



PORTLAND BUREAU OF TRANSPORTATION

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Jo Ann Hardesty Commissioner **Chris Warner** Director

March 11, 2021

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

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

Dear Acting Administrator Pollack:

The Portland Bureau of Transportation respectfully **requests that FHWA reframe and rewrite the Manual on Uniform Traffic Control Devices (MUTCD), creating a path for the creation of comprehensive safety-based guidance.** Doing so will allow FHWA and the Biden Administration to make strides towards equity and sustainability, while reducing traffic deaths and serious injuries.

Portland, Oregon is well-known for its effective and efficient transportation system. Portland has realized great success applying the local and long-developed knowledge of our traffic engineers and others to create transportation networks that emphasize the movement of people by walking, bicycling, and using transit. We have developed a system reflecting best practices from Portland and other cities in the U.S. and around the world. We consistently look to cities that advance the goals commonly held to improve safety, reduce emissions, and address growth in a sustainable manner.

Considering this, we find the proposed changes to the MUTCD to be overly and unnecessarily prescriptive and restrictive. Efforts to increase uniformity within the MUTCD (introducing a section on automated vehicles, shifts from “should” to “shall”) will result in increasing, counter-productive and unnecessary restrictions on engineers seeking to achieve the ambitious goals the City of Portland has set around Vision Zero and reducing greenhouse gases. It is time for a **fundamental review of whether the Manual is achieving the goals set out for it.** We feel strongly that this action would provide the much needed reset to the state DOT dominated, mobility approach to engineering. It would send a clear message that is supportive of the goals of many cities and the Biden Administration’s efforts to address climate change and past inequities in our transportation system.

PBOT supports the following recommendations to address the issues raised above.

- 1. Rescind the NPA and rewrite for proactive safety.** 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. Rewriting the MUTCD would send a powerful message to the traffic engineering world that safety, climate, and equity are the true guiding principles of this administration. With strong leadership from policymakers at the FHWA, a rewrite would result in an injury-minimization approach to speed limits, make it easier to prioritize new traffic control devices where pedestrian risk is highest, and put us on a path to build complete streets for our most vulnerable users.

2. **Publish a revised back-to-basics manual focused on the core regulation of signs and markings and provide references to research that represents best practice.** Return to the core purpose of the MUTCD, which is to provide uniformity where appropriate and standardize necessary signs and markings. With federal leadership and recommendations, cities and states would have more latitude to make decisions on how to use each device. For example, instead of recommending how speed limits are set or how bike signals are used, the MUTCD would simply state how speed limit signs and bike signals look.
3. **Increase the diversity of the MUTCD Team and encourage the National Committee to improve inclusion and emphasize equity.** The FHWA should partner with cities and state DOTs on efforts to increase the diversity of the people involved with writing national standards. The NCUTCD could be called on to establish a Task Force on racial equity to advise the FHWA MUTCD Team. This action would raise awareness that inclusivity and diversity provide the best results for engineering process improvement.

To guide the development of an improved, safety-oriented document that supports the equity, safety, and sustainability vision of the Biden Administration, **PBOT would like to call attention to the following fundamental problems that must be addressed in an updated MUTCD:**

- **The MUTCD continues to rely on outdated practices.** Despite the poor safety record of US roads, the Manual consistently prioritizes operational efficiency for motor vehicles over safety – leaving all other road users at risk. Examples include:
 - **Speed limits based on the disproven 85th percentile rule;** and the Manual does not go far enough to implement the [NTSB's clear recommendation to no longer use this approach](#).
 - **Outdated signal warrant requirements** that focus on the history of pedestrian deaths or current crossing demand, instead of known conflicts or planned land use changes. The Manual limits traffic signal installation to reduce auto delay instead of encouraging traffic signal installation to reduce the risk of pedestrians being injured or killed. The Manual requires more pedestrians than cars to trigger a signal for the same safe crossing.
 - **Pedestrian signal indications are not required** at existing or new traffic signals, but redundant motor vehicle signals are required – even at urban intersections.
 - **An exclusionary, victim-blaming posture:** A new stipulation in the NPA gives engineers permission to ignore the needs of any user who isn't “a reasonable and prudent individual who is alert and attentive” and is “demonstrating due care,” omitting the needs of children, elderly, and disabled road users.
- **The MUTCD prioritizes prescriptive uniformity at the expense of contextually appropriate design.** Uniformity is appropriate in a limited-access high speed highway context, but the MUTCD can get in the way of implementing street designs appropriate for multimodal, urban areas. Examples include:
 - **“Shall” statements inhibit bike lanes:** Many new ‘shall’ statements amount to unresearched restrictions on how bike lanes are designed. These proposed traffic control device regulations would make hundreds of existing bike lanes in the U.S. instantly non-compliant.
 - **AV manufacturers avoid responsibility:** A new section on autonomous vehicles elevates technology above existing road users, and further requires that municipalities conform

roadways to the sensing of today's vehicles, rather than ensuring vehicle technology is roadworthy.

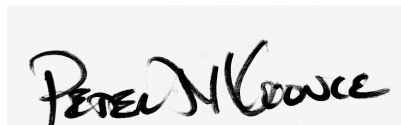
- **Inappropriate regulation of public art on streets**, including a prohibition of colorful crosswalks. New language stipulates that “the right-of-way is dedicated exclusively to highway-related functions” and that people should not be encouraged to “engage” with the street. Data shows that high-contrast crosswalks play a key role in pedestrian safety, with color and pattern added to support neighborhood character, diversity, and vitality.
- **New ‘study’ requirements** for using red transit lanes, which could open cities to litigation. These types of constraints that the MUTCD has historically created will continue to limit cities ability to implement many more miles of red-colored transit lanes that make transit service more convenient, reliable, and accessible to the country's essential workers.
- **The MUTCD creates cost burdens for cities.** Researchers, engineers, and cities have worked for decades to develop and refine existing traffic control devices, only to have FHWA exclude them from the Manual without data to suggest issues with their adoption. While the NPA quantifies costs of substantive revisions, it does not consider the optional items that cities want to use but may not because of new restrictions. For example:
 - Cities would have to conduct patent searches and comply with arbitrary timelines before getting permission to use local funds to conduct experiments on city streets to improve active transportation and transit on local streets.
 - **Low cost safety improvements, like street lighting, are not addressed in this edition of the MUTCD, because it is deemed not a traffic control device.** While that's true street lighting has been proven to be an important component to pedestrian safety, especially for our BIPOC communities. This omission will exacerbate the bias towards automobiles as the primary mobility solution and may make it less likely that people feel safe using taking transit, walking or bicycling. In an era where we should be investing in the most basic services to address historical inequities, the MUTCD leaves this topic unaddressed.

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. **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 Biden Administration.** The Portland Bureau of Transportation stands ready to work with you.

Thank you,



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