

NATIONAL COMMITTEE LETTERHEAD

January XX, 2010

[Inside address]

This is a petition for reconsideration of the Final Rule published by the Federal Highway Administration at 74 FR 240, page 66730 (December 16, 2009). Petitioners, the National Committee on Uniform Traffic Control Devices (NCUTCD), request reconsideration by FHWA of Item 203, 74 FR 240, page 66776 and related provisions in Item 200, 74 FR 240, page 66775 because the agency did not provide an opportunity for public comments on the merits of its decision to adopt the series of signs in Figures 2E-11 and 2E-12.

The agency failed to include a discussion of its rationale for adopting these particular sign designs for these particular applications, and it failed to include depictions of these signs in the Notice of Proposed Amendments at 73 FR 268. Of particular concern to the National Committee is that Figures 2E-11 and 2E-12 show series of signs that have not been evaluated through research to determine their effectiveness in communicating to the motorist.

In addition, FHWA failed to respond on the record specifying reasons why the agency evidently rejected the signs recommended by the National Committee in the National Committee's response filed with Docket Number FHWA 2007-28977 (submitted on July 29 and 30, 2008). No evaluation was made of the merits of the NCUTCD's recommended signs in the Preamble or elsewhere in the Final Rule, nor were the signs depicted or referenced in the Preamble or in any other document filed in the Docket by the agency supporting its regulatory decision in the Final Rule.

In contrast to the signs shown in Figures 2E-11 and 2E-12, the National Committee recommended two series of signs that have been evaluated through research. Those two series of signs were labeled (in the National Committee's submittal) as Figures 2E-I and 2E-J.

These agency actions taken together constitute arbitrary, unsupported agency action. The NCUTCD asks FHWA to assess the merits of the NCUTCD's recommended signs, and the reasons thereto, supplied by the NCUTCD in its docket submission.

The NCUTCD believes that the signs recommended in its docket comments have superior information and guidance for motorists because those signs (Figures 2E-I and 2E-J) have been evaluated through research while the signs adopted by FHWA (Figures 2E-11 and 2E-12) have not been evaluated through research.

The National Committee also has the two following concerns regarding the series of signs adopted in the Final Rule.

1. Figures 2E-11 and 2E-12 both use post-mounted R3-8 regulatory signs to help communicate information on lane use to the motorist. Mounted on the right side of the roadway, these signs will often be blocked from view by trucks and not be visible by motorists who are not in the right-hand lane.
2. There is an inconsistency in the design of the signs at the gore in Figures 2E-11 and 2E-12. In spite of the fact that lane use at the gore is the same in both figures, the sign design is different. Figure 2E-11 uses black on yellow EXIT ONLY signing, while Figure 2E-12 uses white arrows on a green background.

National Committee petitions the Federal Highway Administration for reconsideration of the language in Section 2E.23 and Figures 2E-11 and 2E-12 from the Final Rule and replace the text and figures as described on the attached pages. The Committee reiterates its original recommendation that the signs shown in Figures 2E-I and 2E-J are appropriate ways to sign multi-lane exits with an option lane at intermediate and minor interchanges. The series of signs shown in Figures 2E-11 and 2E-12 should be further considered for possible inclusion in the MUTCD only after they have been evaluated through research, and only if they are shown to perform equal to, or better than, the signs in Figures 2E-I and 2E-J.

For the foregoing reasons, petitioners pray, that FHWA reconsider its regulatory decision to adopt the series of signs shown in Figures 2E-11 and 2E-12 and to provide adequate notice and opportunity for public comments on the merits.

Sincerely,

Lee Billingsley  
Chair, National Committee on Uniform  
Traffic Control Devices

Cc: Secretary Ray LaHood

## Changes to text

Delete paragraph 04 of Section 2E.20 Signing for Option Lanes at Splits and Multi-Lane Exits, and replace with the following.

### *Guidance*

04 *For locations with multi-lane exits with an option lane at intermediate interchanges where the use of sign bridges is not practical, the series of signs shown in Figure 2E-I should be used, in accordance with the provisions of Section 2E.23.*

05 *For locations with multi-lane exits with an option lane at minor interchanges, the series of signs shown in Figure 2E-I should be used, in accordance with the provisions of Section 2E.23.*

### Option

06 For locations with multi-lane exits with an option lane at minor interchanges, the series of signs shown in Figure 2E-J may be used, in accordance with the provisions of Section 2E.23.

Delete paragraphs 02 through 06 of Section 2E.23 Signing for Intermediate and Minor Interchange Multi-Lane Exits with an Option Lane and replace with the following.

### Support

The following provisions apply to the series of signs shown in Figures 2E-I and 2E-J.

### Standard

**If the sign designs in Figure 2E-J are used, the signs for this application shall be mounted overhead.**

**If the sign designs in Figure 2E-J are used, the Exit Direction sign shall be longitudinally located at the theoretical gore.**

### *Guidance*

*If the sign designs in Figure 2E-I or 2E-J are used, Advance Guide signs of this design should be used only where the exit lane is fully developed.*

*If the sign designs in Figure 2E-I and 2E-J are used, the signs should be mounted such that the arrows are centered over the lanes to which they apply.*

*An Advance Guide sign should be placed at 0.5 miles in advance of the exit if spacing permits (see Section 2E.33).*

### Option

An additional Advance Guide sign may be placed at 1 mile in advance of the exit if spacing permits (see Section 2E.33).

## Changes to Figures

Changes to figures are shown on two attached pages

Figure 2E-1

Example of Alternate Sign Series for a Two Lane Exit with an Option Lane at Intermediate or Minor Interchanges



Figure 2E-J

Example of Optional Sign Series for a Two Lane Exit with an Option Lane at Minor Interchanges

