Proposed Changes to IDAPA 39.03.41 – Rules Governing Traffic Control Devices

August 16, 2019

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49-202(25) – STOP SIGN AT RR (REPEALED)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

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

MUTCD SEC. ADDED: 2B.69, 2B.70

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

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

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

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 H 208 repealed the law that required Idaho highway and road agencies to install and maintain STOP signs at passive railroad-highway grade crossings.

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

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

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

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

WORD COUNT:

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

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

EXPLANATION OF CHANGES:
The following describe changes that have been made to the administrative rule:

Addition of Section 1A.10
The MUTCD gives state transportation agencies the option to request permission to use interim approval devices for all road agencies in the state. However, the request for permission to use the interim approval requires the requesting agency to keep a list of locations where the device is
used. As a practice, ITD makes interim approval requests for ITD only and not for all agencies in the state because ITD cannot commit to keeping a list of device locations for all road agencies. The addition of Section 1A.10 to the draft administrative rule reflects this practice.

Section 1A.11
Added references from the combined IDAPA 39.03.62 and 39.03.64 rules.

Addition of Table 2B-1
See Addition of Section 2B.11 and Addition of Section 2B.12

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

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

Addition of Figure 2B-2
See Addition of Section 2B.11 and Addition of Section 2B.12

Word count change: +376, +3 restrictive word change (0 net change compared to MUTCD)
Addition of Section 2B.69 & Figure 2B-33

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

Word count change:
Section 2B.69: +158, +2 restrictive word change
Figure 2B-33: +34, 0 restrictive word change

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

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

Word count change:
Section 2B.70: +278, +5 restrictive word change
Figure 2B-34: +25, 0 restrictive word change

Removal of Section 2C.48

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

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

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

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

OM6 has historically been used to delineate truck escape ramps. However, the MUTCD gives guidance to use red delineators for the same purpose. Several truck escape ramps throughout the state use the OM6. The truck escape ramps on Horseshoe Bend hill on SH-55 uses red delineators. Because the OM6 is redundant with an MUTCD device and for the sake of
consistency the Idaho specific OM6 can be illuminated. Existing OM6 signs can remain in place, but when replaced, they should be replaced with red delineators.

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

Word count change:
Section 2C.63: -685, -6 restrict word change (-2 net change compared to MUTCD)
Figure 2C-13: -8, 0 restrict word change

Revision of Section 2D.43
The MUTCD gives the option to leave the border off street name signs. The rule does not allow the border to be omitted if on a State Highway. The text is reworded, but the intent is retained.

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

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

Word count change:
Table 2E-1: +178, 0 restrictive word change
Section 2E.31: -3, 0 restrictive word change

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

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

Addition of Section 2J.11
Added a reference that was moved from IDAPA 39.03.62.

Word count change: +37, 0 restrictive word change
Addition of Section 2K.07

Added a reference that was moved from IDAPA 39.03.64.

Word count change: +53, 0 restrictive word change

Revision of Section 4D.04

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

Word count change: -4, 0 restrictive word change

Removal of Section 4L.03

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

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

Removal of Figure 5C-1

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

Word count change: -29, 0 restrictive word change

Removal of Section 5F.04

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

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

Addition of Table 6F-1

See description under Addition of Section 6F.12.

Word count change: +28, 0 restrictive word change

Addition of Figure 6F-3

See description under Addition of Section 6F.12.

Word count change: +20, 0 restrictive word change
Addition of Section 6F.12
Based on feedback from the legal section, use of the BEGIN HIGHER FINES ZONE sign does
not satisfy the requirements of Idaho statute 49-657. The section has been rewritten to remove
the BEGIN HIGHER FINES ZONE sign and non-applicable plaques. The revisions to Section
6F.12 are shown at the end of this document.

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

Revision of Table 7B-1
Removed the R1-6a and R1-6c signs from the table. See Addition of Section 7B.12.

Word count change: +9, 0 restrictive word change

Addition of Section 7B.11
Removed the R1-6a sign from the section. See Addition of Section 7B.12.

Word count change: +19, 0 restrictive word change

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

Word count change: +22, 0 restrictive word change

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

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

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

Word count change: -43, -1 restrictive word change
H 208 repealed the requirement for Idaho road agencies to install and maintain STOP signs at passive highway-railroad grade crossings. Because of the repeal, these exceptions to the MUTCD are no longer needed.

Word count change:
Section 8A.03: -132, -2 restrictive word change
Section 8B.04: -877, -10 restrictive word change (+1 net change compared to MUTCD)
Section 8B.05: -146, -2 restrictive word change
Section 8B.07: -162, -3 restrictive word change
Section 8B.09: -68, 0 restrictive word change
Section 8B.16: -37, -1 restrictive word change
Section 8B.18: -46, 0 restrictive word change
Section 8C.09: -40, 0 restrictive word change
Figure 8B-3: -161, -2 restrictive word change

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

Non MUTCD related changes
Revision of rule section 005
Revised and simplified section.

Word count change: -27, 0 restrictive word change

Removal of rule section 006
Removed District office locations and hours.

Word count change: -295, 0 restrictive word change

Non MUTCD total word count: -322
Non MUTCD restrictive word count: 0 restrictive word change

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