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My comments are my own (and not my employers) and apply to "Changeable Message Signs" (mostly on p316 Chapter/Section 2L). I am a registered Professional Engineer in three states and a Certified Safety Professional, a worldwide designation. It is from the safety aspect that I submit my comments. These signs have the great potential to warn drivers/operators and other travelers of upcoming road hazards to allow drivers/operators to react and take actions to ensure the safety of travelers. However, in my travels across this great nation on interstate highways down to rural roads and urban/suburban streets, I have seen numerous incidents where these signs are being misused to display distracting messages, putting the safety of all travelers (and folks and the built environment roadside) in danger.

The agency must make it crystal clear in the new revision that these signs are traffic control devices, so they **MUST** meet the overall purpose of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) and the implementing regulations, rules, and standards. The overall purpose of the

MUTCD is to “promote highway safety and efficiency by providing for the orderly movement of road users.”

The best way to ensure that this purpose is met is to require that these signs be used ONLY for real-time traffic purposes. ONLY traffic and travel condition alerts shall be allowed on these signs.

Although this notice says there is a statutorily required exception for “America's Missing: Broadcast Emergency Response (AMBER) alerts” and references Public Law 108 - 21 - Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003” or “PROTECT Act” as the source of that exception. However, that law does NOT mention such an exception nor does it hint at any use of traffic control devices to meet the noble purpose of the PROTECT Act. If the agency believes that there is such a statutory requirement, the agency needs to explicitly state where it believes that requirement exists and narrowly define the exception, including mandatory requirements on the length and details of such messages.

This notice also says that there is a statutorily required exception for “homeland security information during declared states of emergency,” but provides no

information on the source of such exception. I could not readily find such a source. If the agency believes that there is such a statutory requirement, the agency needs to explicitly state where it believes that requirement exists and narrowly define the exception, including mandatory requirements on the length and details of such messages.

These are the ONLY exceptions that the Agency recognizes. It is important to note that multiple states routinely post messages not related to traffic and travel condition alerts. My home state Arizona gleefully posts such messages despite the contradiction to the purpose of the signs and the distractions those unnecessary messages provide to the drivers/operators and the safety of travelers. Our Arizona Department of Transportation (AzDOT) even brags about the messages and their distracting factors in social media (and held contests to encourage folks to submit distracting messages for posting on these signs.

The Agency must require in clear language that these signs be used ONLY to relay info to drivers/operators that is actionable. If there is nothing the driver/operator needs to act upon, that is change the way he drives,

then NO message is needed and NO message shall be allowed.

The Agency must amend its 04JAN21 memorandum Official Ruling No. 2(09)-174 (I) (HOTO-1) (Official Ruling number and title: "2(09)-174 (I) – Uses of and Nonstandard Syntax on Changeable Message Signs.") to remove the Section titled "Acceptable Secondary Uses of CMS" to reflect the adoption of my suggestions to the new revision . Those four uses are counter to the overall purpose of the MUTCD. Note: the last paragraph of that section outlines a non-exhaustive list of twelve (12) "uses that are inappropriate for CMS." The Agency needs to keep that list expand upon it as needed, but the rest of that section is not appropriate and diminishes the safety and efficiency of our highways and streets and shall be removed.

The Agency must require in clear language that these signs be used ONLY for succinct (clear and simple) relevant and specific information that is relevant to the traffic ahead, that is real-time alerts.

The Agency must require in clear language that these signs be used ONLY for unusual or unexpected and by definition atypical and temporary traffic conditions,

operations, and situations ahead that require drivers/operators to take action, aka warnings: situations that might not be readily apparent to drivers/operators. The Agency must make it clear that these signs be used primarily for alerts about traffic emergencies. The Agency must prohibit ALL regulatory or guidance information as that info is more appropriately conveyed differently and permanently through our types of signs.

The Agency must require that ALL messages must be quality information presented in a singular, clear, and succinct method; readable at a glance with no scrolling/cycling, no interpretation, no slogans, sayings, no AMBER/Silver/Other Alerts, no safety campaigns, and no general or generic messages (even if safety-related). The Agency must require that, in the message design phase, information overload be considered to prevent drivers/operators from the temptation to stare at these signs to interpret its meaning instead of driving.

The Agency must require in clear language that these signs not replace static message signs, those signs have different purposes.

The misuse of these signs that is prevalent today across the nation is counter to the purpose of these safety devices, a subclass of traffic control devices. With this proposed revision, the update of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), the Agency has the opportunity to consider my recommendations to help prevent this misuse and ensure the safety of our streets and highways meeting the overall purpose of the MUTCD: "promote highway safety and efficiency by providing for the orderly movement of road users."