Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 655

[FHWA Docket No. 96–47]

RIN 2125–AE11

National Standards for Traffic Control Devices; Revision of the Manual on Uniform Traffic Control Devices; Markings, Signals, and Traffic Control Systems for Railroad-Highway Grade Crossings

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed amendments to the Manual on Uniform Traffic Control Devices (MUTCD); request for comments.

SUMMARY: The MUTCD is incorporated by reference in 23 CFR part 655, subpart F, approved by the Federal Highway Administrator, and recognized as the national standard for traffic control on all public roads. The FHWA announced its intent to rewrite and reformat the MUTCD on January 10, 1992, at 57 FR 1134. This document proposes new text for the MUTCD in Part III, markings; in part IV, signals; and in part VIII, traffic control systems for railroad-highway grade crossings. The purpose of this effort is to include metric dimensions and values for the design and installation of traffic control devices and to improve the organization and discussion of the contents of the MUTCD. The proposed changes to the MUTCD are intended to expedite traffic, promote uniformity, improve safety, and incorporate technology advances in traffic control device application.

DATES: Submit comments on or before August 30, 1997.

ADDRESSES: Submit written, signed comments to FHWA Docket 96–47, Federal Highway Administration, Room 4232, HCC–10, 400 Seventh Street, SW., Washington, DC 20590. All comments received will be available for examination at the above address between 8:30 and 3:30 p.m., e.t., Monday through Friday except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: *Program Office:* Ms. Linda L. Brown, HHS–10, (202) 366–2192. The proposed text for the parts of the MUTCD discussed in this notice of proposed rulemaking is available in printed copy or CD–ROM format. It is also available on the FHWA home page at the following Internet address: HTTP://cti1.volpe.dot.gov/fhwa/. *Office of the Chief Counsel:* Mr. Raymond Cuprill, HCC–20, (202) 366–0834, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday except Federal holidays.

SUPPLEMENTARY INFORMATION: The 1988 MUTCD is available for inspection and copying as prescribed in 49 CFR Part 7, appendix D. It may be purchased for $44.00 from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250–7954, Stock No. 650–001–00001–0. This notice is being issued to provide an opportunity for public comment on the desirability of proposed amendments to the MUTCD. Based on the comments submitted and upon its own experience, the FHWA will issue a final rule concerning the proposed changes included in this notice.

The National Committee on Uniform Traffic Control Devices (NCUTCD) has taken the lead in this effort to rewrite and reformat the MUTCD. The NCUTCD is a national organization of individuals from the American Association of State Highway and Transportation Officials (AASHTO), the Institute of Transportation Engineers (ITE), the National Association of County Engineers (NACE), the American Public Works Association (APWA), and other organizations that have extensive experience in the installation and maintenance of traffic control devices.

Although the MUTCD will be revised in its entirety, it will be done in phases due to the enormous volume of text. The NCUTCD has submitted to the FHWA for review and consideration the proposed text for the following MUTCD Parts: MUTCD Parts III—Markings, Part IV—Signals, and Part VIII—Traffic Control Systems for Railroad Highway Grade Crossings. The FHWA has had an opportunity to review the NCUTCD's recommendations and a majority of those recommendations are included in this notice of proposed rulemaking as the first phase of the MUTCD rewrite and reformat effort. In virtually all cases where the recommendation from the NCUTCD for a text change or a change in the ''shall, should, or may'' condition was not accepted, the FHWA felt there was insufficient justification presented for the change. In reviewing the proposed text submitted by the NCUTCD, the FHWA prepared a comparison table which shows the differences from the 1988 Edition of the MUTCD and the FHWA's decisions on whether or not to accept the changes. The comparison table is part of this docket and is available for inspection.

MUTCD Parts I, VII and IX will be included in Phase 2 of the rewrite effort and the remaining parts will be included in Phase 3. The public will have an opportunity to review and comment on both of these remaining phases of the MUTCD rewrite effort. The FHWA invites your comments on the proposed text for Phase 1 which includes parts III, IV, and VIII of the MUTCD. A summary of the significant changes contained in these sections is discussed in this notice of proposed rulemaking.

The proposed new style of the MUTCD would be a 3-ring binder with 8½ inch pages. Each part of the MUTCD would be printed separately in a bound format and then included in the 3-ring binder. If someone needed to reference information on a specific part of the MUTCD, it would be easy to remove that individual part from the binder. The proposed new text would be in column format and contain four categories as follows: (1) Standards—representing ''shall'' conditions, (2) Guidance—representing ''should'' conditions, (3) Options—representing ''may'' conditions, and (4) Support—representing descriptive and/or general information. This new format would make it easier to distinguish standards, guidance and optional conditions for the design, placement, and application of traffic control devices. For review purposes during this rewrite effort, dimensions will be shown in both metric and English. This will make it easier to compare text shown in the 1988 Edition with the proposed new

edition. However, the adopted final version of the new MUTCD will be solely in metric units.

This effort to rewrite and reformat the MUTCD will be an ongoing activity over the next 2–3 years. Some of the other issues which will be addressed in future notices of proposed rulemaking are: Standards for the placement of pavement marking center lines and edge lines; minumum retroreflectivity standards for signs and pavement markings; signing for low-volume rural roads; traffic control for light-rail grade crossings; and the addition of a new color ''Fluorescent Yellow Green'' for use at pedestrian and bicycle locations. These proposed changes to the MUTCD are intended to expedite traffic, promote uniformity, improve safety, and incorporate technology advances in traffic control device application.

Discussion of Proposed Amendments to Part III—Markings

The following items are the most significant of the many revisions to Part III of the 1988 MUTCD:

Characteristics of Islands as Traffic Control Devices

In the 1988 Edition of the MUTCD, ''Islands'' were covered in Part V. It is proposed to relocate this topic to part III, Section 3G.

Pavement Marking Colors

In Section 3A.4 the color ''blue'' would be included as a new standard pavement marking color for international symbol of access parking.

General Principles for Longitudinal Pavement Markings

In Section 3A.5 a definition for ''Dotted Lines'' would be included.

Widths and Patterns of Longitudinal Line Markings

The width and pattern for ''dotted lines'' would be added to Section 3A.6.

Warrants for No Passing Zones at Curves

The warrants for no-passing zones at curves would be moved from previous Section 3B–5 to Section 3B–1. These warrants for determining minimum passing sight distances would be based on posted or statutory speed limits as shown in Table III–1. Previously, the mimimum passing sight distances were determined based on the greater of the off-peak 85th percentile speed or the posted speed limits. In addition, Table III–1 includes incremental speed limits of five miles per hour (kilometers per hour were rounded).

Center Line Markings

A new STANDARD would be added to Section 3B.1a that requires center line markings to be placed on paved undivided streets and highways including all rural and urban arterials and collectors with specified widths and average daily travel (ADT), and including all two-way streets and highways with three or more travel lanes.

Edge Line Markings

In Section 3B.3 edge line markings would be required on all freeways and expressways and on all rural arterials with travel widths of 6.1 m (20 ft.) or more. In addition, edge line markings are recommended on rural collectors with travel widths of 6.1 m (20 ft.) or more and at locations where the edge of the traveled way is not otherwise delineated and where an engineering study indicates a need.

New Standard on Pavement Marking Extensions Through Intersections or Interchanges

Section 3B.4 would provide that when markings are extended into or continued through an intersection or interchange area, they shall be the same color and at least the same width as the line(s) they extend. This section also provides STANDARDS for dotted lines.

Raised Pavement Markers

New supporting information would be included in Section 3B.7. It states that ''a raised pavement marker is a device with a height of at least 10mm mounted on or in a road surface, and intended to be used as positioning guides or to supplement or substitute for pavement markings.''

The following new STANDARD would be included in Section 3B.7: The color of raised pavement markers under both daylight and nighttime conditions shall conform to the color of the marking for which they serve as a positioning guide, or for which they supplement, or substitute.

The following new GUIDANCE would be included in Section 3B.7: Raised pavement markers should not be substituted for right edge lines.

Pavement Word and Symbol Markings

In situations where through lanes become mandatory turn lanes, Section 3B.12, under GUIDANCE, would be modified to allow signs or markings to be repeated as necessary to prevent entrapment and to help the road user select the appropriate lane before reaching the queue of waiting vehicles.

A new STANDARD would also be added to this section. It states that in situations where through lanes become mandatory turn lanes, lane-use arrows shall be used and shall be accompanied by standard signs.

A pavement marking symbol for designated parking spaces for persons with disabilities would be included as an OPTION in Section 3B.12.

A lane reduction pavement arrow would be included in Section 3B.12.

Channelizing Devices

A new STANDARD would be added to Section 3F.2 which states that the color of cones and tube markers used outside construction and maintenance areas shall be the same as the pavement marking for which they supplement or substitute.

Approach End Treatment

A new STANDARD would be included in Section 3G.2 which states that bars or buttons, when used in advance of islands having raised curbs, shall not be placed in such a manner as to constitute an unexpected hazard.

Discussion of Proposed Amendments to Part IV—Signals

The following items are the most significant changes of the many revisions to Part IV.

Definitions Relating to Highway Traffic Signals

Section 4A.2 would be significantly expanded from four definitions to fifty-five definitions of technical terms that are being used throughout Part IV.

Basis for Installing Highway Traffic Signals

Section 4B.2 would state that ''If changes in traffic patterns have resulted in a situation where a highway traffic control signal is no longer needed, consideration should be given to removing it and replacing it with appropriate alternative traffic control devices.'' The FHWA has always acknowledged this but never stated it in the MUTCD.

Alternatives to Highway Traffic Control Signals

Since vehicle delay and accident frequency are sometimes greater under traffic signal control than under STOP sign control, consideration should be given to providing less restrictive alternatives to traffic signals. Section 4B–4 would list eleven less restrictive alternative measures that should be considered before a highway traffic control signal is installed.

Studies and Factors for Justifying Highway Traffic Control Signal Installation

Section 4C would list seven warrants for justifying a highway traffic control signal installation. Warrants are a set of criteria that can be used to define the relative need for, and appropriateness of traffic control signals. The number of warrants would be reduced from eleven warrants to seven warrants. The following is a brief summary of how the warrants were reduced:

1. The interruption of continuous traffic warrant will be combined with the new warrant number 1 entitled, ''Eight Hour Vehicle Volume Warrant.''
2. The school crossing warrant will be placed in section 7D.4.
3. Warrant 8 will be incorporated into warrant 1.
4. The peak hour delay warrant will be included in Warrant 3.

The FHWA had been receiving a number of complaints concerning the number and complexity of the signal warrants. This modification should address these concerns.

Traffic Control Signal Features

In Section 4D.1, the following two cases where STOP signs are allowed to be used with traffic control signals would be added: (1) If the signal indication for an approach is a flashing red at all times; and (2) If a minor roadway or driveway is located within or adjacent to the controlled area, but does not require separate traffic signal control because an extremely low potential for conflict exists.

Meaning of Vehicle Signal Indications

In Section 4C.4, the phrase ''Unless otherwise determined by law'' in the first paragraph under STANDARDS would be deleted. If this phrase were left in the paragraph, States would have the right to assign different meanings to signal indications than are allowed by the MUTCD.

Application of Steady Signal Indication

In Section 4D.5f(3) entitled ''A Steady GREEN ARROW Indication,'' a GREEN ARROW would not be required on the stem of ''T'' intersections or for turns from one-way roadways. In this same section under ''Options,'' the application of steady RED, YELLOW, and GREEN ARROWS is discussed. In the 1988 MUTCD there was an item (e) that made it optional to use a CIRCULAR GREEN indication for protected movements. This proposal would eliminate item (e) so that the GREEN ARROW indication would be mandatory for all protected left or right turn movements.

Application of Steady Signal Indications for Left Turns

In Section 4D.6b(3), a new STANDARD would be added. It states that ''A four-section signal face (CIRCULAR RED, CIRCULAR YELLOW, CIRCULAR GREEN, and left-turn GREEN ARROW) shall be used when the CIRCULAR GREEN and left-turn GREEN ARROW indications begin and terminate together.'' This is known as ''split phasing'' and would be discussed for the first time in the MUTCD.

Application of Steady Signal Indications for Right-Turns

Section 4D.7 would describe in more detail the various modes for right-turn displays.

Traffic Control Signals for One-Lane, Two-Way Facilities

Section 4G would be greatly expanded to include the application, design, and operation of traffic control signals used on one-lane, two-way facilities.

Design of Freeway Entrance Ramp Control Signals

In Section 4H.2, the requirement for a signal face being mounted on both the left and right side of a ramp that has two lanes would be eliminated. In addition, the requirement for a signal face to have a minimum nominal diameter of 8 inches has been eliminated. In this same section, the recommended height of the signal face (between 4½ and 6 feet) has been changed from a GUIDANCE to an OPTION.

Design of Movable Bridge Signals and Gates

In Section 4I.2, the following paragraph would be upgraded to a STANDARD:

''Since movable bridge operations cover a variable range of time periods between openings, the signals shall be of the following types. The first type shall consist of the standard three color (red, yellow, and green) traffic signal lenses, generally to be used if movable bridge operation is quite frequent. The second type shall consist of two red signal lenses in vertical array separated by a STOP HERE ON RED sign. (See Section 2B.37)''

Meaning of Lane-Use Control Signal Indications

In Section 4J.2, under STANDARD, the flashing YELLOW X indication would be replaced by two new lane-use control signal indications: steady WHITE TWO–WAY LEFT–TURN ARROW and steady WHITE ONE–WAY LEFT–TURN ARROW.

Warning Beacon

Section 4K.2 would replace the Hazard Identification Beacon section that was in the 1988 MUTCD. Guidance for design and application of warning beacons is described.

Speed Limit Sign Beacon

In Section 4K.3, all speed limit sign beacons would be required to have a visible diameter of not less than 200 millimeters (8 inches).

Discussion of Proposed Amendments to Part VIII—Roadway-Rail Intersections

The following are the most significant changes of the many revisions to Part VIII:

Title of Part VIII

This section of the MUTCD would be retitled ''Traffic Control For Roadway-Rail Intersections'' to more properly reflect the intent of this part to deal with all instances where there is an intersection between vehicles operating on fixed rail and vehicles operating on roadways.

General

The term ''roadway'' would be substituted for the terms ''highway'' and ''street.'' The term ''roadway'' connotes the terms ''highway'' or ''street'' unless specifically defined in a specific section. The term ''roadway-rail intersection'' would be substituted for the term ''grade-crossing.''

Roadway Rail Intersection Closures

Section 8A.4 would be expanded to discuss situations where the railroad is closed and situations where the roadway is closed.

Traffic Controls During Construction and Maintenance

Section 8A.5 would be expanded to ensure that the standards discussed in Part VI of the MUTCD are followed for construction and maintenance operations at roadway-rail intersections. In addition, this section would require the use of a law enforcement officer or flagger at the intersection if the queuing of vehicles across the tracks cannot be avoided during construction or maintenance activities. This requirement would apply whether or not active traffic control devices are in use at the roadway-rail intersection.

Roadway-Rail Crossing (Crossbuck) Sign

Section 8B–2 would be revised to include standards for the installation of 2'' minimum retroreflective white material at all grade crossings for placement on the back of each blade of the crossbuck sign for the length of the

blade. At passive grade crossings, a strip of high grade retroreflective white material would also be required on the full length of the front and back of each ''Crossbuck'' (R15–1) or ''Number of Track'' (R15–2) sign support. Figure 8–1 has been modified to reflect this change.

Roadway-Rail Intersection Signs and Markings

Some of the sections in 8B would be reordered to put all of the discussions relating to signs together before pavement markings, etc. A new Section 8B.10 ''Stop Lines'' would be added. This section discusses the placement of stop lines. This information is presently contained as a note on Figure 8–2. The current Section 8B.5 ''Illumination at Grade Crossings'' would be moved to Section 8C.1.

Flashing-Light Signals and Gates

This Section 8C would be redesignated as 8D. Section 8D in the 1988 MUTCD entitled ''Systems and Devices'' would be removed and the information in that section would be incorporated into revised sections 8A and 8D.

Train Detection Systems

In Section 8D–5, automatic flashing light signals would be required to flash for at least 20 seconds before the arrival of any train regardless of the train's speed. The current requirement applies to trains that operate at speeds of 20 mph or greater.

Rulemaking Analyses and Notices

All comments received before the close of business on the comment closing date indicated above will be considered and will be available for examination in the docket at the above address. Comments received after the comment closing date will be filed in the docket and will be considered to the extent practicable, but the FHWA may issue a final rule at any time after the close of the comment period. In addition to late comments, the FHWA will also continue to file in the docket relevant information that becomes available after the comment closing date, and interested persons should continue to examine the docket for new material.

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of Department of Transportation regulatory policies and procedures. It is anticipated that the economic impact of this rulemaking would be minimal. The new standards and other changes proposed in this notice are intended to improve traffic operations and provide additional guidance, clarification, and optional applications for traffic control devices. The FHWA expects that these proposed changes will create uniformity and enhance safety and mobility at little additional expense to public agencies or the motoring public. Therefore, a full regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601–612), the FHWA has evaluated the effects of this proposed action on small entities, including small governments. This notice of proposed rulemaking adds some new and alternative traffic control devices and traffic control device applications. The proposed new standards and other changes are intended to improve traffic operations, expand guidance and clarify application of traffic control devices. The FHWA hereby certifies that these actions would not have a significant economic impact on a substantial number of small entities.

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this action would not have sufficient federalism implications to warrant the preparation of a federalism assessment. The MUTCD is incorporated by reference in 23 CFR part 655, subpart F, which requires that changes to the national standards issued by the FHWA shall be adopted by the States or other Federal agencies within two years of issuance. The proposed amendment is in keeping with the Secretary of Transportation's authority under 23 U.S.C. 109(d), 315, and 402(a) to promulgate uniform guidelines to promote the safe and efficient use of the highway. To the extent that this amendment would override any existing State requirements regarding traffic control devices, it does so in the interests of national uniformity.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Paperwork Reduction Act

This action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

National Environmental Policy Act

The agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that this action would not have any effect on the quality of the environment.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 23 CFR 655

Design standards, Grant programs—transportation, Highways and roads, Incorporation by reference, Signs, Traffic regulations.

(23 U.S.C. 109(d), 114(a), 315, and 402(a); 23 CFR 1.32, 655.601, 655.602, and 655.603; 49 CFR 1.48)

Issued on: December 27, 1996.

Rodney E. Slater,

Federal Highway Administrator.

[FR Doc. 96–33405 Filed 12–31–96; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–242996–96]

RIN 1545–AU45

Inflation-Indexed Debt Instruments

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations and notice of public hearing.

SUMMARY: In the Rules and Regulations section of this issue of the Federal Register, the IRS is issuing temporary regulations relating to the federal income tax treatment of inflation-indexed debt instruments, including