



U.S. Department
of Transportation
**Federal Highway
Administration**

Memorandum

Subject: INFORMATION: Request for Interpretation: "Official Ruling
Number: 1-41—Conformance with the MUTCD" **Date:** April 9, 2004

Regina S. McElroy

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From: Director, Office of Transportation
Operations

**Reply to
Attn. of:** HOTO-1

To: Mr. J. Michael Bowen
Kansas Division Administrator (HDA-KS)
Topeka, Kansas

This is in response to Mr. Robert Alva's March 11 email request for interpretation regarding conformance with the Manual on Uniform Traffic Control Devices (MUTCD). Mr. Alva asked if there is a conflict in the information about the timeframe for when traffic control devices shall be in conformance as discussed in the following three documents: the Introduction section of the MUTCD on page I-3, the information referenced in 23 CFR 655.603(d)(2), and the information in the Institute of Transportation Engineers (ITE) Traffic Engineering Council Update publication.

There is not a conflict in the information provided in the above documents. The language in the Introduction to the MUTCD states that "In cases involving Federal-aid projects for new highway or bikeway construction or reconstruction, the traffic control devices installed (temporary or permanent) shall be in conformance with the most recent edition of the National MUTCD before that highway is opened or reopened to the public for unrestricted travel (23 CFR 655.603(d)(2))." Although the language in 23 CFR 655.603(d)(2) does not specifically use the words "most recent edition," it does indicate that both temporary and permanent devices on new or reconstruction Federal-aid projects shall conform to the MUTCD before the highway is open to the public for travel. The MUTCD mentioned here applies to the most recent edition as adopted by the Federal Highway Administrator which is the 2003 edition.

In both the MUTCD Introduction and in 23 CFR, the MUTCD reference applies to the 2003 edition. The ITE article you mentioned in your email highlights the fact that on Federal-aid projects for new or reconstruction highways, the traffic control devices must comply with the 2003 edition of the MUTCD before the highway is open to public travel. This is consistent with the MUTCD Introduction and with 23 CFR. This means that for those projects under contract in the Kansas Department of Transportation that receive Federal-aid funds, the traffic control devices must comply with the 2003 edition.



We hope the above information helps clarify the intended timeframe for conformance with the MUTCD provisions for traffic control devices. For recording and tracking purposes, please note that we have assigned Mr. Alva's request the following official ruling number: "1-41(Intr.)—Clarification of Conformance with the MUTCD." It would help us if future correspondence regarding this issue refers to this official ruling number. If you need additional information, please do not hesitate to contact Ms. Linda Brown, Transportation Specialist at 202-366-2192.

cc: Mr. Roger Wentz, ATSSA

Brown, Linda L.

From: Alva, Robert
Sent: Thursday, March 11, 2004 12:03 PM
To: Huckaby, Ernest
Cc: Wainwright, Scott; Brown, Linda L.; Meyer, Wendall; Dunn, Kurt ; Simerl, James;
'leeh@ksdot.org'
Subject: 2003 MUTCD Interpretation

Ernie,

The Kansas Department of Transportation (KDOT) has adopted the national MUTCD verbatim in the past. Currently KDOT is reviewing the 2003 Manual and all indications are that they will also adopt this Manual verbatim.

A question has arisen regarding the Standard Statement on page I-3 (Introduction) of the 2003 Edition. In particular KDOT has concerns regarding the following statement:

"...In cases involving Federal-aid projects for new highway or bikeway construction or reconstruction, the traffic control devices installed (temporary or permanent) shall be in conformance with the most recent edition of the National MUTCD before that highway is opened or re-opened to the public for unrestricted travel [23CFR 655.603(d)(2)]".

KDOT also directed me to an article in the most recent issue of the Traffic Engineering Council Update published by ITE. In it under Jeff Paniati's Chair's Message the following statement is made under Compliance Dates:

"...The 2000 (Millennium) Edition of the MUTCD is still in effect in any given state until that state adopts the 2003 Edition. However, on federal-aid projects all devices must comply with the national 2003 Edition before the road is opened or reopened to public travel, even if this occurs before 2 years".

In the past, KDOT would first review and then adopt the new MUTCD within the two-year period. After adopting the new Manual, KDOT would begin the process of revising their traffic control standard drawings and specifications. The next step would be for KDOT to submit these revisions to our office for approval. After our approval, we would then mutually agree to a letting date when all the projects let after that date would have to incorporate all the approved changes.

Currently the KDOT has over 450 active projects under contract. Less than half of those projects are federally funded. However, KDOT does not distinguish between federal-aid projects and state funded only projects. All projects administered by KDOT have to be in compliance with the latest approved MUTCD, which at this time is the 2000 (Millennium) Edition of the MUTCD.

The 2003 Edition makes reference to 23 CFR 655.603(d)(2) as noted above, however, the citation in 23 CFR 655.603(d)(2) doesn't mention anything about the "most recent edition," and it is not clear with the statement in

the Traffic Engineering Council Update article that states, "...must comply with the national 2003 Edition...". Are the regulations conflicting with the MUTCD citation?

We are requesting an interpretation or clarification regarding this issue. Is it the intent for the DOTs to review all their projects opened or to be opened to the public for unrestricted travel in the two-year period (December 2003-2005) to make sure all the traffic control devices (temporary or permanent) shall conform to the new MUTCD even if the DOTs have not yet adopted the new Manual? If changes are needed to comply with this interpretation, the DOTs would need to fund these changes by modifying existing contracts with change orders.

Bob Alva
Safety/Traffic Engineer
Federal Highway Administration
2200 S. Topeka Boulevard, Suite 1
Topeka, Kansas 66614
E-Mail: robert.alva@fhwa.dot.gov
Telephone 1-785-267-7286
Fax 1-785-267-7290