

1 **Proposed Changes to IDAPA 39.03.41 – Rules Governing Traffic Control**  
2 **Devices**

3  
4 August 16, 2019  
5

6 **APPLICABLE LAWS:** 49-201(3) – AUTHORITY TO ADOPT MUTCD  
7 40-513 THROUGH 40-513(F) – MEMORIAL HWY  
8 49-202(25) – STOP SIGN AT RR (REPEALED)  
9 49-624 – MOVE OVER  
10 49-657 – WORK ZONE SPEED LIMITS  
11 49-702 – CROSSWALKS, YIELD TO PEDESTRIANS  
12 49-802 – ONE WAY LAW  
13 49-948 – CHAINS REQUIRED  
14

15 **MUTCD SEC. AFFECTED:** 1A.10, 2B.11, 2B.12, 2C.48, 2C.63, 2D.43, 2M.10, 4D.04,  
16 4L.03, 5F.04, 6F.12, 7B.11, 7B.12, 7B.15, 8A.03, 8B.04,  
17 8B.05, 8B.07, 8B.09, 8B.16, 8B.18, 8C.09,  
18

19 **MUTCD SEC. ADDED:** 2B.69, 2B.70  
20

21 **MUTCD TABLES AFFECTED:** 2B-1, 2E-1, 6F-1, 7B-1  
22

23 **MUTCD FIGURES AFFECTED:** 2B-2, 2C-13, 5C-1, 6F-3, 7B-1, 7B-6, 8B-3  
24  
25

26 **SUMMARY:**

27 The 2019 Idaho Legislature passed three laws (H 89, H 106, and H 208) that affect the use of  
28 traffic control devices. The administrative rule is being revised to reflect changes in Idaho law.  
29

30 H 89 memorialized US-20 as the Idaho Medal of Honor Highway. H 106 requires drivers to  
31 move over for stopped police, emergency, tow truck, and highway incident response vehicles  
32 with flashing lights on two-lane highways or slow down and move over on multi-lane highways.  
33 H 208 repealed the law that required Idaho highway and road agencies to install and maintain  
34 STOP signs at passive railroad-highway grade crossings.  
35

36 In addition to law changes, existing laws that affect traffic control devices that have not  
37 previously been part of the administrative rule have been added.  
38

39 **DISCUSSION:**

40 For purposes of uniformity throughout the United States, federal regulations (23 CFR  
41 655.603(b)(3)) require states and Federal agencies to adopt the Manual on Uniform Traffic  
42 Control Devices (MUTCD) or a state MUTCD that is in substantial conformance with the  
43 Federal Highway Administration (FHWA) MUTCD. The MUTCD is the standard for all traffic  
44 control devices installed on any street, highway, bikeway, or private road open to public travel.

45  
46 Idaho law directs the Transportation Board to “adopt a manual and specifications for a uniform  
47 system of traffic-control devices.” The Transportation Board adopts the FHWA MUTCD with  
48 some exceptions through administrative code (see ITD Traffic Manual Section 1A.11). The  
49 administrative rule adopted the 2009 MUTCD in 2012 with revisions in 2013, and 2018.

50 Through law and administrative rules, the MUTCD and the adopted changes have the force and  
51 effect of law in Idaho.

52  
53 The MUTCD contains four types of headings. They are Standards, Guidance, Option, and  
54 Support. Standards are required practices and use the restrictive verb “shall.” Guidance  
55 statements are recommended, but not mandatory practices and use the verb “should.” Option  
56 statements are permissive practices and use the verb “may.” Support statements are informational  
57 statements.

58  
59 **WORD COUNT:**

60 The proposed changes to the administrative rule, including the combination of chapters 39.03.41,  
61 39.03.62, and 39.03.64, reduce the rule length by 326 words and reduce the number of restrictive  
62 words by two.

63  
64 *Restrictive words:*

65 The FHWA MUTCD is an 862 page document with 3,010 standard statements using the  
66 restrictive word “shall.” The IDAPA rule contains 33 standard statements using the word  
67 “shall.” Of those 33 “shall” statements in the rule, 32 are MUTCD related. Of those 32 “shall”  
68 statements, 22 are “shall” statements that are in the MUTCD already, but are modified in the  
69 Idaho adoption. Twelve “shall” statements are added to the Idaho adoption of the MUTCD as a  
70 result of Idaho laws.

71  
72 **EXPLANATION OF CHANGES:**

73 The following describe changes that have been made to the administrative rule:

74  
75 *Addition of Section 1A.10*

76 The MUTCD gives state transportation agencies the option to request permission to use interim  
77 approval devices for all road agencies in the state. However, the request for permission to use  
78 the interim approval requires the requesting agency to keep a list of locations where the device is

79 used. As a practice, ITD makes interim approval requests for ITD only and not for all agencies  
80 in the state because ITD cannot commit to keeping a list of device locations for all road agencies.  
81 The addition of Section 1A.10 to the draft administrative rule reflects this practice.

82

83 Word count change: +16, 0 restrictive word change

84

#### 85 *Section 1A.11*

86 Added references from the combined IDAPA 39.03.62 and 39.03.64 rules.

87

88 Word count change: +39, 0 restrictive word change

89

#### 90 *Addition of Table 2B-1*

91 See *Addition of Section 2B.11* and *Addition of Section 2B.12*

92

93 Word count change: +24, 0 restrictive word change

94

#### 95 *Addition of Section 2B.11*

96 The MUTCD indicates that the Stop Here For Pedestrian (R1-5b and R1-5c) signs are only to be  
97 used where the state law “specifically requires that a driver must stop for a pedestrian in a  
98 crosswalk.” Idaho statute 49-702 requires drivers to yield to pedestrians. The section has been  
99 revised to remove the R1-5b and R1-5c signs. The revisions to Section 2B.11 are shown at the  
100 end of this document.

101

102 Word count change: +376, +3 restrictive word change (0 net change compared to MUTCD)

103

#### 104 *Addition of Section 2B.12*

105 The MUTCD indicates that the STOP FOR legend on signs R1-6a and R1-9a are only to be used  
106 where the state law “specifically requires that a driver must stop for a pedestrian in a crosswalk.”  
107 Idaho statute 49-702 requires drivers to yield to pedestrians. The section has been revised to  
108 remove the R1-6a and R1-9a signs. The revisions to Section 2B.12 are shown at the end of this  
109 document.

110

111 Word count change: +245, +2 restrictive word change (0 net change compared to MUTCD)

112

#### 113 *Addition of Figure 2B-2*

114 See *Addition of Section 2B.11* and *Addition of Section 2B.12*

115

116 Word count change: +16, 0 restrictive word change

117

118 *Addition of Section 2B.69 & Figure 2B-33*

119 House Bill 106 revised Idaho Statute 49-624 to expand the requirement for drivers approaching  
120 police, emergency, tow truck, or incident response vehicles to slow down on two-lane highways  
121 or to slow down and move over on multi-lane highways. An optional “move over” sign has  
122 previously been described in the Traffic Manual, but was not described in the administrative rule.  
123 The sign has been revised to align with the revised law. The sign is not a MUTCD sign, but has  
124 been added to Idaho’s adoption of the MUTCD through inclusion in the draft administrative rule.

125

126 Word count change:

127 Section 2B.69: +158, +2 restrictive word change

128 Figure 2B-33: +34, 0 restrictive word change

129

130 *Addition of Section 2B.70 & Figure 2B-34*

131 When conditions warrant commercial vehicle chain use, Idaho Statute 49-948 requires ITD to  
132 install and maintain CHAINS REQUIRED signs on Lookout pass and 4<sup>th</sup> of July pass on I-90  
133 and Lolo pass on US-12. The sign is not a MUTCD sign, but has been added to Idaho’s adoption  
134 of the MUTCD through inclusion in the draft administrative rule.

135

136 Word count change:

137 Section 2B.70: +278, +5 restrictive word change

138 Figure 2B-34: +25, 0 restrictive word change

139

140 *Removal of Section 2C.48*

141 These signs warn the driver of “yellow trap.” The reasons are unknown why these signs were  
142 removed from the MUTCD in a previous rule adoption. Use of the signs is optional. The  
143 removal of the section has been stricken from the draft administrative rule.

144

145 Word count change: -37, 0 restrictive word change (+1 restrictive word added back to the  
146 MUTCD)

147

148 *Removal of Section 2C.63 and Figure 2C-13*

149 Idaho has historically added two object markers to the MUTCD. OM5 – IdaShield – was an  
150 experimental device. FHWA terminated the experiment in 2017 and OM5 was removed from  
151 the administrative rule in 2018.

152

153 OM6 has historically been used to delineate truck escape ramps. However, the MUTCD gives  
154 guidance to use red delineators for the same purpose. Several truck escape ramps throughout the  
155 state use the OM6. The truck escape ramps on Horseshoe Bend hill on SH-55 uses red  
156 delineators. Because the OM6 is redundant with an MUTCD device and for the sake of

157 consistency the Idaho specific OM6 can be illuminated. Existing OM6 signs can remain in  
158 place, but when replaced, they should be replaced with red delineators.

159  
160 The OM6 has been stricken from the draft administrative rule. OM1, OM2, OM3, and OM4 are  
161 already covered by the MUTCD.

162  
163 Word count change:

164 Section 2C.63: -685, -6 restrictive word change (-2 net change compared to MUTCD)

165 Figure 2C-13: -8, 0 restrictive word change

166  
167 *Revision of Section 2D.43*

168 The MUTCD gives the option to leave the border off street name signs. The rule does not allow  
169 the border to be omitted if on a State Highway. The text is reworded, but the intent is retained.

170  
171 Word count change: -43, -1 restrictive word change

172  
173 *Addition of Table 2E-1 & revision of Section 2E.31*

174 The administrative rule already includes a change to Section 2E.31. The change to Table 2E-1  
175 corresponds with the change to Section 2E.31. In short, we prefer to have guide sign panel  
176 heights in 12” increments to only need to keep 12” extruded aluminum in stock.

177  
178 Word count change:

179 Table 2E-1: +178, 0 restrictive word change

180 Section 2E.31: -3, 0 restrictive word change

181  
182 *Addition of Section 2M.10*

183 With the passage of H 89, Idaho law memorializes five highways and two bridges in Idaho  
184 statutes 40-513 through 40-513F. The text of some of those laws changes the MUTCD. The  
185 section has been rewritten to integrate the Idaho laws. The revisions to Section 2M.10 are shown  
186 at the end of this document.

187  
188 Word count change: +689, +15 restrictive word change (+4 net change compared to MUTCD)

189  
190 *Addition of Section 2J.11*

191 Added a reference that was moved from IDAPA 39.03.62.

192  
193 Word count change: +37, 0 restrictive word change

194

195 *Addition of Section 2K.07*

196 Added a reference that was moved from IDAPA 39.03.64.

197

198 Word count change: +53, 0 restrictive word change

199

200 *Revision of Section 4D.04*

201 Minor revisions to the section. No change in the meaning.

202

203 Word count change: -4, 0 restrictive word change

204

205 *Removal of Section 4L.03*

206 It is unclear why this was an addition put into the administrative code in 2012. MUTCD Section  
207 4L.01 already prohibits a beacon within the border of a sign except for SCHOOL SPEED LIMIT  
208 sign beacons.

209

210 Word count change: -39, -1 restrictive word change

211

212 *Removal of Figure 5C-1*

213 See description under *Removal of Section 2C.63 and Figure 2C-13*

214

215 Word count change: -29, 0 restrictive word change

216

217 *Removal of Section 5F.04*

218 H 208 repealed the requirement for Idaho road agencies to install and maintain STOP signs at  
219 passive highway-railroad grade crossings. Because of the repeal, this exception to the MUTCD  
220 is no longer needed.

221

222 Word count change: -129, -2 restrictive word change

223

224 *Addition of Table 6F-1*

225 See description under *Addition of Section 6F.12*.

226

227 Word count change: +28, 0 restrictive word change

228

229 *Addition of Figure 6F-3*

230 See description under *Addition of Section 6F.12*.

231

232 Word count change: +20, 0 restrictive word change

233

234 *Addition of Section 6F.12*

235 Based on feedback from the legal section, use of the BEGIN HIGHER FINES ZONE sign does  
236 not satisfy the requirements of Idaho statute 49-657. The section has been rewritten to remove  
237 the BEGIN HIGHER FINES ZONE sign and non-applicable plaques. The revisions to Section  
238 6F.12 are shown at the end of this document.

239

240 Word count change: +223, +1 restrictive word change (+1 net change compared to MUTCD)

241

242 *Revision of Table 7B-1*

243 Removed the R1-6a and R1-6c signs from the table. See Addition of *Section 7B.12*.

244

245 Word count change: +9, 0 restrictive word change

246

247 *Addition of Section 7B.11*

248 Removed the R1-6a sign from the section. See Addition of *Section 7B.12*.

249

250 Word count change: +19, 0 restrictive word change

251

252 *Addition of Figure 7B-6*

253 Removed the R1-6a and R1-6c signs from the figure. See Addition of *Section 7B.12*.

254

255 Word count change: +22, 0 restrictive word change

256

257 *Addition of Section 7B.12*

258 Idaho statute 49-702 requires drivers to yield to pedestrians. The section has been revised to  
259 remove the R1-6a and R1-6c signs similar to Sections 2B.11 and 2B.12. The revisions to  
260 Section 7B.12 are shown at the end of this document.

261

262 Word count change: +196, +1 restrictive word change (0 net change compared to MUTCD)

263

264 *Revision of Section 7B.15*

265 Sections 4L.01 and 4L.04 specifically allows a beacon to be inside the border of a SCHOOL  
266 SPEED LIMIT sign. It is unclear why this was prohibited in Section 7B.15 in the administrative  
267 code.

268

269 Word count change: -43, -1 restrictive word change

270

271 *Removal of Sections 8A.03, 8B.04, 8B.05, 8B.07, 8B.09, 8B.16, 8B.18, 8C.09, and Figure 8B-3*  
272 H 208 repealed the requirement for Idaho road agencies to install and maintain STOP signs at  
273 passive highway-railroad grade crossings. Because of the repeal, these exceptions to the  
274 MUTCD are no longer needed.

275  
276 Word count change:  
277 Section 8A.03: -132, -2 restrictive word change  
278 Section 8B.04: -877, -10 restrictive word change (+1 net change compared to MUTCD)  
279 Section 8B.05: -146, -2 restrictive word change  
280 Section 8B.07: -162, -3 restrictive word change  
281 Section 8B.09: -68, 0 restrictive word change  
282 Section 8B.16: -37, -1 restrictive word change  
283 Section 8B.18: -46, 0 restrictive word change  
284 Section 8C.09: -40, 0 restrictive word change  
285 Figure 8B-3: -161, -2 restrictive word change

286  
287 MUTCD sections total word count: +2,715, -2,719  
288 MUTCD sections restrictive word count: +29, -31 (+5 net change compared to MUTCD)

289  
290  
291 Non MUTCD related changes  
292 *Revision of rule section 005*  
293 Revised and simplified section.

294  
295 Word count change: -27, 0 restrictive word change

296  
297 *Removal of rule section 006*  
298 Removed District office locations and hours.

299  
300 Word count change: -295, 0 restrictive word change

301  
302 Non MUTCD total word count: -322  
303 Non MUTCD restrictive word count: 0 restrictive word change

304  
305 Total document word count change: -326  
306 Total document restrictive word count change: -2 (+5 net change compared to MUTCD)