

**DEPARTMENT OF TRANSPORTATION**

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August 4, 2010

Mr. Victor M. Mendez  
Federal Highway Administrator  
Office of the Federal Highway Administrator  
U.S. Department of Transportation  
Federal Highway Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Dear Mr. Mendez:

The California Department of Transportation (Caltrans) is reviewing the Federal Highway Administration's (FHWA's) *Manual on Uniform Traffic Control Devices for Streets and Highways*, 2009 Edition (FHWA 2009 MUTCD), which prescribes uniform standards and specifications for all official traffic control devices and to which the California MUTCD must be in substantial conformance by January 15, 2012.

Caltrans is concerned about adopting the new definition in paragraph 1.A of section 1A.13 in the FHWA 2009 MUTCD that states, "Standard statements shall not be modified or compromised based on engineering judgment or engineering study." This new definition is a substantial change that represents a fundamental shift in the application of MUTCD principles and the practice of traffic engineering. It conflicts with the following phrasing used in section 1A.09 of the FHWA's *Manual on Uniform Traffic Control Devices for Streets and Highways, 2003 Edition, Including Revision 1 Dated November 2004 and Revision 2 Dated December 2007* (FHWA 2003 MUTCD):

**Standard:** This Manual describes the application of traffic control devices, but shall not be a legal requirement for their installation.

**Guidance:** The decision to use a particular device at a particular location should be made on the basis of either an engineering study or the application of engineering judgment. Thus, while this Manual provides Standards, Guidance, and Options for design and application of traffic control devices, this Manual should not be considered a substitute for engineering judgment.

This same language is used in the California MUTCD dated September 26, 2006, and the California MUTCD submitted to the FHWA in January 2010.

It is Caltrans' view that effective use of the MUTCD requires some degree of flexibility for experienced traffic engineers to apply traffic control device principles in the manner that best

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meets the needs of road users. There are situations where a deviation or modification of a standard for the use or placement of a traffic control device may be necessary in order to provide safe and efficient travel for road users. While such situations are rare, the national MUTCD cannot be written to address every conceivable situation in every state.

In addition, this new definition in the FHWA 2009 MUTCD will impose a substantial financial burden on California, increasing costs as well as liability for transportation agencies and organizations throughout California. Enclosed is an example list of significant issues that will affect California if Caltrans adopts the new definition. Many costly modifications will be needed to bring California's current traffic control devices into compliance if national MUTCD requirements cannot be modified with engineering judgment or study. The costs of implementing the new MUTCD are very difficult to estimate. The rough cost estimate just for replacing 20 percent of Caltrans' 600,000 signs is \$400 million. Staffing costs also are difficult to estimate, but California has approximately 7,000 grade crossings of which the California Public Utilities Commission estimates 5,000 would need to be reevaluated. Based on Caltrans' limited assessment, it could cost between \$500 million to \$1 billion to implement the FHWA 2009 MUTCD.

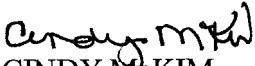
Although Caltrans is working to adopt the FHWA 2009 MUTCD on an aggressive one-year schedule instead of the customary two-year schedule in order to benefit from the new traffic control devices and policy changes, the new section 1A.13 definition could delay this implementation.

For these reasons, Caltrans requests the FHWA to:

1. Delete the definition in paragraph 1.A of section 1A.13 in the FHWA 2009 MUTCD cited in this letter.
2. Restore the phrasing used in section 1A.09 of the FHWA 2003 MUTCD cited in this letter.
3. Reduce national MUTCD Standards and Guidance provisions that are overly prescriptive or delete their respective compliance dates so that existing devices can remain in use through the end of their service life.

Thank you for your consideration of this issue that is so important to California. If you have any questions or need more information about California's interest in this matter, please contact Mr. Robert Copp, chief of the Division of Traffic Operations, at (916) 654-2352.

Sincerely,

  
CINDY MCKIM  
Director

Enclosure

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- c: Walter C. Waidelich Jr., Division Administrator, California Division, FHWA  
Steve Takigawa, Deputy Director, Maintenance and Operations, Caltrans  
Robert Copp, Chief, Division of Traffic Operations, Caltrans

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jb/amc/nr/jmp

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