

NCUTCD Council Meeting June 9, 2016

**NCUTCD Resolution on Docket Comment Period
for SNPA on Pavement Marking Retroreflectivity
Approved June 9, 2016**

WHEREAS, in 1992, Congress passed the DOT Appropriations Act of 1993, that included a statement requiring the Secretary of Transportation to revise the MUTCD to include minimum levels of retroreflectivity for signs and markings, and

WHEREAS, on December 21, 2007, the FHWA revised the MUTCD to include minimum levels of retroreflectivity for signs, and

WHEREAS, on April 22, 2010, the FHWA published a Federal Register notice for a proposed amendment (NPA) to the MUTCD to include minimum levels of retroreflectivity for pavement markings, and

WHEREAS, the FHWA recently published a rulemaking schedule that indicates the intent to publish a supplemental NPA (SNPA) on minimum levels of retroreflectivity on July 11, 2016 in the *Federal Register*, and

WHEREAS, the rulemaking schedule indicates the docket period for the marking retroreflectivity SNPA will close on September 12, 2016, resulting in a docket period of 60 days, and

WHEREAS, the scheduled docket comment period does not include a meeting of the National Committee on Uniform Traffic Control Devices (NCUTCD), and

WHEREAS, the previous marking NPA, along with the rulemaking for minimum sign retroreflectivity, generated significant docket comments and concern among public agencies and industry, and

WHEREAS, twenty-four years have passed since Congress directed the FHWA to add minimum levels of retroreflectivity for signs and markings to the MUTCD and the MUTCD does not yet contain such criteria for markings, and six years have passed since FHWA published the initial NPA for minimum levels of pavement marking retroreflectivity, and

WHEREAS, if there were an urgency in revising the MUTCD to add minimum levels of retroreflectivity for markings, the FHWA could have initiated rulemaking sooner, and

WHEREAS, the most effective means of promoting quality MUTCD language is for that language to be discussed in person by the 19 NCUTCD sponsoring organizations and the approximately 250 members of the NCUTCD at one of their twice annual meetings, and

1 WHEREAS, a thorough review and vetting by NCUTCD sponsors and a vote by the NCUTCD
2 Council is in the best interest of FHWA in developing MUTCD language that has value to
3 practitioners, and
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5 WHEREAS, a 60 day comment period is not adequate for the NCUTCD to review the
6 rulemaking, develop a recommended response, submit that response to sponsors for review and
7 comment, and to have a vote by the NCUTCD Council, and
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9 THEREFORE, BE IT RESOLVED, the FHWA should provide a docket comment period of no
10 less than 120 days for any rulemaking action related to minimum levels of retroreflectivity for
11 pavement markings, and
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13 THEREFORE, BE IT FURTHER RESOLVED, the FHWA should schedule the publication of
14 the SNPA to occur approximately 60-90 days prior to a NCUTCD meeting so that the necessary
15 reviews can occur before the meeting and appropriate face-to-face discussion and a vote can
16 occur during a NCUTCD meeting.