a new development (Chapter 4C, Section 4J.01, Sections 2B.06 to 2B.17). These warrant volumes are significantly higher than those in other industrialized countries with far lower traffic fatalities, including Canada. In some cases, the Manual's unreasonably restrictive warrants prevent practitioners from installing safe crossings, even when they can expect that a fatality or serious injury may occur.
    - **Recommended Actions:**
        - Allow normal signals to be installed wherever a Pedestrian Hybrid Beacon is warranted, with guidance that traffic on the minor street can be de-emphasized using signal timing and geometric design if speeding to the green is a concern. (Section 4C and 4J)
        - Provide a signal warrant or prioritization system that aims to make major streets safe to cross at regular intervals, establishing basic guidance on the distance people can be expected to walk to get to a crosswalk**.** Revisions are needed to Chapter 4C (signal warrants), 4J.01 (Hybrid Beacon warrants)

and Section 2B.06 to 2B.17 (stop sign warrants) and Section 3B.02 (crosswalk warrants).
        - Allow the flexible use of effective pedestrian crosswalk signs. (Section 2B.19 and 2B.20)
        - Require pedestrian signals to be installed at signalized intersections as a standard, rather than a recommendation. (Section 4D.02)

- **Eliminate geometric design restrictions for urban bikeways.**
    - **Description:** The MUTCD is not intended to be geometric design guidance, yet includes dozens of standards and recommendations about bike lane positioning—where bike lanes are facilitated at all.
    - **Recommended Actions:**
        - Adopt the NACTO *Urban Bikeway Design Guide* and MassDOT *Separated Bikeway Design Guide* as primary references for the MUTCD in Part 1, adding to the MUTCD *all traffic control devices* and *applications thereof* referred to in those guidelines. (Part 1)
        - Change most of the Standards in Part 9 to Options or Support statements (see detailed comments spreadsheet for specific line edits). (Part 9)
        - Revise the bicycle markings section (9E) to remove all text that prohibits marking bicycle lanes at intersections, recommends dropping the bike lane at an intersection, or recommends against bend-out intersections (protected intersections) See detailed comments spreadsheet for specific line edits.
        - Further simplify the guidance on the use of bike signals and their meaning by more closely aligning the meaning of bike signals (Section 4A.05) with the way they are used in accepted practice, and add yielding to bicycles as a requirement for turning vehicles facing a green, yellow, flashing yellow, or yellow arrow signal (4A.03 and 4A.04).
        - Remove the prohibition on using bicycle signals at Hybrid Beacons and all-bike phases. (Section 4H.02)

- **Remove unnecessary restrictions on the use of green paint for bike lanes and other colored paint for crosswalks.**
    - **Description**: Without any research basis, the proposed Manual prevents practitioners from using green paint to delineate select bike facilities (Section 3H.06). The use of colored pavement in bike lanes is an important and heavily utilized treatment to delineate space on the street and improves visibility for cyclists. In crosswalks, colorful paint can meaningfully contribute to creating a sense of place and community. There is no evidence to prove that these designs create any adverse safety impacts.
    - **Recommended Actions:**
        - Strike the proposed NPA text that disallows the use of non-traffic-control art between or near roadway markings, removing proposed restrictions. (Section 3H.03)
        - Enable the use of green markings for all bicycle-related uses, including green-backed shared-lane markings, green lanes on separated bikeways, and shared-use paths as needed. (Section 3H.06 & 9E.03)

- **Remove unnecessary restrictions on the use of red paint for bus lanes.**
    - **Description**: Without any research basis, the proposed Manual prevents practitioners from using red paint in contextually appropriate ways and without an engineering study in transit lanes (Section 3H.07). The use of colored pavement in bus lanes is an important and heavily utilized treatment to delineate space on the street, and improves visibility for transit vehicles. There is no evidence to prove that these designs create any adverse safety impacts.
    - **Recommended Actions:**
        - Allow engineers to delineate transit lanes using red paint without the undue cost and burden of conducting an engineering study. (Section 3H.07)
        - Provide engineers with the flexibility to use red paint in line with local design considerations, rather than requiring that it be used across the full width of the lane. (Section 3H.07)

Considering the new Part 5 – *Automated Vehicles*:

- **Rewrite the Manual's new proposed chapter on Autonomous Vehicles.**
    - **Description**: The Manual's new chapter on Autonomous Vehicles (Part 5) places these road users at the top of a new modal hierarchy by absolving AV companies of the responsibility to build vehicles that keep all road users safe within the existing transportation network. Upgrading street markings to be compliant with the proposed MUTCD could cost taxpayers billions of dollars; and if the markings are non-compliant and an AV-involved crash occurs, taxpayers will likely foot the bill for that as well.
    - **Recommended Actions**:
        - Establish a multidisciplinary group to rewrite Part 5 and consider other appropriate elements to be incorporated into other sections of the Manual where appropriate.

I 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.

Respectfully,
Gaël Le Bris