

ATTACHMENT NO.15

Approved by NCUTCD Council – June 30, 2006

TTC urges the NC to write FHWA to oppose the item No. 3 entitled “Substantial Conformance Clarification” advertised in FHWA 2005-23182 Notice of Proposed Rulemaking.

The 2003 MUTCD wisely left the definition of substantial conformance up to the 50 state FHWA Division Offices. It did so recognizing the need to allow states reasonable flexibility to best solve their traffic issues as long as they protect the important tenants of uniformity.

Three years later, most states have adopted the 2003 with approximately 20 states taking very careful exceptions to the MUTCD to protect their right to use alternative proven techniques that are either equal to or better than what are prescribed in the 2003 MUTCD.

Now is not the time to re-define “substantial conformance” to a process used to gain 50 state endorsement of the 2003 MUTCD which had the 50 State FHWA Division offices meet with State & Local professional traffic engineers. Issues were discussed with some variations approved, and others rejected. It was a healthy process that promoted active coordination and understanding of local traffic issues.

The NC urges FHWA to only revisit this issue after:

- 1) FHWA has thoroughly reviewed state exceptions searching for ways to improve the 2003 MUTCD. These exceptions are for new and better ideas.
- 2) FHWA produces a “perfect and flawless” MUTCD.