

# Oregon Traffic Control Devices Committee

April 2, 2010

## Meeting Minutes

### Marion County Public Works

Salem, Oregon

Members Present: [Ed Chastain](#), Chair, Lane County; [Massoud Saberian](#), Vice-Chair, City of Lake Oswego; [Ed Fischer](#), Secretary, ODOT State Traffic Engineer; [Brian Barnett](#), City of Springfield; [Robin Lewis](#) (teleconference), City of Bend; [Joel McCarroll](#), ODOT Region 4; [Joseph Marek](#), Clackamas County; [Charles Radosta](#), ITE, Kittelson and Associates; [Cynthia Schmitt](#), Marion County

Members Absent: [Ethan Wilson](#), OSP

Others Present: Nick Fortey, FHWA; Debby Corey, Rodger Gutierrez, Kevin Haas, Katie Johnson, Mike Kimlinger, Gary Obery, Amanda Westmoreland, ODOT Traffic-Roadway Section; Jim Renner, Diane Cheyne, Oregon Travel Info Council; Dave Lanning, ODOT Rail Division; Rob Burchfield, City of Portland; Bill Brownlee, Marion County; Miguel Guzman, Washington County; Terry Hockett, Kevin Hottmann, City of Salem; Jabra Khasho, City of Beaverton; Tom Larsen, City of Eugene; Jim Peters, DKS Associates

### Introduction – Approval of Minutes – Additional Agenda Items



Chairperson Ed Chastain called the meeting to order and all attendees introduced themselves. Brian Barnett then moved to accept the minutes from the January meeting. Joe Marek seconded and the committee voted unanimously in favor. Four possible non-agenda items for later discussion were identified.

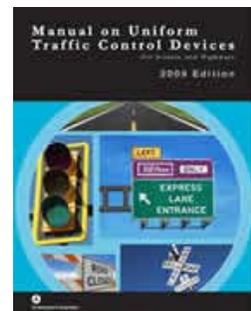
### PUBLIC COMMENT

There were no public comments.

[\(Download/listen - Meeting Intro\)](#)

### MUTCD Supplements – Sub-Committee Reports

Most of the rest of the meeting was dedicated to receiving initial subcommittee reports for the review and adoption of the [2009 MUTCD](#), and updated [Oregon Supplements](#) to that manual. Coincident to those tasks is production of an updated [Oregon Temporary Traffic Control Handbook](#). The Oregon Transportation Commission (OTC) will eventually approve all three as a package, to be Oregon's MUTCD. Work will continue in the various subcommittees with membership as detailed on [ODOT's MUTCD webpage](#).



PART 1 – Kevin Haas reported with a [handout](#) on his subcommittee’s early review work. The major controversy in Part 1 is on Page 10, SECTION 1A.13

**Section 1A.13 Definitions of Headings, Words, and Phrases in this Manual**  
**Standard:**  
01 **When used in this Manual, the text headings of Standard, Guidance, Option, and Support shall be defined as follows:**  
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. Standard statements shall not be modified or compromised based on engineering judgment or engineering study.**  
B. **Guidance—a statement of recommended, but not mandatory, practice in typical situations, with deviations allowed if engineering judgment or engineering study indicates the deviation to be appropriate. All Guidance statements are labeled, and the text appears in unbold type. The verb**

Ed Fischer reported on the generally heated concern FHWA has generated from several states including Utah by inserting the underlined language after the public comment period ended. In their Powerpoint [presentation](#), FHWA had this explanation of the underlined standard:

The meaning of “Standard” has been clarified to explicitly state that Standard statements shall not be modified or compromised based on engineering judgment or engineering study. This prohibition has always been inherent in the meaning of Standards, but the FHWA is aware of cases where the lack of explicit text to this effect has resulted in the misapplication of engineering judgment or studies. Some agencies believed that Standards could be ignored based on engineering judgment or an engineering study, which is not the case.

Ed contacted Utah State Traffic Engineer Robert Hall, seeking to confirm their position and what they intend to do about it. Hall confirmed their opposition to the statement and intention to refuse to adopt the 2009 MUTCD. They will instead seek to create their own MUTCD, using the 2003 federal MUTCD as their base model. They are also looking into the legality of adding the language after the Public Comment period had ended. Several other states find the harder statement that standards over-ride engineering judgment to be unwise and unacceptable. This standard would affect much of the rest of the MUTCD. Some are planning to take the issue to AASHTO’s Standing Committee On Highways. Oregon needs to decide whether they will adopt this part of the MUTCD or if/how they will resist it.

The committee discussed possible strategies that Oregon could pursue and whether FHWA has been asked for more information on what the intent was behind the change. Cindy didn’t think the emphasis essentially changes the ongoing meaning of “Shall” in the MUTCD. She also pointed out that the statement may be helpful in the sense of being a legal defense in any litigation where Oregon officials have complied with the MUTCD. Ed discussed examples where the hard rule could prohibit necessary deviations from the MUTCD. He suggested signing for option lanes at freeway exits may be one of these.

**DECISION:** Joe Marek moved that Oregon 1) seek clarification of what the statement means from FHWA, 2) from what we understand about the statement, consider joining other states in asking FHWA to remove it from the Manual, and 3) If FHWA doesn’t remove the statement, then look at removing it in Oregon – and in the meantime, proceed with reviewing the rest of the Manual. Brian Barnett seconded, and the committee approved unanimously.

Kevin Haas suggested the committee table discussion of less restrictive or more restrictive until further down the road and try to report on anything that subcommittees think may need supplements.

[\(Download/listen - Part 1\)](#)

PART 2 (Signs, Reg/Warning) – Mike Kimlinger reported with a [handout](#) on this subcommittee’s early review work. They went through earlier comments on the draft 2009 MUTCD. The committee briefly remarked on proposed changes to the Oregon Supplements that may require further subcommittee work. These included whether the word, LIMIT needs to be required on speed signs and a larger sign size, exit sign size, PHOTO ENFORCED signs with camera pictograms, and speed hump signing. There is much more review to be done. All interested parties should contact the subcommittee if they have issues to address.



[\(Download/listen – Part 2 Reg/Warning\)](#)

PART 2 (Signs, Guide/Motorist Info) – Mike Kimlinger reported with a [handout](#) on his subcommittee’s early review work. Again, the committee very briefly remarked on proposed changes to the Oregon Supplements that may require further subcommittee work. Sign sizes are again an issue. Required lane use signs are as well. There is still much review to be done. Jim Renner said he thinks we’re meeting the conditions of substantial conformance. We have administrative rules in place that predate the new MUTCD which would be established exceptions/supplements to the new MUTCD. Anyone interested in including or excluding supplements regarding any issue should contact the subcommittee involved.



[\(Download/listen – Part 2 Guide/Motorist Info\)](#)

PART 3 (Markings) – Katie Johnson reported with a [handout](#) detailing her subcommittee’s early review work. The existing Oregon Supplements for the 2003 MUTCD only has two items on pavement markings. Among possible changes her subcommittee is considering, one would be to reduce the supplement on stop and yield lines to a support statement in the 2009 version, and the other is possible deletion of the supplement that states speed humps “should” include pavement markings. Katie briefly reviewed her handout, going over work the subcommittee still had to work on and received some feedback from the committee.

[\(Download/listen – Part 3 Markings\)](#)

PART 4 (Highway Traffic Signals) – Gary Obery reported with a [handout](#) on his subcommittee’s early review work. He noted that they were looking at retaining four of five supplements. Section 4K.03 of the 2003 Supplements would be retained with deletion of the second sentence under Guidance and Section 4D.07 from the 2003 Supplements would not be carried forward into the 2009 MUTCD. They drew up a list of five candidate issues for new supplements that may be needed for the 2009 MUTCD. A request was made to have the subcommittee review the use of pedestrian countdown heads at pedestrian hybrid signals. A request was also made to consider additional guidance for the use of pedestrian hybrid signals. Other issues may be identified at the next subcommittee meeting.



[\(Download/listen – Part 4 Signals\)](#)

PART 5 (Low Volume Roads) – Kevin Hass reported briefly on this section, noting that ODOT has not had any supplements for the segment to date but probably should to mirror anything that correlates with other sections of the Manual. This will be coordinated with other subcommittees as the process continues and this subcommittee continues to work.

[\(Download/listen – Part 5 Low Volume\)](#)

PART 6 (Temporary Traffic Control) – Scott McCanna reported with a [handout](#) on a part of his subcommittee’s earlier review work on temporary traffic control devices which has not yet had a full meeting with all subcommittee members. Scott noted how the wording in the Manual includes the term “Low Volume” throughout Part 6, so the definition may need tighter definition in Oregon. The subcommittee had previously flagged 17 possible Oregon supplements on the new MUTCD which they need to take a closer look at. One of those that is no longer needed is for Section 6E.07 since the MUTCD as published exempts law enforcement and first responders. Scott reiterated the fact that work on the Oregon Temporary Traffic Control Handbook is proceeding in conjunction with Part 6 since they are closely related.



[\(Download/listen - Part 6 Temporary Traffic Control\)](#)

OTTCH – Amanda Westmoreland reported on the update to the [Oregon Temporary Traffic Control Handbook](#). Her [handout](#) includes a summary of previous meetings and timeline for future meetings as well as possible changes to the handbook. The OTTCH is Oregon’s application of MUTCD Part VI for short term (3 days or less) work zones but is a separate publication. It is also approved by administrative order from the Oregon Transportation Commission. She asked anyone who has any issues to send them to her and/or come to meetings. The subcommittee is looking at reducing repetitiveness in the manual and giving flagging its own chapter. Zack Hunter in Right of way was suggested as a resource on an issue regarding railroad safety training.

[\(Download/listen – OTTCH\)](#)

PART 7 (School Areas) – Kevin Haas said Jan Gipson’s group hasn’t met yet but will and will report at the next meeting. He noted that Mike Kimlinger will have a related NOA item to discuss at the end of the meeting. Joe Marek said he has a question regarding year around rider placement which will need to be addressed by Jan’s subcommittee. Kevin said that the new MUTCD requires all school zone signs to be fluorescent yellow-green.

[\(Download/listen – Part 7 School Areas\)](#)

PART 8 (Railroad and Light Rail) – David Lanning reported briefly on their first subcommittee meeting with a [handout](#) on issues reviewed thus far. All existing supplements are expected to continue in the 2009 MUTCD. One issue in the 2009 Manual is the requirement that 36 inch YIELD signs be attached to Crossbuck assemblies. Upsizing may be a problem with clearance. David said it’s more an issue of maintenance for the railroad as delineated in the Crossing Order. The outcome of the Section 1 language on standard statements controversy may affect whether a supplement allowing 30-inch YIELD signs is proposed. Ed Fischer isn’t sure that this is a very big issue if there is a reasonable compliance date and it’s just a matter of informing the railroads of their responsibility when the time comes to replace signs. The committee expects to continue using the stop line language and drawing from the 2003 MUTCD: “Stop lines shall be placed at all highway-rail grade crossings as shown in Figure 8B-6(OR).”



[\(Download/listen – Part 8 Rail/Light Rail\)](#)

PART 9 (Bicycle Facilities) – Rodger Gutierrez reported with a [handout](#) on his subcommittee's early review work by email. They are looking at ten possible supplements that they classified as of low to medium importance with substantial agreement for five of these. Two of these would continue existing supplements- one for Section 9A.01 and one for Section 9C.04. The committee briefly reviewed the proposed supplements, giving Rodger some guidance for upcoming meetings.

[\(Download/listen – Part 9 Bike Facilities\)](#)

### **Not on Agenda**

Joel McCarroll reported on an ongoing issue with [pilot car operations](#) in some extended work zones. People are passing the pilot car. Joel thought an addition or modification of pilot car warning signs might be useful in some case. It is difficult to add more sign message and have it fit on a truck tailgate. Joel presented some possibilities to the committee seeking feedback. Simply adding the regulatory DO NOT PASS would not require a supplement to the MUTCD. Some other possible variations would. Joel will take the feedback and advice back and discuss with his crew.



[\(Download/listen – Joel McCarroll NOA\)](#)

Brian Barnett announced that Springfield will be participating in a [Rectangular Rapid Flashing Beacon Study](#) at the Pioneer Parkway roundabout to boost the visibility of pedestrian crossing signs. FHWA [approved](#) the use of these beacons experimentally in 2008.

Brian also asked the status on buying MUTCD's at bulk prices. Debby Corey said she's learned that ODOT cannot buy in bulk and be reimbursed under their rules but other jurisdictions can use ODOT's code to purchase their own MUTCD at the same price rate. Debby can be contacted for further information.

[\(Download/listen – Brian Barnett 2 NOA's\)](#)

Mike Kimlinger asked for committee approval of [new signing](#) in accordance with the new law ([SB 1019](#)) requiring that photo radar enforcement of school zones only be conducted where there are flashing lights or signs notifying the public that school is in session. Medford and Beaverton have asked for signing guidance/requirements.

**DECISION:** Joel McCarroll moved to support the new signs. Ed Fischer seconded and the committee voted unanimously to approve it.

[\(Download/listen – Mike Kimlinger NOA\)](#)



Ed Fischer announced to the Committee that Debby Corey is in the process of retiring at the end of April. The committee expressed their appreciation for all of Debby's excellent work to support the OTCDC mission during her tenure.

Announcement – Next meeting May 14<sup>th</sup> It will be at 9:00 a.m. in conjunction with the ITE meeting at [Hayden's Grill](#) in Tualatin, OR. See [map](#). We will plan an all-day June meeting somewhere in Salem which will have an audio-video conference hook-up for those who can't travel to Salem. Look forward to our October Meeting

in Salem in conjunction with ACTS Oregon/ODOT Safety Section at the Salem Conference Center.

[\*\(Download/listen – Ed Fischer NOA/Adjourn\)\*](#)

The committee adjourned at about noon.

**Next Meeting Date**

May 14th, [Hayden's Grill](#) in Tualatin, OR