



ATTACHMENT NO. 3

Approved by NCUTCD Council January 20, 2006

TECHNICAL COMMITTEE RECOMMENDATION

TECHNICAL COMMITTEE: Bicycle Technical Committee

DATE OF ACTION: June 23rd, 2005 (*revised January 20th, 2006*)

TOPIC: Reference to "Bicycle Trail" vs. "Bikeway"
Introduction to the MUTCD

ORIGIN OF REQUEST: NCUTCD Bicycle Technical Committee

SUMMARY:

The NCUTCD Bicycle Technical Committee proposes that the second paragraph of (the first Standard statement in the Introduction be amended to refer to "bikeway" instead of "bicycle trail", and in other sections of the MUTCD as needed.

DISCUSSION:

The Introduction to the 2000 Edition of the MUTCD had read: "The Manual on Uniform Traffic Control Devices (MUTCD) is incorporated by reference in 23 Code of Federal Regulations (CFR), Part 655, Subpart F and shall be recognized as the national standard for traffic control devices on **all public roads** open to public travel in accordance with 23 U.S.C. 109(d) and 402(a)." The Notice of Proposed Amendment issued in May 2002 containing the proposed contents of the 2003 MUTCD recommended no changes to this section.

However, the Final Rule published in November 2003 amended the second paragraph of the Introduction to state that the MUTCD "shall be recognized as the national standard for all traffic control devices installed on **any street, highway, or bicycle trail** open to public travel." The justification issued by FHWA in the Final Rule for this change stated that the revised text follows the wording used in 23 CFR §655.603(a), the rule that establishes the MUTCD as the "national standard".

The applicability of the MUTCD to "bicycle trails" is ambiguous because this term is not defined in the Manual, and could conceivably be interpreted by agencies and courts to apply to trails and paths that were never intended to fall under the provisions of the Manual.

The section on definitions applicable to Subpart F of 23 CFR §655, 23 CFR §655.602, states in its entirety that "[t]he terms used herein are defined in accordance with definitions and usages contained in the MUTCD and 23 U.S.C. 101(a)." However,

neither the 2003 edition nor 23 USC 101(a) includes a definition of “bicycle trail.” In 23 USC 101(a), the term “bicycle trail” is used once in a definition of “transportation enhancement activities,” which are described as including “pedestrian or bicycle trails.”

A definition of "bicycle trail" was originally included in the 1978 MUTCD:

"A separate trail or path from which motor vehicles are prohibited and which is for the exclusive use of bicycles or the shared use of bicycles and pedestrians. Where such trail or path forms a part of a highway, it is separated from the roadways for motor vehicle traffic by an open space or barrier."

This definition was removed in the 2000 edition on the recommendation of the NCUTCD. "Shared-use path," a term more descriptive of typical usage patterns on the facilities that had been once called “bicycle trails,” was introduced. It was defined in Section 1A.13 as

“a bikeway outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. Shared-use paths are also used by pedestrians (including skaters, users of manual and motorized wheelchairs, and joggers) and other authorized motorized and non-motorized users.”

The usage of “path” instead of “trail” was preferred in part because a growing number of rough, narrow, unpaved recreational hiking or mountain biking trails exist across the US. These trails are typically not constructed to any engineering standards or guidelines, and the application of Part 9 of the MUTCD would generally be impractical, inappropriate, and inadvisable. Due to this change in wording, an agency might conceivably attempt to apply Part 9 in an inappropriate context on these trails; conversely, an agency might be exposed to potential liability for not fully applying the provisions of Part 9 to these trails.

The term “bikeway” is defined in Section 9A.03 as “a generic term for any road, street, path, or way that in some manner is specifically designated for bicycle travel”. and the term “bicycle trail” was used to designate only off-road trails or paths. This term has now been abandoned in favor of “shared-use path or trail” to recognize the use of these off-road facilities by many different non-motorized users (walkers, joggers, in-line skaters, people in wheelchairs, strollers, etc.). In order to be consistent and internally correct, the generic term “bikeway” should be used, so as to include on-street bicycle lanes and bicycle routes, as well as off-street paths and trails.

COMMITTEE ACTION:

The Bicycle Technical Committee recommends that the National Committee submit this proposal as developed by the NCUTCD BTC to sponsors for comment and approval.

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Note: Deleted items are shown in ~~strikethrough-red~~, and added text is shown in underline green.

Revise the first sentence of the second paragraph of the Introduction to the MUTCD as follows:

The Manual on Uniform Traffic Control Devices (MUTCD) is incorporated by reference in 23 Code of Federal Regulations (CFR), Part 655, Subpart F and shall be recognized as the national standard for all traffic control devices installed on any street, highway, or ~~bicycle trail~~ bikeway open to public travel in accordance with 23 U.S.C. 109(d) and 402(a).

Revise the first paragraph of the first Standard statement in Section 1A.07 as follows:

The responsibility for the design, placement, operation, maintenance, and uniformity of traffic control devices shall rest with the public agency or the official having jurisdiction. 23 CFR 655.603 adopts the Manual on Uniform Traffic Control Devices as the national standard for all traffic control devices installed on any street, highway, or ~~bicycle trail~~ bikeway open to public travel. When a State or other Federal agency manual or supplement is required, that manual or supplement shall be in substantial conformance with the national Manual on Uniform Traffic Control Devices.

Add the following definition to Section 1A.13 (same definition as in 9A.03):

Bikeway - a generic term for any road, street, path, or way that in some manner is specifically designated for bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.