

Long Awaited Federal Highway Administration (FHWA) Rule Change Affecting Sign Retroreflectivity Compliance Deadlines Will Become Effective in June

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In August 2011, U.S. Transportation Secretary Ray LaHood announced that the Obama Administration was proposing eliminating 46 deadlines that had been mandated by the Federal Manual on Uniform Traffic Control Devices (MUTCD). The Wisconsin Towns Association, the National Association of Towns and Townships (NATaT), and others submitted comments in support of the administration's proposal. Of course, other groups submitted comments opposing the changes due to safety concerns, etc. The comment period closed on October 31, 2011, and we have been waiting since that time for a decision on the proposal.

On May 14, 2012, final rules adopting Revisions 1 and 2 of the 2009, MUTCD were published in the Federal Register with an effective date of June 13, 2012. The final rule eliminates the compliance date for 46 items (8 that had already expired and 36 with future compliance dates) and extended or revised the dates for 4 items. The target compliance dates for 8 items that were deemed to be of critical safety importance remain in effect.

Some of the most important changes that your town should be aware of are the following:

1. The requirement for each local government to adopt and implement an assessment or management method that is designed to maintain regulatory and warning sign retroreflectivity at or above the established minimum levels has been extended from January 2012 to **June 13, 2014**. To ease the economic burden on agencies, signs other than regulatory or warning are not required to be included in the assessment or management method by the new compliance date, but must be added to an agency's management or assessment method as resources allow.

2. The deadline to replace all regulatory (red stop signs, white speed limit signs, etc.), yellow warning signs, and green guide signs with signs that meet certain retroreflectivity standards by January 2015 **has been eliminated**. Similarly, the deadline to replace all street name signs and overhead guide signs by January 2018 **has been eliminated**.

However, the elimination of a compliance date for these standards does NOT eliminate the regulatory requirement to comply with the standard. The standard itself remains in the MUTCD and applies to any new installation. But, the compliance date for replacing noncompliant devices that exist in the field has been eliminated. To further clarify, any new installation of an existing non-compliant device (such as moving a non-compliant sign to another location) would also have to comply with the MUTCD standards upon installation. Also, agencies will still need to replace any sign they identify as not meeting the established minimum retroreflectivity levels. However, the schedule for replacing these signs would be based on resources and relative priorities rather than a specific compliance date.

3. The FHWA has decided to retain the January 17, 2013, target compliance date requiring crashworthiness of existing sign supports on roads with speed limits of 50 mph or higher.

4. The requirement that all workers within the right of way wear high-visibility apparel by December 31, 2011, remains in effect.

It is recommended that the highway maintenance personnel in each town review the other compliance deadline changes to see if any of them are applicable to traffic control devices on your town roadways.

To read the final rule and view a table explaining the other compliance deadlines visit:
<http://www.gpo.gov/fdsys/pkg/FR-2012-05-14/html/2012-11710.htm>

This document is also available as a PDF on the home page of the WTA website.