

**TRANSPORTATION DEPARTMENT[761]**

**Notice of Intended Action**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code sections 307.10, 307.12 and 321.252, the Iowa Department of Transportation hereby gives Notice of Intended Action to amend Chapter 130, "Signing Manual," and Chapter 131, "Signing on Primary Roads," Iowa Administrative Code.

The proposed amendments to Chapter 130 adopt the latest version of the Manual on Uniform Traffic Control Devices (MUTCD) and strike subrules that are no longer needed. The proposed amendments will retain the current exception to the 2009 MUTCD to allow the use of portable or part-time stop signs for school zones.

On May 14, 2012, the Federal Highway Administration adopted the 2009 MUTCD incorporating Revisions 1 and 2 as the national standard for traffic control devices. Revision 1 to the 2009 MUTCD restored language from the 2003 MUTCD which addressed the use of engineering judgment in the deviation from a standard. Revision 2 to the 2009 MUTCD eliminated the compliance dates for 46 items and extended or revised the dates for 4 items. The target compliance dates for 8 items that are deemed to be of critical safety importance will remain in effect. In addition, the revision added a new option statement in the manual that exempts existing historic street name signs within locally identified historic districts from the standards and guidance of Section 2D.43 regarding street sign color, letter size, and other design features, including retroreflectivity. The Federal Register notice dated May 14, 2012, may be reviewed on the MUTCD Web site at <http://mutcd.fhwa.dot.gov/res-notices.htm>.

Adoption and distribution of the new 2009 MUTCD with Revisions 1 and 2 will allow and, in fact, require the use of the most up-to-date standards for traffic control devices by cities, counties and the state.

Iowa Code section 321.249 requires that "[a]ll traffic-control devices provided for school zones shall conform to specifications included in the manual of traffic-control devices adopted by the department, except the provision prohibiting the use of portable or part-time stop signs." For clarity and compliance with Iowa Code section 321.249, subrule 130.1(1) includes this exception in the rule.

The proposed amendments to Chapter 131 allow for bridges on the primary highway to be named, clarify the criteria for naming routes, and add criteria for the naming of bridges. A provision is added to exclude the interstate highway system from being named as it is federally named for Dwight D. Eisenhower. The current rule requires the applicant to furnish the signs, and the Department is responsible for the post, hardware and installation of the signs. With the increasing number of requests and to be consistent with other applicant-furnished signs, the Department is proposing to modify the rule to require the applicant to be responsible for all costs associated with the signs.

Changes are also proposed in the size of the signs; they will be sized according to the proposed name and the letter size needed for the type of road or bridge along which the sign is installed.

Paragraph 131.6(1)"c" is proposed to be stricken since the Department's current practice is to sign for regularly scheduled activities, such as the state fair, an area fair, a county fair, 4-H exhibits, rodeos or auto races, when the other special event criteria are met. Other proposed changes to Chapter 131 are technical and made for consistency and clarity throughout the chapter and to update the name of Form 810013.

These rules do not provide for waivers. Any person who believes that the circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Any person or agency may submit written comments concerning these proposed amendments or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.

2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.

3. Indicate the general content of a requested oral presentation.

4. Be addressed to Tracy George, Rules Administrator, Iowa Department of Transportation, Office of Policy and Legislative Services, 800 Lincoln Way, Ames, Iowa 50010; Internet e-mail address: [tracy.george@dot.iowa.gov](mailto:tracy.george@dot.iowa.gov).

5. Be received by the Office of Policy and Legislative Services no later than March 10, 2015.

A meeting to hear requested oral presentations is scheduled for Tuesday, March 17, 2015, at 9 a.m. at the Administration Building, First Floor South Conference Room, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa.

The meeting will be canceled without further notice if no oral presentation is requested.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 321.249, 321.252 and 321.253.

The following amendments are proposed.

ITEM 1. Amend rule 761—130.1(321) as follows:

**761—130.1(321) Manual.** The “Manual on Uniform Traffic Control Devices” (MUTCD), 2009 Edition with Revision Numbers 1 and 2, dated ~~December 2009~~ May 2012, published by the U.S. Department of Transportation, Federal Highway Administration, shall constitute the manual and specifications for a uniform system of traffic control devices for use upon the highways of this state.

**130.1(1)** The department makes the following exception to the MUTCD for school zones: In Part 2, Section 2B.04, paragraph 12, of the MUTCD, Right-of-Way at Intersections, Standard, in lieu of the sentence “Portable or part-time STOP or YIELD signs shall not be used except for emergency and temporary traffic control zone purposes,” the department adopts the following: “Portable or part-time STOP signs may be used only in the following situations:

“1. When necessary for emergency and temporary traffic control zone purposes, or

“2. In school zones at appropriate school crosswalks.”

~~**130.1(2)** The department makes the following exception to the MUTCD, Section 1A.09, Engineering Study and Engineering Judgment: Add the following paragraphs to the Guidance section prior to paragraph 03:~~

~~“The decision to use a particular device at a particular location should be made on the basis of either an engineering study or the application of engineering judgment. While the MUTCD provides standards, guidance, and options for design and application of traffic control devices, the MUTCD should not be considered a substitute for engineering judgment.~~

~~“Engineering judgment should be exercised in the selection and application of traffic control devices, as well as in the location and design of the roads and streets that the devices complement.”~~

~~**130.1(3)** The department makes the following exception to the MUTCD, Section 1A.13, Definitions of Headings, Words, and Phrases in this Manual, paragraph 01, definition of “Standard,” to read as shown:~~

~~“A. Standard—a statement of required, mandatory, or specifically prohibitive practice regarding a traffic control device. All Standard statements are labeled, and the text appears in bold type. The verb ‘shall’ is typically used. The verbs ‘should’ and ‘may’ are not used in Standard statements. Standard statements are sometimes modified by Options.”~~

~~**130.1(4)** **130.1(2)** Copies of the MUTCD are available for examination at the Office of Traffic and Safety, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010. The MUTCD is also available on the Internet at <http://mutcd.fhwa.dot.gov>.~~

This rule is intended to implement Iowa Code sections 321.249 and 321.252.

ITEM 2. Amend **761—Chapter 131**, title, as follows:

**SIGNING ON PRIMARY ROADS HIGHWAYS**

ITEM 3. Amend paragraph **131.1(1)“e”** as follows:

e. The department shall determine which primary ~~road~~ highway destinations qualify for signing.

ITEM 4. Amend paragraph **131.1(2)“d”** as follows:

*d.* The department shall install and maintain the primary ~~road~~ highway destination signs. The department shall also furnish primary route markers and auxiliary signs for installation on the secondary road and install secondary road route markers and auxiliary signs furnished by the county on the primary ~~route~~ highway.

ITEM 5. Amend paragraph **131.4(3)“b”** as follows:

*b.* The appropriate district office shall forward Form 810013, “Application ~~and Agreement~~ for ~~Installation of Camping Service Signs on Sign, Interstate Highways,~~” to the requesting camp owner.

ITEM 6. Amend paragraph **131.4(3)“e”** as follows:

*e.* When the appropriate district office has verified through inspection that the requirements are satisfied, the ~~engineer~~ district traffic technician shall complete and sign Form 810013, signifying approval of the application. A copy of the approved application shall be promptly forwarded to the applicant.

ITEM 7. Rescind paragraph **131.6(1)“c.”**

ITEM 8. Amend rule 761—131.10(321), introductory paragraph, as follows:

**761—131.10(321) Signing for named routes and memorial bridges.** This rule establishes the requirements and procedures for placing special signs along the primary ~~road system~~ highway for the purpose of designating a primary highway as a memorial highway, a bridge on the primary highway as a memorial bridge, a historic trail or scenic trail.

ITEM 9. Adopt the following **new** definition of “Memorial bridge” in subrule **131.10(1)**:

“*Memorial bridge*” means a bridge on the primary highway that has been given a name to commemorate a person, group, place or event of regional or national significance.

ITEM 10. Amend subrule 131.10(2) as follows:

**131.10(2) General requirements.**

*a.* Interstate highways have been designated as the “Dwight D. Eisenhower National System of Interstate and Defense Highways” and are not eligible for naming under these rules. However, bridges on interstate highways may be named.

~~*b.*~~ *b.* The named route shall be continuous with no breaks at the boundaries of political subdivisions. Each city and county through which a named route passes must ~~approve~~ provide the department a resolution in support of the route designation. This includes portions of the route off the primary ~~road~~ highway system. The memorial bridge shall be located on the primary highway, and the city and county in which the bridge is located must provide a resolution to the department in support of the bridge designation.

~~*c.*~~ *c.* A memorial highway should normally encompass the entire length of a primary ~~route~~ highway within the state. However, it is permissible to name a section of a primary ~~route~~ highway if the section is unique or independent by virtue of its design characteristics, such as a freeway, or its geographic location, such as a segment between two junctions. No more than one name shall be used for a bridge or for the same section of a route.

~~*d.*~~ *d.* Signs designating a named route or memorial bridge shall be furnished and paid for by the applicant including any replacements needed due to sign deterioration or damage. Failure to comply with this requirement may result in removal of all signs for the named route or memorial bridge along the primary ~~road system~~ highway. The applicant is responsible for providing the department with the applicant’s current contact information. If the department is unable to make contact with the applicant when replacement signs are needed, it may be necessary to remove all signs for the named route or memorial bridge along the primary highway.

*e.* The applicant shall be responsible for the costs to install the signs, including the posts and hardware.

~~*f.*~~ *f.* A named route or memorial bridge shall not be given a name which could be considered discriminatory, biased or inappropriate.

ITEM 11. Amend subrule 131.10(3) as follows:

**131.10(3) Memorial highway or bridge signing.** Signing for memorial highways or bridges shall comply with ~~Section 2D-48~~ of the MUTCD as modified by the following:

*a.* Memorial highway or bridge signing off the primary highway right-of-way:

(1) Preferably, signing for a memorial highway or bridge should neither appear on or along the ~~route~~ primary highway nor be placed on bridges or other highway components. Signing is best accomplished by placing memorial plaques in rest areas, scenic overlooks or other appropriate locations off the right-of-way where parking is provided. These plaques shall be located in a manner that will not distract motor vehicle operators.

(2) Departmental approval is not needed for memorial highway or bridge signing placed off the right-of-way at locations not subject to control under Iowa Code chapter 306B or chapter 306C, division II.

*b.* Memorial highway or bridge signing within the primary highway right-of-way:

(1) If placement of memorial plaques off the right-of-way is not acceptable, the department may approve the installation of memorial highway or bridge signs within the right-of-way provided they are independent of other guide and directional signing and they do not adversely compromise the safety or efficiency of traffic flow.

(2) A As determined by the department, a memorial highway or bridge sign within the right-of-way shall be no larger than 24 inches in width and 30 inches in height sized based on the size of lettering required for the traffic speed and type of highway being named. The color will be white lettering on brown background, and the design must be approved by the department. If the applicant prefers the sign include a design symbolic of the group or event, instead of the name, then the sign is limited in size to no larger than 24 inches in width and 30 inches in height. The color and design must be approved by the department.

(3) The number of memorial highway signs within the right-of-way shall be limited to one sign at each end of the memorial highway and one sign when entering the corporate limits of each city through which the memorial highway passes. The number of memorial bridge signs will be limited to one sign for each direction of traffic.

ITEM 12. Amend subrule 131.10(4), introductory paragraph, as follows:

**131.10(4) Historic trail and scenic trail signing.** The department may approve the installation of historic trail and scenic trail signing within the primary highway right-of-way. Signing for historic trails and scenic trails shall comply with ~~Section 2D-49~~ of the MUTCD and the following:

ITEM 13. Amend subrule 131.10(5) as follows:

**131.10(5) Procedures.**

*a.* To request placement of signs designating a primary highway or bridge as a named route or memorial bridge, the applicant shall submit a formal written request to the appropriate district office.

*b.* The request shall contain the following:

(1) A detailed description of the proposed named route or memorial bridge, including those portions of the route off the primary road system.

(2) If the request is for a memorial highway or bridge, documentation supporting the significance of the person, group, place or event for which the memorial highway or bridge is named. Any person being honored must have provided extraordinary public service or some exemplary contribution to the public good or outstanding service to the nation, this state or the person's community and have a connection to the community where the highway or bridge is located. The person being honored must be deceased for one year.

(3) to (6) No change.

(7) A signed ~~ordinance~~ or resolution from each city and county through which the named route passes or where the bridge is located, indicating approval support of the route designation.

*c.* No change.

*d.* The department shall install approved signs provided by the applicant (see paragraph ~~131.10(2)“e”~~ 131.10(2)“d”) and provide routine maintenance when the signs are to be located within

the primary highway right-of-way. The applicant shall be responsible for the installation costs for each of the signs.

*e.* The department is not responsible for the installation or maintenance of signs placed off the right-of-way or placed on the city or county highways.