

JOHN A. LAWRENCE
STATE REPRESENTATIVE
13TH LEGISLATIVE DISTRICT



HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA
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US Department of Transportation
Secretary Ray LaHood
Dockets Management Facility
Room W12-140
1200 New Jersey Avenue SE
Washington, DC 20590

Re: FHWA Docket #FHWA-2010-0159

January 12, 2012

Dear Secretary LaHood,

Thank you for the opportunity to comment on proposed changes to the Manual on Uniform Traffic Control Devices (MUTCD.) By way of background, I am a citizen legislator for the 13th Legislative District in the Pennsylvania General Assembly. In this role, I have the humble honor of representing approximately 62,500 residents in Chester and Lancaster Counties in Southeastern Pennsylvania.

On August 10, 2011, I introduced HR 369 memorializing the Congress of the United States to address several recently promulgated FHWA regulations concerning road and street signs. The Resolution has broad bipartisan support, and is under consideration in the House Transportation committee. A copy of this resolution is attached for your review.

I would like to comment specifically on several aspects of the proposed changes to the MUTCD. As an introduction, I refer to docket number FHWA-2010-0159 as reproduced on page 74129 of the Federal Register, Vol 75, No.229, where the following statement is made regarding the newly proposed regulations:

*"In the 2009 MUTCD, specific compliance dates were established for **only 12 of the hundreds of new provisions** that were adopted with that new edition. (Emphasis added)*

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Only a federal mandate would celebrate the fact that merely 12 of the “hundreds” of new provisions came with compliance dates. The statement insinuates “Be grateful we only gave 12 of the new regulations a compliance date” as opposed to “We understand the burden this may place on your local municipal road maintenance department.” In addition, I note with chagrin the later part of the statement which alludes to “hundreds” of other provisions. How are small municipalities with limited budgets and one or two part time individuals dedicated to road maintenance possibly able to keep up with this avalanche of new regulations? Even the most well intentioned borough or township seems destined to fall short of an ever increasing web of traffic control mandates.

Section 2A.08 refers to “Maintaining Minimum Sign Retroreflectivity.” This rule lays out specific timetables for the replacement of all road and street signs regardless of condition, without consideration of their age, cost, historical value, usefulness, or acceptance by the local community. I specifically object to this rule based on the following considerations:

- The rule does not take into consideration the age of the sign to be replaced. Thousands, and perhaps millions, of perfectly serviceable signs, some of which are only months old, will be forced into an early retirement without justification if they fall even slightly short of the new retroreflectivity standards.
- This rule does not take into consideration the substantial cost to local municipalities to update and replace signs, particularly at a time when budgets are very tight, and state grants are difficult to come by.
- This rule does not take into consideration the desire of some communities to retain historic or locally meaningful signs that do not meet the new standards. As an example, please see appendix A, which displays a wooden pole sign from New London Township in Southern Chester County. The township is filled with this genre of signs which comply with the rural and picturesque nature of the community. I see no legitimate reason to mandate the replacement of this sign.

While it is outside the scope of this particular docket, I would like to take the opportunity to comment on another topic of concern that has received a great deal of attention as it relates to road and street signs. The 2009 MUTCD requires the use of mixed case lettering in street

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signs, and in signs giving mileage information to nearby towns and cities. I strongly object to this ridiculous requirement on the following grounds:

- The change to mixed case is advertised as an appeal for uniformity and consistency in signs across the nation. This is a flawed argument. If the desire was truly for uniformity and consistency, then the MUTCD would advocate for the same uniformity and consistency we have enjoyed for decades as it relates to numerous existing street signs in all capital letters.
- The change to mixed case has been touted as a way to make signs more readable at a glance. Again, this is a flawed argument. Street signs with all capital letters permit the entire street name to be displayed in letters as large as the sign can allow. Mixed case requires more empty space on the sign, leaving room for lower case letters that are taller or extend below the rest of the letters.

Another of the recent mandates requires street signs to be standardized in one of three color patterns: white on green, white on blue, or white on brown. The only possible rationale for such a mandate can be the desire for uniformity across the nation. Again, I find this to be a flawed argument that ignores local input and control over local decisions. For example, Newark, Delaware utilizes gold on black street signs in their historic downtown. Colerain Township in Lancaster County, Pennsylvania has recently replaced all of their street signs with beautiful, high quality signs that have black letters on a white background. There is no compelling reason to require the replacement of these signs, whose service life will be unnecessarily cut short due to a trifecta of misguided federal mandates: retroreflectivity standards, unfavorable color combinations, and the utilization of all capital letters.

Despite assurances in the docket that "Traffic control device upgrades are eligible for use of Federal-aid highway funds, thus mitigating the impacts on State and local highway agencies," it goes without saying that these regulations will cost local municipalities a great deal in time and money. In an increasingly difficult economy, it is unreasonable to force local road departments to incur superfluous expenses at a time when resources are increasingly scarce. I seriously question how much of the costs for replacement signs will indeed be remitted by the federal government to local municipalities. It seems to me that the choice of the word "mitigating" in the docket is a particularly rosy assessment of what is more likely to be a cost entirely borne by the local municipal road department. With this in mind, frankly even the

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suggestion of Federal money rings hollow, as taxpayers will still be required to come up with the money for replacement signs – be it in higher local taxes, or higher federal taxes.

In closing, I respectfully request a thorough review and repeal of the aforementioned mandates. These regulations are costly, unnecessary, and an usurpation of decisions best left to states and local governments who pay the bills for such signs.

On behalf of the residents of the 13th Legislative District, thank you for the opportunity to comment on these proposals. Please feel free to contact me to discuss any of these matters in greater detail.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Lawrence".

John Lawrence
State Representative
Commonwealth of Pennsylvania

cc: Congressman Joe Pitts
Senator Pat Toomey
Municipalities of the 13th Legislative District

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 369 Session of 2011

INTRODUCED BY LAWRENCE, BLOOM, CLYMER, CREIGHTON, CUTLER, DENLINGER, EVANKOVICH, EVERETT, FARRY, GABLER, GEIST, GILLEN, GRELL, HARHART, HENNESSEY, HORNAMAN, HUTCHINSON, METCALFE, METZGAR, MILLARD, ROAE, ROSS, STABACK, SWANGER AND TOEPEL, AUGUST 10, 2011

REFERRED TO COMMITTEE ON TRANSPORTATION, AUGUST 10, 2011

A RESOLUTION

1 Memorializing the Congress of the United States to address
 2 concerns raised by recent regulations promulgated by the
 3 Federal Highway Administration concerning road and street
 4 signs.

5 WHEREAS, The Federal Highway Administration recently drafted
 6 regulations requiring state and local municipalities to upgrade
 7 post-mounted road signs by the year 2015, and street signs by
 8 the year 2018, to meet Federal retroreflectivity standards,
 9 replace street signs other than white on green, white on blue or
 10 white on brown and utilize "mixed case" lettering in the
 11 manufacture of all new or replacement street signs; and

12 WHEREAS, The Commonwealth of Pennsylvania has thousands of
 13 municipalities that maintain local roadways for the use of the
 14 general public; and

15 WHEREAS, The Commonwealth of Pennsylvania recognizes and
 16 values the importance of noninterference of the Federal
 17 Government in matters left to the states, as eloquently stated

1 in the tenth amendment to the Constitution of the United States;
2 and

3 WHEREAS, Various municipalities across the Commonwealth of
4 Pennsylvania maintain street signs made of wood, porcelain, cast
5 iron, cast aluminum or other materials, use street signs with
6 nontraditional colors, such as the team colors of the local high
7 school, or utilize signs with all capital letters, and these
8 signs often have significant local community and historical
9 value; and

10 WHEREAS, The financial cost to comply with the aforementioned
11 unfunded Federal mandates would be borne entirely by local
12 municipalities and would unnecessarily result in the removal and
13 destruction of thousands of usable signs; therefore be it

14 RESOLVED, That the House of Representatives of the
15 Commonwealth of Pennsylvania memorialize the Congress of the
16 United States to urge the Federal Highway Administration to
17 draft regulations that are reasonable and not burdensome to
18 local municipalities, to rescind the aforementioned unfounded
19 and unfunded regulations immediately and to allow local
20 municipalities to determine for themselves the materials, colors
21 and fonts appropriate for road signs of local use; and be it
22 further

23 RESOLVED, That copies of this resolution be transmitted to
24 the President of the United States Senate, the Speaker of the
25 United States House of Representatives, the Majority Leader of
26 the United States Senate, the Minority Leader of the United
27 States Senate, the Majority Leader of the United States House of
28 Representatives, the Minority Leader of the United States House
29 of Representatives, the United States Secretary of
30 Transportation, the Federal Highway Administrator, the Secretary

1 of the Pennsylvania Department of Transportation and each member
2 of Congress from Pennsylvania.



Appendix A