

## New Rule on Temporary Traffic Control Devices



Federal Highway Administration (FHWA) issued the Final Rule on Temporary Traffic Control devices (FR Vol. 72, No. 233, pages 68480 - 68491). It becomes effective December 4, 2008.

The purpose of Title 23 Code of Federal Regulations (CFR) Section 630.1102, Subpart K, is an attempt decrease work zone fatalities and injuries.

The rule:

- revises terms and definitions to address all treatments and traffic control devices;
- presents treatments - as options - but not in priority order;
- provides appropriate pay items for all traffic control treatments and operations;
- provides flexibility on pay items, acknowledging that either lump sum or unit pricing may be appropriate; and
- refers to the need to manage risks associated with work vehicles and equipment exiting or entering travel lanes.

The Rule addresses items for agencies to consider when developing policies. This includes criteria to determine the need for law enforcement in work zones, appropriate work zone safety training, and mobility training for law enforcement.

FHWA recognizes that payment for work zone safety features are often considered “incidental.” It terms this practice as “unacceptable.” “Conscientious contractors are at a significant disadvantage because they provide more safety, without payment, than other contractors that choose to neglect safety to achieve a cost advantage.”

Payment for work zone traffic control “SHALL not be incidental to the contract, or included in payment for other items of work not related to traffic control and safety.”

Finally, the Rule states that agencies “shall develop and implement quality guidelines to help maintain the quality and adequacy of the temporary traffic control devices for the duration of the project.”

The Rule specifically states that the agencies may develop their own guidelines or adopt existing quality guidelines such as those developed by American Traffic Safety Services Association (ATSSA). See the Final Rule at [ATSSA.com](http://ATSSA.com).

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## MUTCD Sign Retroreflectivity Requirements

Since 2000, more than 42,000 people died on our roads every year. About half of these fatalities occur at night. FHWA has adopted traffic sign retroreflectivity requirements to be included in the revised MUTCD.

Agencies have until January 2012 to implement and adopt assessment or management methods to maintain traffic sign retroreflectivity at or above the minimum levels.

Agencies have until January 2015 to replace regulatory, warning, or post-mounted guide signs and January 2018 to replace street name signs and overhead guide signs that fail to meet the minimum retroreflectivity levels.

When an assessment or management method

is used, the agency is compliant with the requirements, even if some individual signs do not meet the minimum retroreflectivity levels at a point in time. Agencies may use one or more of the five assessment or management methods described in the provisions or may to develop and use other methods based on engineering studies.

The seven to 10-year compliance period allows highway departments to implement improved sign inspection and management procedures. Cost increases from upgrading materials and/or processes may be offset by the long-term savings resulting from the longer life of the higher performance sheeting products. For additional information [http:// www.fhwa.dot.gov/retro](http://www.fhwa.dot.gov/retro).