



May 12, 2021

Via email to www.regulations.gov

Stephanie Pollack, Acting Administrator,
Federal Highway Administration
United States Department of Transportation
Washington, DC 20590

RE: Docket No. FHWA-2020-0001, National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD); Revision

Dear Administrator Pollack:

The American Highway Users Alliance (the “Highway Users” or “we” or “our”) supports prompt adoption of final changes to the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), in accord with these comments.

In this docket, the Federal Highway Administration (FHWA) seeks input on proposed revisions to the MUTCD. See Notice of Proposed Rulemaking (NPRM), 85 Federal Register 80898 et seq. (December 14, 2020). The MUTCD is a lengthy manual incorporated by reference into the Code of Federal Regulations. See 23 CFR Subpart F. Through the MUTCD, FHWA seeks to advance safety through basic uniformity of traffic control devices.

The Highway Users are Committed to Safety

At the outset we note that the Highway Users are strongly committed to roadway safety and represent a broad, not a narrow perspective on highway safety issues.

The Highway Users is the united voice of the motoring public -- promoting safe, uncongested highways and enhanced mobility for people and business. The Highway Users, a 300-member coalition, includes companies, trade associations, safety advocacy groups, and motoring clubs. Our members represent or support millions of road users from the truck, bus, auto, RV, and motorcycling modes. Such users pay the bulk of the fees deposited into the Highway Trust Fund. Our membership includes manufacturers who not only use the roads, but also manufacture vehicles and automotive equipment, fuel, asphalt, concrete, signage and other products that are essential to or improve the road user experience in terms of safety, efficiency, and other ways -- improving the economy and the quality of life of all Americans.

Members of the Highway Users have a vital interest in a safe highway system – for themselves and their own members and customers. In addition, among its many efforts to improve highway

safety, the Highway Users is a Sponsoring Organization of the National Committee on Uniform Traffic Control Devices and holds sessions for its members focused on safety technology and issues.

We turn now to our comments on the proposal to revise the MUTCD.

The Highway Users Supports Prompt Adoption of Final Changes to the MUTCD, in Accord with These Comments

The proposed changes to the MUTCD are substantial and reflect a significant effort, as the MUTCD was last revised over a decade ago. However, the passage of considerable time since the current version of the MUTCD was adopted means that an update is due, if not overdue, to take into account recent developments, including dramatic changes in vehicle technology.

Accordingly, we disagree with the view expressed by a few, that FHWA should not pursue finalizing the proposed revisions but, instead, rewrite the MUTCD on an expedited basis. That approach would reject or at least delay many thoughtful proposed changes in the MUTCD that have been developed over the years and that are supported by many. Inherently, it would mean no change until after another round of comment on a different proposal to revise the MUTCD.

Instead, any concerns with the MUTCD and the current proposed revisions to it should be addressed by FHWA issue by issue based on comments to this docket – and resolved promptly in this docket. That way the public will benefit from an updated MUTCD.

After the MUTCD is updated, then FHWA can consider further revision. Such further revision should be more frequent than has been the case in recent decades, which have seen long periods between updates. Further, FHWA should not limit revisions to the MUTCD to comprehensive revisions, such as the wide-ranging revisions proposed in this docket. Proposed revisions could address individual issues or groups of issues, facilitating the effort to keep the MUTCD up to date.

However, the key point is that, at this point in time, with proposed revisions to the MUTCD pending more than a decade after the current MUTCD was adopted, the right course is for FHWA to move promptly to adopt revisions to the MUTCD upon considering comments to this docket. We urge FHWA to make the effort to complete review of comments and issue a final version of the MUTCD in this docket before the end of 2021. The public will benefit from the updated version, justifying the prompt action.

The Highway Users is in General Agreement with Proposals to Phase-in Wider Markings

Aspects of the proposed revisions, notably Section 3A.04, call for wider markings. Without offering comments specifically on all the individual changes proposed regarding the width of markings, the Highway Users takes the position that it is generally supportive of proposals to phase-in wider markings.

We see this as a safety-conscious response to at least two trends of note. There is an increase in the number of senior citizen drivers, as the average age of the U.S. population increases over time. More conspicuous markings will help address this trend and help ensure safety. In addition, automated vehicles (AVs), including vehicles with advanced driver assistance systems (ADAS), hold the promise of enhanced vehicle handling capabilities and improved highway safety. Wider markings are a change that will enhance readability of markings by all – the average driver, senior drivers, and AVs.

Of note, proposed Section 3A.04 would change the **standard** for normal width of a longitudinal line from “4 to 6 inches” to “6 inches wide for freeways, expressways, and ramps” and all other roadways with speed limits “greater than 40 mph,” while maintaining the current 4-6 inches standard for other roads. The idea of added safety protection, through wider markings on roads where vehicles are traveling at higher speeds, is logical. It also helps keep down the cost of phasing in those six-inch wide markings, compared to a hypothetical proposal to require six-inch wide markings on all paved roads.

We also note that “installation, replacement, and other improvement of highway signage and pavement markings” is an eligible expense under the Highway Safety Improvement Program (HSIP), which should facilitate the phase-in. See 23 USC 148(a)(4)(B)(x). Further, a very recent (2021) study, National Pavement Marking Estimate, Hawkins and Smadi, estimated an “annualized differential cost to standardize” 6-inch pavement markings, focused on implementing the proposed change in Section 3A.04, of approximately \$140 million nationwide. See Page 12. While we are certainly cost conscious, dollars directed to safety are an investment and worth supporting. Given the importance of safety, and the prospect that, over time, Congress will increase HSIP funding, we are generally supportive of wider markings.

FHWA Should Adopt into the Final MUTCD Proposed Part 5, Automated Vehicles

The Highway Users supports inclusion of proposed new part 5 of the MUTCD, regarding automated vehicles. The support statement in proposed section 5A.01 states well the case for including this new part:

... to provide agencies [e.g., state DOTs] with general considerations for vehicle automation as they assess their infrastructure needs, prepare their roadways for automated vehicle (AV) technologies, and to support the safe deployment of automated vehicle technology.

AV technology and rate of deployment is rapidly changing. It is appropriate for FHWA to provide state and local agencies with general advice regarding deployment of AVs and how that relates to investments in the roadway environment – including in signs and markings.

Given the rate of change, it is also appropriate that the provisions of part 5 are, with an exception (for temporary traffic control devices), not standards but statements of “guidance,” “support,” or “option.” These provisions broadly encourage investments that will make the road environment better able to serve AVs and will help make the highway system safer for all users.

Further Modernize Signage for Alternative-Fuel Vehicles to Facilitate Customer Safety and Convenience

The proposed MUTCD would clarify that supplemental messages identifying an alternative fuel that is available may be added only to the business identification sign panels on the GAS Specific Services sign for a gas facility that provides that alternative fuel in addition to, rather than in lieu of, gasoline.

We appreciate that in the proposal FHWA recognizes that allowing supplemental information for essential motorist information such as refueling should be aligned with driver expectancy of the nature of the services requested. The Highway Users respectfully submit, however, that rather than using gasoline as a "catch-all" label to indicate that drivers' expectations of a refueling facility's services, the final text should be more nuanced as to how it delineates those expectations. Also, this relationship and the further points we make on this topic should be requirements, not guidance as to a consideration.

As electric vehicles (EVs) grow as a percentage of the overall vehicle fleet, it is necessary to provide drivers of those vehicles with information regarding the availability of refueling facilities that are aligned with their expectations of a refueling facility's attributes. This generally includes fast, efficient refueling options, foodservice and/or convenience stores, restrooms, and security (including location employees who are able to contact law enforcement should the need arise).

Accordingly, the final rule should not use the availability of gasoline as the sole indicator that other attributes are present. While this may be a fair assumption to make today, looking forward there may be scenarios where alternative fuels are available at facilities that do not sell gasoline. The final rule should accommodate this by allowing alternative fuel logos to be present if, in addition to the alternative fuel, the facility also provides foodservice and/or convenience stores, rest rooms, and on-site employees who are able to contact law enforcement.

Additionally, to align with drivers' expectations, the final rule should clarify that with respect to EVs, only direct current ("DC") fast chargers are eligible to be identified on highway signs. There will be many slower, "Level 2" chargers available in retail, restaurant and hotel parking lots, for example, that are not designed for fast "on-the-go" refueling for highway travelers. EV drivers will be looking for DC fast chargers so that they can refuel quickly and get back on the road.

Chapters in Part 2 of the proposed revised MUTCD should be revised to reflect these recommendations. As to gas, in section 2J.01A, the criteria to be required by a State or local agency for signing should reflect minimum criteria, not only consideration, and should be expressed as a standard (as to A.) rather than guidance. Similarly, as to information on refueling alternative-fuel vehicles described in section 2I.03, the guidance in that section as to "A. Gas, Diesel, and/or alternative fuels" should be a standard (as to A.) and the factors established as minimum requirements. Further, as to those minimum requirements, neither of those two sections lists required availability of foodservice and/or convenience stores or on-site employees who are able to contact law enforcement – in order for a facility to be able to appear on a sign.

Also, as noted above, as to EVs, the required minimum criteria should include fast charging. In short, the criteria noted above are important factors in public expectation and should be added to criteria listed in those provisions and established as requirements (standard).

Conclusion

For the reasons set forth above, the Highway Users support prompt adoption of a revised MUTCD in this docket, if possible before year end. The substance of the revision should be in accord with these comments. The Highway Users thank the FHWA for its consideration of these comments.

Sincerely,

Laura C. Perrotta

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