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April 30, 2021

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

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

Dear Acting Administrator Pollack:

Metro respectfully **requests that FHWA reframe and rewrite the Manual on Uniform Traffic Control Devices (MUTCD), creating a path for the creation of comprehensive safe system-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. It is our understanding that the 11th Edition of the MUTCD may move forward without a significant rewrite. Metro urges the FHWA to reconsider moving forward with the current draft and revise this important regulatory document to better address equity, safety and climate related to transportation. We cannot wait for another update to address these critical issues.

Metro is the greater Portland area's regional planning agency and Metropolitan Planning Organization. Guided by an elected Council, Metro's role includes working with regional partners to plan and develop the regional transportation system. The Portland region is known for its land use and transportation policies which support livable communities, one of the lowest traffic fatality rates in the country, a more active population, fewer vehicle miles traveled per person, and more transit, walking and bicycling.

One of Metro's tools for creating a sustainable transportation system is our adopted regional street design standards. The [Designing Livable Streets and Trails Guide](#) provides a performance-based framework to support achieving our equity, safety and climate goals, and was developed in partnership with a multi-modal, multi-disciplinary regional working group of local, regional and state agencies, community partners and non-governmental organizations. However, without a proactive, modernized MUTCD it is difficult for our communities to use our adopted standards.

While our region has one of the lowest traffic fatality rates in the country – in part due to our land use and transportation policies and embracing context sensitive street design in the early 1990s, the current MUTCD hinders our efforts to reach [regionally adopted Vision Zero safety targets](#). **The MUTCD should provide standards to help stem the approximately 40,000 traffic deaths the U.S. sees each year and help communities like the Portland region achieve our vision for a safe, equitable and climate friendly transportation system.** However, the Manual's inflexible approach, over-emphasis on motor vehicle operations and efficiency on rural highways, and neglect of other modes and contexts, makes it difficult to implement safe system street design.

Metro has coordinated with regional partners to identify problems in the current and draft 11th edition of the MUTCD which are hindering an equitable, safe-system and climate friendly approach to transportation design in our region. To guide the development of an improved, safe system-oriented document that

supports the equity, safety, and sustainability vision of the Biden Administration, **Metro requests that the following fundamental problems be addressed in an updated MUTCD:**

- **Rewrite for a proactive safe-system approach.** A safe-system approach is effective at preventing traffic deaths. 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.
- **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 and disciplines 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.
- **Remove overly-prescriptive use of “Shall” and “Shall Not” statements.** Many of the “shall” conditions in the document are in direct contradiction to practices currently in use by jurisdictions across North America, including Portland. This type of definitive overruling of existing practice should be supported by body of knowledge or data that highlights the inappropriateness of the current practice. The support statements associated with many of the overly prescriptive “shall” and “shall not” statements do not demonstrate that level of information.
- **Modernize how speed limits are set and use the safe-system approach.** Speed limits based on the disproven 85th percentile rule decrease safety. The MUTCD should implement the [NTSB’s clear recommendation to use a different approach](#).
- **Update signal warrant requirements that focus known conflicts or planned land use changes to address safety, especially for pedestrians.** Continuing to rely on warrants based on the history of pedestrian deaths or current crossing demand does not address safety concerns. Currently 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 also requires more pedestrians than vehicles to trigger a signal for the same safe crossing; this perpetuates inequities as we know pedestrian deaths disproportionately impact people of color and people with low income.
- **Improve pedestrian safety and mobility and require pedestrian signal indications at existing or new traffic signals.** It is inequitable to require redundant motor vehicle signals (even at urban intersections) while ignoring pedestrian safety and mobility.
- **Address low cost safety improvements, like street lighting, in the new edition of the MUTCD.** Street lighting has been proven to be an important component to pedestrian safety, especially for our BIPOC communities. Omitting it exacerbates the bias towards automobiles as the primary mobility solution and without it people may feel less safe 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.
- **Remove language that is exclusionary and victim-blaming.** 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.

- **Include recognition that bicycles have unique operating characteristics and that their operators have concerns different from those of motor vehicle operators.** The MUTCD should distinguish bicycles from other vehicles on the roadway. Increasingly, designing for comfort as well as safety is included in transportation policies. The MUTCD should support bikeway design that is comfortable and safe for a wide range of users.
- **Rewrite sections that prioritize 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 noncompliant.
 - **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 further 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.
- **Support innovation and flexibility to improve safety.** 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. Making it easier for cities to conduct experiments on city streets to improve active transportation and transit on local streets supports overarching goals.

The issues highlighted above provide examples of the Manual’s current approach which undercuts 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 communities across the United States, as well as those of the Biden Administration.** Metro stands ready to work with you.

Thank you,



Margi Bradway
Deputy Director
Planning and Development