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IDAHO TRANSPORTATION DEPARTMENT

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April 28, 2021

Docket Management Facility
U.S. Department of Transportation
1200 New Jersey Ave. SE
West Building Ground Floor Room W12-140
Washington, DC 20590-0001

Subject:

FHWA Docket No. FHWA-2020-0001

National Standards for Traffic Control Devices: the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD); Revision

To the Docket:

The Idaho Transportation Department (ITD) appreciates both your work developing the Manual on Uniform Traffic Control Devices (MUTCD) Notice of Proposed Amendment (NPA) and the opportunity to comment on the document. The extension to the public comment period has allowed us to provide our best comments to the docket. We commend the Federal Highway Administration (FHWA) staff for the quality of the document presented and look forward to further refinement in the final rule.

Our staff actively participates in the American Association of State Highway and Transportation Officials Committee on Traffic Engineering and the National Committee on Uniform Traffic Control Devices (NCUTCD) and appreciates the opportunity to be partners in the development of content for the MUTCD. More than 10 years have passed since publication of the last edition of the MUTCD and we look forward to implementing new content in the MUTCD on Idaho highways and encourage FHWA to proceed with and complete federal rulemaking.

Further, ITD has filed comments to this docket along with the transportation departments of Montana, North Dakota, South Dakota and Wyoming. We strongly support those broader comments and summarize them here:

- We recommend that the proposed change to the definition of "Guidance" not be adopted; that one proposed change, if adopted, could be construed as making guidance statements mandatory, greatly increasing regulatory burdens. Instead, we strongly request FHWA retain the existing definition of "Guidance" that includes the phrase "a statement of recommended, but not mandatory, practice in typical situations, with deviations allowed if engineering judgment or engineering study indicates the deviation to be appropriate. . ."
- Safety is the United States Department of Transportation's highest priority. Therefore, we strongly recommend that FHWA remove the MUTCD restrictions on the use of patented and proprietary products to encourage innovation to improve safety;
- We disagree with the request by a commenter that FHWA should, on an expedited basis, rewrite and reframe the MUTCD. Concerns with the MUTCD should be addressed issue-by-issue as the proposed revision is finalized; and,
- FHWA should carefully consider cost implications of changes to the MUTCD before adopting them in a revised MUTCD.

In making our specific comments, ITD has three overarching objectives. They are:

- Revisions to and new content in the MUTCD must preserve state authority;
- Revisions to and new content in the MUTCD should allow flexibility for professional engineering staff to make decisions that make sense for the scenario; and,
- Revisions to and new content in the MUTCD should not extend authority to FHWA where states currently have decision-making authority.

In addition to these objectives, we have identified our most important specific comments as follows:

1. ITD strongly recommends that FHWA remove the MUTCD restrictions on the use of patented and proprietary products to encourage innovation to improve safety.
2. ITD encourages and asks FHWA to complete the MUTCD rulemaking.
3. In Section 2B.21, ITD supports the revisions proposed and asks FHWA to retain use of the 85th percentile speed as the primary method to determine speed limits.
4. In Section 3A.04, ITD supports the revisions to pavement marking widths.
5. In Section 6J.01, ITD asks FHWA to allow conflicting pavement markings to be covered with paint or asphalt material in some situations.
6. In Section 2E.42, ITD supports the introduction of Modified Overhead Arrow-per-Lane signs for freeway or expressway interchanges.
7. In Section 1B.02, ITD requests that FHWA ensure that we can provide current information about the traffic control devices that can be used on Idaho highways by allowing us to include information about Interim Approvals in our Manuals and guidance materials. For Section 1B.02, we also request that FHWA delete the last guidance statement in the section.
8. In Section 3C.05, ITD asks for flexibility in using high-visibility crosswalks that are similar to, but not identical to those shown in Figure 3C-1.
9. In Section 2J.01, ITD asks FHWA to change the GAS category of specific services to FUEL and to include all types of fuels, e.g., gas, diesel, electric, CNG, LPG, etc. as eligible for signage. Section 2H.14 also needs to be made consistent with this change. As proposed, the changes in the draft MUTCD would curtail open market access to other fuels beyond gasoline, encourage unsafe behavior through the use of technology to locate other fuel sources and limit signage and directional information for drivers in need of other fuels. The changes in the proposed MUTCD would also run counter to state and United States Congressional objectives to inform drivers of available fuels and their location.

Looking to the future, we encourage FHWA to frequently update and revise the MUTCD. We ask FHWA to develop new editions of the MUTCD with incremental revisions at shorter time intervals to accommodate rapid changes underway in the vehicle fleet and associated management technologies.

Again, our appreciation for the proposed revisions to the MUTCD and we look forward to the final rule.

Sincerely,

A handwritten signature in dark ink, appearing to read "Brian W. Ness", with a stylized flourish extending to the right.

Brian W. Ness
Director