May 11, 2021

Stephanie Pollack, Acting Administrator

Federal Highway Administration / U.S. Department of Transportation

1200 New Jersey Avenue S.E.

Washington, D.C. 20590

RE: Request for comments on MUTCD NPA: Prioritize Safety over Capacity

Dear Administrator Pollack:

EncinitasBikeWalk is an advocacy organization in northern San Diego County to encourage more active transportation for all its benefits. We are writing to urgently request thatthe FHWA reframe the Manual of Uniform Traffic Control Devices to prioritize safety, especially for vulnerable road users.

While the Notice of Proposed Amendment makes important changes to the 2009 MUTCD, these are outweighed by big problems. Most significantly, the Manual still values automobile capacity over personal safety by focusing on motor vehicle operations and efficiency on rural highways.

In an increasingly urban and suburban nation, the Manual neglects these modern modes and contexts, even as more individuals, towns, and cities embrace active transportation. Moreover, the Manual appears to mandate a “one size fits all” standard for both urban and rural roadways.

Pedestrian fatalities in the U.S. have risen at an alarming rate since 2009, despite the downward trend in overall traffic fatalities among drivers. This violence disproportionately harms people of color, those with disabilities, and lower-income individuals, further exacerbating the existing inequities of our transportation system. The MUTCD must establish standards and guidance leading to safer, more accessible multimodal transportation nationwide. It can and must do more to stem the deaths of 6,200 pedestrians and 850 cyclists each year plus untold injuries, to make roadways safer for all users.[[1]](#endnote-1)

EncinitasBikeWalk Committee members, including the two co-chairs, live in Encinitas, California, on the northern coast of San Diego County. Our local population of 63,000 sits in a county of 3.3 million. A major freeway (I-5) bisects our community, creating obstacles for pedestrians and bicyclists traveling east to west and carrying 700,000 vehicle trips per day.[[2]](#endnote-2) Our local streets are heavily trafficked--narrow, once-rural lanes as well as wide arterials with multiple car lanes. Both road types have little safe space for active transportation. Speed limits are higher than we believe is safe for all road users, with drivers frequently exceeding those limits. The danger of these roadways prevents many from walking and biking regularly.

To guide the development of an improved, safety-oriented document that supports the equity, active transportation, climate, and safety goals of the Biden Administration, we call attention to the following problems that must be addressed in an updated MUTCD:

* + The NPA’s move away from the 85th percentile approach to setting speed limits does not go far enough. It does not require but still recommends setting speed limits using the 85th percentile speed. Thus, many municipalities will retain this practice favoring higher speeds, despite increasingly crowded streets and rising ped and cyclist deaths and injuries. We urge that you take a safe systems approach focused on designing environments for slow speeds and safety for all road users.
  + The NPA’s traffic signal warrant requirements are outdated and ignore land use. Context should be considered in making decisions about where signals are warranted. For instance, adding a signal to a commercial area may make sense even if it does not meet the (excessively high) warrants.
  + The pedestrian signal warrant requirements are unnecessarily high. Latent demand and projected pedestrian volumes should be considered in justifying installing pedestrian signals. In Seattle, for example, the city was so frustrated with excessively high ped volume requirements that it used projected volumes to justify installing ped signals.[[3]](#endnote-3) As the saying goes, a bridge would never get built if it depended on how many people were already swimming across the river.
  + The proposed revision disfavors traffic control devices benefitting transit, bikes and pedestrians. The revision sets high standards of testing for multimodal urban contexts—red transit lanes, green bicycle lanes, pedestrian safety measures—making them difficult if not impossible to implement. By contrast, it makes car-centered infrastructure, such as purple toll lanes, easy to implement.
  + The current MUTCD proposal allows flexibility for car-centric designs, but not for active transportation designs. For example, the manual allows purple toll lane roads, but requires a difficult engineering study to put in a red transit lane. To correct this disparity, the Manual should use “may” instead of “shall not” for red transit lanes.
  + 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.[[4]](#endnote-4)

Will the standards and guidance in the proposed MUTCD substantially reduce the traffic violence in our communities? We assert that they will not. Nor will they redress the inequities left from 50 years of the MUTCD’s prioritizing motor vehicles.

For state and local government agencies to meet their goals of reducing deaths and serious injuries, they need a Manual that protects the safety of multimodal users. To this end, the FHWA should redress the above problems in the MUTCD update. Additionally, it should give engineers greater flexibility to implement safety measures as directed by locally elected leadership.

We appreciate the work and dedication of the Federal Highway Administration MUTCD Team and the National Committee on Uniform Traffic Control Devices (NCUTCD) and your efforts to engage the American public in this revision.

Please ensure the revision truly works for all of us by reframing the MUTCD to issue guidance more closely aligned with the equity, safety, and sustainability goals of American cities, as well as those of the Biden Administration.

Respectfully,

Michael von Neumann and Kristine Schindler

EncinitasBikeWalk Co-Chairs

1. Governors Highway Safety Association, 2019, https://www.ghsa.org/issues/bicyclists-pedestrians [↑](#endnote-ref-1)
2. http://www.keepsandiegomoving.com/Documents/I5-Corridor/I-5\_NCC\_Brochure.pdf [↑](#endnote-ref-2)
3. “Seattle Tosses Out Rulebook to Protect Pedestrians,” *Streetsblog*, https://usa.streetsblog.org/2019/02/05/seattle-tosses-out the-rulebook-to-protect-pedestrians/ [↑](#endnote-ref-3)
4. Portland Bureau of Transportation, FHWA public comments, 3/14/21, https://www.regulations.gov/comment/FHWA-2020-0001-0252. [↑](#endnote-ref-4)