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DIRECTOR'S OFFICE

Mr. Will Kempton
California Department of Transportation
1120 N Street
Sacramento, CA 95814

Dear Mr. Kempton:

On May 20, 2004, the California Department of Transportation (Department) adopted the Federal Highway Administration's Manual on Uniform Traffic Control Devices 2003 Edition (National MUTCD 2003) as amended by and in conjunction with the California Supplement to the National MUTCD 2003. The purpose of this letter is to advise you that our office has reviewed the California Supplement and finds it to be in substantial conformance with the National MUTCD 2003, per Title 23 Code of Federal Regulations (23 CFR 655.603(b)(1)), as well as to clarify our position regarding the California Supplement's modifications to the National MUTCD 2003 and to future editions of the National MUTCD.

The Department and the California Traffic Control Devices Committee (CTCDC) are to be commended for their monumental accomplishment of transitioning from the Caltrans Traffic Manual to the National MUTCD 2003 and the California Supplement.

In accordance with Title 23 United States Code (23 U.S.C. 109(d) and 402(a)), States are required to adopt national traffic control device standards and may meet this requirement by either:

- adopting the National MUTCD;
- adopting the National MUTCD in conjunction with a State Supplement; or
- adopting a State MUTCD that is in substantial conformance with the National MUTCD.

FHWA recognizes that States may have legislation, institutional approaches or safety research that warrant modification to the National MUTCD and, thus, provides latitude for capturing these modifications in State Supplements or State MUTCDs. The following clarification is to distinguish between "acceptable" and "unacceptable" modifications of National MUTCD text, figures and illustrations, as well as traffic control device characteristics.

Modifying National MUTCD Text

Text within the National MUTCD is classified under four headings: Standard, Guidance, Option and Support. It is acceptable for States to modify the National MUTCD by making the text more prescriptive (e.g., change Guidance text to Standard text). However, it is unacceptable for States

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to make National MUTCD text less prescriptive (e.g., change Guidance text to Option text). Further, it is acceptable for States to modify the National MUTCD by deleting Option text and Support text. Deleting Guidance text is acceptable if the reason is documented and satisfactorily explained to the FHWA Division Administrator in that State. However, it is unacceptable for States to delete Standard statements.

Modifying National MUTCD Figures, Tables and Illustrations
Figures, tables and illustrations within the National MUTCD supplement the text and constitute either a Standard, Guidance, Option, or Support, as determined by the text's classification. Modifications to figures, tables and illustrations within the National MUTCD are subject to the same limitations as those that apply to text (see previous paragraph).

Modifying Traffic Control Device Characteristics
There is very little latitude in modifying the National MUTCD regarding the traffic control device characteristics of colors, shapes and symbols. Word messages, however, are granted wide latitude.

Colors
The use of colors on traffic control devices is limited to those established by the National MUTCD for specific purposes. For example, the Fluorescent Yellow Green (FYG) color is reserved exclusively for bicycle and pedestrian applications. That is, FYG may be used to warn motorists of the presence of bicyclists and pedestrians but not of the presence of roadway curvature.

Shapes
Particular shapes of traffic control devices are limited to those established by the National MUTCD. For example, the circular shape is reserved exclusively for highway-rail grade crossing advance warning signs and may not be used for a STOP sign.

Symbols
The use of symbols on traffic control devices is limited to those shown in the National MUTCD and/or the FHWA Standard Highway Signs (SHS) Book. For example, there is no symbol depicting "uneven lanes" in either the National MUTCD or SHS Book and it would be unacceptable to create such a symbol for use on a traffic control device.

Word Messages
States may develop word message signs to notify road users of special regulations or to warn road users of a situation that might not be readily apparent. Unlike modifications to colors, shapes and symbols, new word message signs may be used without FHWA's approval to experiment.

Experimentation
There may be times when an agency or practitioner wishes to use an innovative traffic control device or practice which conflicts with the National MUTCD. FHWA encourages innovation provided jurisdictions submit a Request for Experimentation to the FHWA Office of

Transportation Operations, as described in National MUTCD Section 1A.10. FHWA will review the request and determine if the experiment's methodology is acceptable.

"Grandfathering" by the FHWA California Division

Recognizing the above limitations to States' ability to modify the National MUTCD, our office is fully aware that the California Supplement contains a number of "unacceptable" modifications to the National MUTCD 2003. For example, the National MUTCD 2003 states, "When crosswalk lines are used, they shall consist of solid white lines that mark the crosswalk" whereas the California Supplement states, "Crosswalk markings near schools shall be yellow."

After giving careful consideration to California's unique situation of adopting the National MUTCD for the first time, we have determined that it is in the interest of improving traffic control device uniformity to "grandfather" a number of traffic control devices and practices that were in place on May 20, 2004 (per the Caltrans Traffic Manual), despite being "unacceptable" modifications to the National MUTCD 2003. The FHWA California Division believes "grandfathering" is appropriate for several reasons.

First, we believe that if our office were to insist that all "unacceptable" items contained within the California Supplement be remedied before finding it to be in substantial conformance with the National MUTCD 2003, the adoption of the National MUTCD 2003 would have been delayed for a very long time and perhaps California might have abandoned adoption altogether. We firmly believe that California's adoption of the National MUTCD 2003, more than any other single action, will positively affect transportation safety and operations for road users by striving toward National traffic control device uniformity. Further, the Department has recently demonstrated its commitment to traffic control device uniformity in several significant ways including: the creation of a Senior Transportation Engineer position dedicated solely to the development of National MUTCD-related documents and issues; specifying that guide sign sheeting shall be retroreflective; and providing exit numbers at freeway interchanges. The Department is to be commended for providing the significant financial and personnel resources demanded by these efforts.

It is important to note, however, that any modifications made to the National MUTCD 2003 after May 20, 2004 (that is, changes to the California Supplement) will only be approved by our office if they are "acceptable" as described above. To facilitate this, we request that proposed modifications be submitted to our office for our concurrence prior to making them official policy in California. Any modifications that do not have our written concurrence may nullify our finding of substantial conformance of the California Supplement.

In cases where California believes its modification results in a higher degree of safety and/or operation, yet the modification is not "acceptable" per earlier description, we strongly encourage California to propose a change to the National MUTCD, as provided for in Section 1A.10.

Again, we applaud the progress the Department and the CTCDC have made in the area of traffic control device uniformity and look forward to continuing our partnership in future efforts. In particular, we would like to acknowledge the efforts of two key Department employees, Gerry

Meis and Johnny Bhullar, both of the Caltrans Office of Signs, Markings and Permits, for their critical role in California's adoption of the National MUTCD 2003. Should you have questions, please do not hesitate to contact Matt Schmitz, Safety/Traffic Engineer at (916) 498-5850 or matthew.schmitz@fhwa.dot.gov.

Sincerely,

Dennis A Scovill

for Gene Fong
Division Administrator

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