

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 655

[FHWA Docket No. FHWA-97-2314]

RIN 2125-AD45

National Standards for Traffic Control Devices; Revision of the Manual on Uniform Traffic Control Devices; Temporary Traffic Signals

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final amendment to Part VI of the Manual on Uniform Traffic Control Devices (MUTCD).

SUMMARY: This document contains an amendment to Part VI of the Manual on Uniform Traffic Control Devices (MUTCD) which has been adopted by the FHWA. The amendment revises the section of the MUTCD concerning temporary traffic signals in order to permit the use of certain temporary signaling devices that were inadvertently excluded by an earlier revision to Part VI. The MUTCD is recognized as the national standard for traffic control on all public roads.

DATES: The final rule is effective February 19, 1998. Incorporation by reference of this amendment is approved by the Director of the Federal Register as of February 19, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Michael E. Robinson, Office of Highway Safety (HHS-10), (202) 366-2193, or Mr. Wilbert Baccus, Office of the Chief Counsel, (202) 366-0780, 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 MUTCD is available for inspection and copying as prescribed in 49 CFR part 7, appendix D. The MUTCD (1988 Edition) which includes Part VI (Revision 3, dated 1993) may be purchased for \$44 (Domestic) or \$55 (Foreign) from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250-7954, Stock No. 650-001-00001-0.

The FHWA both receives and initiates requests for amendments to the MUTCD. Each request is assigned an identification number which indicates, by Roman numeral, the organizational part of the MUTCD affected and, by Arabic numeral, the order in which the request was received (e.g., REQUEST VI-82(C)).

This amendment contains a revision to Part VI of the MUTCD, Standards and Guides for Traffic Control for Street and Highway Construction, Maintenance, Utility, and Incident Management Operations. Part VI sets forth principles and prescribes standards for temporary traffic control zone operations on streets and highways in the United States.

Also, Part VI addresses the design, administration, and operation of street and highway temporary traffic control plans and projects. Previous **Federal Register** actions regarding changes to Part VI are contained in FHWA docket number 89-1, Notice No. 7, published at 58 FR 65084 on December 10, 1993.

The text change resulting from this amendment to the MUTCD has been titled "1988 MUTCD Revision 4a (modified)." It will be available from the Government Printing Office (GPO), Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954. Everyone currently appearing on the FHWA, Office of Highway Safety, **Federal Register** mailing list will be sent a copy. Those who want to be added to this mailing list should write to FHWA, Office of Highway Safety, HHS-10, 400 Seventh Street, SW., Washington, DC. 20590.

Summary of Comments

Part VI of the MUTCD was revised on September 3, 1993, and incorporated by reference in 23 CFR part 655 on December 10, 1993 (58 FR 64085). As revised, the last paragraph in section 6F-8C read:

One-way traffic flow requires an all-red interval of sufficient duration for traffic to clear the portion of the temporary traffic control zone controlled by the traffic signals. To avoid the display of conflicting signals at each end of the temporary traffic control zone, traffic signals shall be either hard-wired or controlled by radio signals.

On January 4, 1995, the FHWA published an interim final rule and request for comments that allowed the use of temporary traffic signals that employ new technology that will guard against conflicting GREEN indications at each end of the temporary traffic control zone.

The FHWA received a total of seven comments pertaining to this amendment. Four of the comments were in favor of the amendment. The major concerns of the three opposing comments relate to the following:

1. Proper signal operation during power failure;
2. Proper signal operation during possible equipment malfunction;
3. Proper signal operation at construction sites where serious vandalism occurred at

one end of a two-lane, two-way traffic operation;

4. The extent of a State's obligation to determine if safeguards are in place to avoid the display of conflicting signals at each end of the temporary traffic control zone; and

5. The need to avoid the possibility of green/green conflict.

The FHWA agrees with the concerns of the opposing comments. To address the concerns of the opposing comments, FHWA will revise section 6F-8C to allow new traffic signal technology, to require traffic signals to guard against conflicting GREEN indications, and to use conflict monitors or other similar technology to guard against signal malfunctions whenever the distance between traffic signals is long or restricted. Based on the comments, the last paragraph in section 6F-8C, as revised and adopted by the FHWA in this final rule, reads as follows:

One-way traffic flow requires an all-red interval of sufficient duration for traffic to clear the portion of the temporary traffic control zone controlled by the traffic signals. To avoid the possibility of GREEN/GREEN conflict at each end of the temporary traffic control zone, the traffic signal shall be either hard-wired, controlled by radio signals, operated manually, or designed to employ other technology that will not allow conflicting signal displays. Whenever the distance between traffic signals is long or restricted, the use of conflict monitors or similar electronic technology that is typically used in traditional traffic signal operations should be considered.

This revised language in section 6F-8C allows the use of new and innovative technology to coordinate signal displays and does not endorse a particular product. It ensures, however, that the concerns of the three opposing individuals must be addressed by all traffic signal manufacturers, regardless of methods used to coordinate signal displays.

Rulemaking Analyses and Notices*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 changes proposed in this notice provide additional guidance, clarification, and optional applications for traffic control devices. The FHWA expects that application uniformity will improve 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 final amendment allows the use of some alternative traffic control devices and the changes adopted here merely provide expanded guidance and clarification on the selection of appropriate traffic control devices. Based on this evaluation, the FHWA hereby certifies that this action will 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 will 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. These amendments are 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 these amendments override any existing State requirements regarding traffic control devices, they do 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 does 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.

Issued on: February 11, 1998.

Kenneth R. Wykle,

Administrator, Federal Highway Administration.

The FHWA hereby amends Chapter I of title 23, Code of Federal Regulations, part 655, as set forth below:

PART 655—TRAFFIC OPERATIONS

1. The authority citation for part 655 continues to read as follows:

Authority: 23 U.S.C. 101(a), 104, 105, 109(d), 114(a), 135, 217, 307, 315, and 402(a); 23 CFR 1.32; and 49 CFR 1.48(b).

Subpart F—Traffic Control Devices on Federal-Aid and Other Streets and Highways [Amended]

§ 655.601 [Amended]

2. Section 655.601 is amended by revising paragraph (a) to read as follows:

* * * * *

(a) Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), FHWA, 1988, including Revision No. 1 dated January 17, 1990, Revision No. 2 dated March 17, 1992, Revision No. 3 dated September 3, 1993, "Errata No. 1 to the 1988 MUTCD, Revision No. 3," Revision No. 4 dated November 1, 1994, Revision No. 4a (modified) dated February 19, 1998, and Revision No. 5 dated December 24, 1996. This publication is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 and is on file at the Office of the Federal Register, 800 North Capitol Street, N.W., Suite 700, Washington, DC. The 1988 MUTCD, including Revision No. 3 dated September 3, 1993, may be purchased from the Superintendent of Documents, U.S. Government Printing Office (GPO), P.O. Box 371954, Pittsburgh, PA 15250-7954 and has Stock No. 650-001-

00001-0. The amendments to the MUTCD, titled "1988 MUTCD Revision 1," dated January 17, 1990, "1988 MUTCD Revision 2," dated March 17, 1992, "1988 MUTCD Revision No. 3," dated September 3, 1993, "1988 MUTCD Errata No. 1 to Revision No. 3," dated November 1, 1994, "1988 MUTCD Revision No. 4," dated November 1, 1994, "Revision No. 4a (modified)," dated February 19, 1998, and "1988 MUTCD Revision No. 5," dated December 24, 1996, are available from the Federal Highway Administration, Office of Highway Safety, HHS-10, 400 Seventh Street, SW., Washington, DC 20590. These documents are available for inspection and copying as prescribed in 49 CFR part 7, appendix D.

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[FR Doc. 98-4171 Filed 2-18-98; 8:45 am]

BILLING CODE 4910-22-P

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-44

[FPMR Temp. Reg. H-30]

RIN 3090-AG63

Donation of Federal Surplus Personal Property to Nonprofit Providers of Assistance to Impoverished Families and Individuals

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Temporary regulation.

SUMMARY: This regulation establishes policies and procedures for donating Federal surplus personal property to providers of assistance to impoverished families and individuals. It is issued to comply with section 1 of Public Law 105-50, which adds nonprofit providers to the list of organizations authorized to acquire property for educational or public health purposes.

DATES: Effective date: February 19, 1998. Expiration date: February 21, 2000.

FOR FURTHER INFORMATION CONTACT: Ms. Martha Caswell, Director, Personal Property Management Policy Division (202-501-3846).

SUPPLEMENTARY INFORMATION: The General Services Administration (GSA) has determined that this is not a significant rule for the purposes of Executive Order 12866.

Regulatory Flexibility Act

This rule is not required to be published in the **Federal Register** for notice and comment. Therefore, the Regulatory Flexibility Act does not apply.