

DEPARTMENT OF TRANSPORTATION
DIVISION OF TRANSPORTATION SOLUTIONS

Statutory Authority: 17 Delaware Code Sections 134, 141 and 21 Delaware Code Chapter 41
(17 **Del.C.** §§134,141 and 21 **Del.C.** Ch. 41)

FINAL

ORDER

Revisions to the Delaware Manual on Uniform Traffic Control Devices, Parts 1, 7, 8, and 9

Under Title 17 of the **Delaware Code**, Sections 134 and 141, as well as 21 **Delaware Code** Chapter 41, the Delaware Department of Transportation (DelDOT), is seeking to adopt a Delaware version of the Federal Manual on Uniform Traffic Control Devices (MUTCD). The Department drafted changes to Parts 1, 7, 8, and 9 of the Federal MUTCD, and published a Notice seeking public comment on these Parts in the April 1, 2008 edition of the *Delaware Register*. Other portions of the MUTCD have already been drafted and adopted.

Summary of the Evidence and Information Submitted

The comments received and the Department's reactions to those comments are summarized in the accompanying table. These comments caused certain changes to be made in the proposed MUTCD. The Department considers none of these changes to be substantive in nature, and thus causing the need for a new comment period.

**Delaware MUTCD
Summary of Comments Received and Responses - Parts 1, 7, 8 and 9**

Comment	Page Number(s) & Figure Number(s)	DeIDOT Response
There is an additional blank page in Chapter 7 after the cover page that should be removed.	N/A	Revised per comment
Do not like the school zone S4-2 "When Children Are Present" supplemental plaque, (or the proposed S5-1-DE "SCHOOL SPEED LIMIT XX WHEN CHILDREN ARE PRESENT" assembly or the school zone S4-1 "from X:XX to X:XX AM/PM" supplemental plaque. The first is difficult to enforce and the second may cause motorists to look away from traffic to check the time.	Table 7B-1 Figures 7B-1, 7B-3 Pages 7B-3, 7B-5, 7B-7, 7B-9 and 7B-10	The S4-1 and S4-2 supplemental plaques are approved for use by FHWA in the Federal MUTCD. The proposed S5-1-DE simply condenses several federally approved sign panels on to a single sheet of aluminum.
School zones are treated differently throughout the state, with some receiving flashing lights, and others just signing.	Page 7D-1	As noted in Section 7D.02, flashing beacons are only justified when specific conditions are fulfilled. Not all school zones meet these conditions.
The hyperlink to the proposed document was not valid in March.	N/A	Since the comment period ran from April 1, 2008 through April 30, 2008, the link had not been activated yet by the registrar's office. It was activated in April.
The term "local" on truck restriction signs continues to be problematic for law enforcement officials. Need a definition of the term "local"	N/A	This comment does not apply to Parts 1, 7, 8 or 9.
A modified version of the R4-4 "Right Turns Yield to Bikes" sign was suggested by DeIDOT for use where right turning vehicles may conflict with bikes yet an exclusive right-turn lane with a taper and storage is not provided (e.g., channelized right-turn lanes without storage (a.k.a. "slip" rights) and shared through/right-turn lanes).	Table 9B-1 Figures 9B-2, 9C-5 Page 9B-3	Revised per comment
Figure 8B-6 shows the double yellow centerline extending beyond the RR pavement markings to prohibit passing in both directions. This should also be reflected in Figure 8B-7 (both drawings). Also, there is a missing period at the end of the paragraph in Section 8B-21.	Figure 8B-7 Page 8B-10	Revised per comment
The "SCHOOL BUS STOP AHEAD" S3-1p-DE plaque needs to be added to Figure 7B-1.	Figure 7B-1	Revised per comment

Findings of Fact

Based on the record in this docket, I make the following findings of fact:

1. The proposed amendments to Parts 1, 7, 8, and 9 of the Federal MUTCD are useful and proper, as amended pursuant to the comment period process required under the Administrative Procedures Act.

2. The adoption of these proposed changes to the MUTCD for Delaware is in the best interests of the State of Delaware.

Decision and Effective Date

Based on the provisions of Delaware law and the record in this docket, I hereby adopt the amended Parts 1, 7, 8, and 9 of the Federal MUTCD, as set forth in the version attached hereto, to be effective on July 21, 2008.

IT IS SO ORDERED this 12th day of June, 2008.

**Carolann Wicks, Secretary
Delaware Department of Transportation**

***Please Note: Due to the size of the final regulation, the DeIDOT Manual on Uniform Traffic Control Devices, Parts 1, 7, 8 and 9, is not being published here. A PDF version is available at the website listed below:**

<http://regulations.delaware.gov/register/july2008/final/MUTCD.pdf> MUTCD

12 DE Reg. 79 (07/01/08) (Final)