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 Part 655

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

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

Issued on: June 16, 1999.

Gloria J. Jeff,

Federal Highway Deputy Administrator.

[FR Doc. 99–16028 Filed 6–23–99; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 655

[FHWA Docket No. FHWA–1999–5704]

RIN 2125–AE58

Revision of the Manual on Uniform Traffic Control Devices; Warning Signs and Traffic Controls for Highway-Light Rail Transit 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 Chapter 2C-Warning Signs and Part 10—Traffic Controls for Highway-Light Rail Transit Grade Crossings. The purpose of this rewrite effort is to reformat the text for clarity of intended meanings, to include metric dimensions and values for the design and installation of traffic control devices, and to improve the overall organization and discussion of the contents in 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 March 24, 2000.

ADDRESSES: Signed, written comments should refer to the docket number that appears at the top of this document and must be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001. All comments received will be available for examination at the above address between 9 a.m. and 5 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: For information regarding the notice of proposed amendments: Ms. Linda Brown, Office of Transportation Operations, Room 3408, (202) 366–2192, or for legal issues: Mr. Raymond Cuprill, Office of Chief Counsel, Room 4217, (202) 366–0834, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Electronic Access

Internet users can access all comments received by the U.S. DOT Dockets, Room PL 401, by using the universal resource locator (URL): *http://dms.dot.gov*. It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help. An electronic copy of this notice of proposed amendment may be downloaded using a modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the Office of the Federal Register's home page at: *http://www.nara.gov/fedreg* and the Government Printing Office's database at: *http://www.access.gpo.gov/nara*.

The text for the proposed sections of the MUTCD is available from the FHWA Office of Transportation Operations (HOTO–1) or from the FHWA at the URL: *http://www.ohs.fhwa.dot.gov/devices/mutcd.html*. Please note that the current proposed sections contained in this docket for MUTCD Chapters 2C and Part 10 will take approximately 8 weeks from the date of publication before they will be available at this web site.

Background

The 1988 MUTCD with its revisions are available for inspection and copying as prescribed in 49 CFR Part 7. It may be purchased for $57.00 (Domestic) or $71.25 (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. 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 received and its own experience, the FHWA may 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. The NCUTCD voluntarily assumed the arduous task of rewriting and reformatting the MUTCD. The NCUTCD proposal is available from the U.S. DOT Dockets (see address above). Pursuant to 23 CFR Part 655, the FHWA is responsible for approval of changes to the MUTCD.

Although the MUTCD will be revised in its entirety, it is being completed in phases due to the enormous volume of text. The FHWA reviewed the NCUTCD's proposal for MUTCD Part 3—Markings, Part 4—Signals, and Part 8—Traffic Control for Roadway-Rail Intersections. The proposed changes for Parts 3, 4, and 8 were published as Phase 1 of the MUTCD rewrite effort in a previous notice of proposed amendment dated January 6, 1997, at 62 FR 691. The FHWA reviewed the

NCUTCD's proposal for Part 1—General Provisions and Part 7—Traffic Control for School Areas. The proposed changes for Parts 1 and 7 were published as phase 2 of the MUTCD rewrite effort in a previous notice of proposed amendment dated December 5, 1997, at 62 FR 64324. The FHWA reviewed the NCUTCD's proposal for Chapter 2A—General Provisions and Standards for Signs, Chapter 2D—Guide Signs for Conventional Roads, Chapter 2E—Guide Signs for Expressways and Freeways, Chapter 2F—Specific Service Signs, and Chapter 2I—Signing for Civil Defense. The proposed changes for Chapters 2A, 2D, 2E, 2F, and 2I were published as Phase 3 of the MUTCD rewrite effort in a previous notice of proposed amendment dated June 11, 1998, at 63 FR 31950. The FHWA reviewed the NCUTCD's proposal for Chapters 2G—Tourist Oriented Directional Signs, Chapter 2H—Recreational and Cultural Interest Signs, and Part 9—Traffic Control for Bicycles. The proposed changes were published as Phase 4 of the MUTCD rewrite effort in a previous notice of proposed amendments in 1999.

This notice of proposed amendment is Phase 5 of the MUTCD rewrite effort and includes the summary of proposed changes for MUTCD Chapter 2C and Part 10. The public will have an opportunity to review and comment on the remaining parts of the MUTCD in a future notice of proposed amendment. The remaining parts and chapters are as follows: Part 5—Traffic Control for Low Volume Roads; Part 6—Traffic Control for Construction, Maintenance, Utility, and Incident Management; Chapter 2B—Regulatory Signs; and the following previously published parts of the MUTCD will be updated based on additional information which the FHWA has received: Part 1—Definitions; Part 3—Markings; Part 4—Signals; and Part 8—Traffic Control for Roadway-Rail Intersections.

The FHWA invites comments on the proposed text for Chapter 2C and Part 10 of the MUTCD. A summary of the significant changes contained in these sections of the Manual is provided in this notice of proposed amendment. The proposed new style of the MUTCD would be a 3-ring binder with 8½ x 11 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 units. 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 in metric units only with respect to design specifications, placement location, and spacing application. Dual units will be used for speed limit, guide sign distances, and other measurements which the public must read.

Discussion of Proposed Amendments to Chapter 2C—Warning Signs

The following items are the most significant proposed revisions to Chapter 2C:

1. Instead of repeating in Chapter 2C and other sections of the Manual the requirement that ''*all* signs be either retroreflective or illuminated unless otherwise stated in the MUTCD,'' the FHWA is proposing to refer the reader to the general statement in Section 2A.8 of the proposed new text. Also, instead of repeating the colors for warning signs shown in Chapter 2C, the FHWA is proposing to refer the reader to Table 2A.5. The discussion regarding the design of signs is deleted since it is more appropriate for inclusion in the ''Standard Highway Signs'' Book [1]. However, the FHWA proposes to add a Table 2C–2 to show the various warning sign sizes.

2. The FHWA proposes to reorder the discussion of warning signs so that the sections are discussed by category type and grouped by application. In Section 2C.4, the proposed Table 2C–1 shows the categories, application, appropriate sections, and sign numbers for the warning signs in Chapter 2C. The table is designed so that it is easy to reference this information. The section topics are grouped by roadway-related, traffic-related, and non-vehicle related categories.

3. In Section 2C.4, Table 2C–2 shows the sign sizes for various warning signs. The FHWA proposes to increase the minimum size of the ''Merge'' Sign (W4–1), ''Narrow Bridge'' Sign (W5–2), ''Two-Way Traffic'' Sign (W6–3), and the ''Double Arrow'' Sign (W12–1) from 600 mm (24 inches) to 750 mm (30 inches). This proposed change will make the minimum size consistent with the other signs in the respective sign series and will improve sign visibility for the road users.

4. In Section 2C.4, paragraph 2, the FHWA proposes to add language that explains when Standard, Minimum, and Expressway/Freeway size signs are used.

5. In Section 2C.6, the FHWA proposes to combine the discussions for each of the horizontal alignment signs (W1–1 through W1–5) into one section. The FHWA proposes to add a Table 2C–4 to give the reader specific guidance for determining when to use the horizontal alignment signs based on the number of alignment changes and based on whether or not the advisory speed is greater than, equal to, or less than 75 km/h (30 mph).

6. In Section 2C.7, the FHWA proposes to add a new discussion on the use of a Combination Horizontal Alignment/Advisory Speed Sign (W1–9). When used, this sign would be required to supplement the advance warning Turn and Curve Signs. The placement of this new sign is proposed for installation within the turn or curve itself so that drivers can see the appropriate speed as they manuever through the alignment change. The FHWA proposes a minimum size of 1200 x 1200 millimeters (48 x 48 inches).

7. In Section 2C.8, paragraph 1, the FHWA proposes to add a new sign (W1–10) and a new section to the MUTCD which allows the Turn and Curve signs to be combined with the Cross Road and Side Road signs. This would in effect create one warning sign which may be used to depict roadway conditions where intersections occur within a turn or curve.

8. In section 2C.12, the FHWA is considering allowing State and local departments of transportation the option of using the word message ''truck escape ramp'' signs since this term is very widely and commonly used. The FHWA proposes to continue to allow the use of the word message ''runaway truck ramps.'' This proposed change would make it optional to use either term. A new word message ''Truck Escape Ramp'' sign (W7–4c) would be allowed as an alternate to the ''Runaway Truck Ramp'' sign. In the last sentence of the first paragraph in Section 2C.12, for the benefit of the safety of road users, the

[1] ''Standard Highway Signs,'' FHWA, 1979 Edition (Metric) is included by reference in the 1988 MUTCD. It is available for inspection and copying at the FHWA Washington Headquarters and all FHWA Division Offices as prescribed at 49 CFR part 7.

FHWA proposes to recommend that ''No Parking'' signs be placed near the entrance to truck escape ramps due to the potentially hazardous nature of these ramp locations.

9. In the 1988 edition of the MUTCD, Section 2C–26, paragraph 6 discussed truck escape turnouts at hill crests and the optional use of diagrammatic signs for these situations. The FHWA proposes to delete this discussion from the proposed text in new section 2C.12 since it is more of a supporting-type discussion that applies to the roadway design characteristics. Although in the 1988 edition the FHWA mentioned that diagrammatic signs may be used, we did not suggest any application examples because the FHWA believes these type situations are best left to the discretion of the engineer.

10. In section 2C.13, the FHWA proposes to add an OPTION of using the Advisory Speed (W13–1) plaque to indicate the recommended speed for situations where the road abruptly narrows to a width that may require road users to reduce their speed.

11. In section 2C.20, the FHWA proposes to require the use of the Low Clearance sign to warn road users of clearances less than the statutory maximum vehicle height. Providing this critical information is especially important to operators of large vehicles.

12. In section 2C.21, the FHWA proposes to change the use of the Advisory Speed plaque (W13–1) which supplements the ''Bump'' (W8–1) and ''Dip'' (W8–2) signs from an OPTION to GUIDANCE. An engineering study should be conducted by the jurisdiction responsible for the roadway to determine whether or not the road user can safely negotiate the roadway condition and to determine if an advisory speed plaque should be installed.

13. In section 2C.22, the FHWA proposes to recommend that the Advisory Speed plaque (W13–1) be used to supplement the ''Pavement Ends'' (W8–3) sign when the change in roadway conditon requires road users to reduce their speed. The FHWA is also proposing to delete the use of the ''Pavement Ends'' (W8–3a) symbol sign. Since studies have shown that road users do not comprehend the symbol's message, the FHWA is proposing to recommend only the word message sign. A phase-in period for compliance is proposed to be 10 years after the effective date of the final rule or as signs are replaced within the 10 year period. This would allow for replacement after the normal service life of the signs.

14. On October 30, 1997, the FHWA received a telephone inquiry from Ms. Devra Pulley with DJS Associates, Inc. concerning the ''Low Shoulder'' symbol sign which is shown in one of the FHWA's publications entitled, ''Road Symbols Brochure.'' [2] The inquiry brought to our attention the fact that there is no accompanying discussion in the MUTCD for the ''Low Shoulder'' sign. The ''Standard Highway Signs'' Book shows a diagram of the word message ''Low Shoulder'' (W8–9) sign. However, the symbol shown in both the ''Road Symbols Brochure'' and the ''Standard Highway Signs'' Book is for the ''Shoulder Drop-off'' (W8–9a) sign and not the ''Low Shoulder'' sign. To rectify the confusion and discrepencies, the FHWA proposes to change the title of section 2C.23 to ''Shoulder Signs'' and to include language in the text for: the SOFT SHOULDER (W8–4) sign; the LOW SHOULDER (W8–9) sign; and the SHOULDER DROP-OFF (W8–9a) sign. The FHWA proposes to also recommend only word messages rather than symbols for each of these signs. Research studies have shown that the symbols are often misunderstood by the public and that the conditions are difficult to depict symbolically. A phase-in period for compliance is proposed to be 10 years after the effective date of the final rule or as signs are replaced within the 10 year period. This would allow for replacement after the normal service life of the signs.

15. In section 2C.25, paragraph 1, the FHWA proposes to combine sections 2C–15, 2C–16, and 2C–17 of the 1988 MUTCD into one section entitled, ''Advance Traffic Control Signs.'' The Advance Traffic Control signs consist of the ''Stop Ahead,'' the ''Yield Ahead,'' and the ''Signal Ahead'' warning signs. General application standards and guidance are provided.

16. In section 2C.27, the NCUTCD is proposing to delete the ''Lane Reduction Transition'' symbol sign and use the ''LANE ENDS MERGE LEFT'' word message sign as the recommended sign for use to warn of lane reduction situations. Comprehension studies have shown that this symbol is often misunderstood by the public and, until a better symbol is developed, the FHWA proposes to recommend the word message sign instead of the symbol. A phase-in period for compliance is proposed to be 10 years after the effective date of the final rule or as signs are replaced within the 10 year period. This would allow for replacement after the normal service life of the signs.

17. In section 2C.28, paragraph 5, the FHWA proposes to add a new sentence indicating that roadway delineation may also be used to notify road users of lane reduction situations. The option to use pavement markings in addition to the recommended signs will provide additional guidance information to the road users.

18. In section 2C.28, paragraph 6, the FHWA proposes to add a discussion indicating that, in situations where an extra lane has been added for slower moving traffic, a ''Lane Ends'' sign should be installed in advance of the end of the extra lane.

19. In section 2C.31, the FHWA is proposing to include an OPTION for engineers to install a new CROSS TRAFFIC DOES NOT STOP (W14–4P) plaque to warn road users that they are approaching a 2-way stop controlled intersection. A research study conducted by the Texas Transportation Institute (TTI) [3] documented that some drivers have difficulties distinguishing 2-way stop intersections from 4-way stop intersections. The TTI also studied various traffic control device treatments for 2-way stop control and their study results recommended this sign. This sign was also recommended in the ''Older Driver Highway Design Handbook.'' [4] FHWA believes that it is appropriate from a safety standpoint to add this new warning sign to help road users quickly identify the type of stop controlled intersection.

20. In section 2C.32, the FHWA is proposing to include GUIDANCE to clarify the difference between when the Exit Speed (W13–2) signs and the Ramp Speed (W13–3) signs should be used.

21. In section 2C.33, the FHWA proposes to combine the discussion in sections 2C–11 through 2C–14 of the 1988 Edition of the MUTCD into one section entitled, ''Intersection Signs.'' The FHWA also proposes to include a new supplemental street name plaque that may be used in conjunction with the Intersection Signs to provide advance information to the road user. This proposed Advance Street Name Plaque is black legend on a yellow background and is described in more detail in proposed section 2C.44.

22. The FHWA proposes to add a new section 2C.35 entitled, ''Motorized

[2] Road Symbols Brouchre,'' Stock No. 050–000–00152–1, is a vailable from the Government Printing Office, Superintendent of Documents, PO Box 37154, Pittsburgh, PA 15250–7954.

[3] Picha, D.L., C.E. Schuckel, J.A. Parham, and C.T. Mai. ''Traffic Control Devices at Two-Way Stop Controlled Intersections,'' Research Report 1374–1F, Texas Transportation Institute, College Station, Texas, November 1996.

[4] ''Older Driver Highway Design Handbook,'' Report No FHWA–RD–97–135, available from the FHWA Research and Technology Report Center, 9701 Philadelphia Court, Unit Q, Lanham, Maryland 20706.

Traffic Warning Signs.'' As shown in Table 2C–1, these are traffic related signs that may be used to notify road users of possible vehicles crossing or traveling along the roadway. The FHWA proposes to include a new ''Emergency Signal Ahead'' (W11–12) warning sign for use with the ''Emergency Vehicle (W11–8) warning sign. These 2 signs would be required in advance of all emergency beacon installations. The FHWA has also included the ''Share the Road'' (W16–1) word message supplemental plaque for use with the ''Motorized Traffic Warning Signs.'' The ''Share the Road'' sign was adopted in a final rule dated January 9, 1997, at 62 FR 1364.

23. Proposed Section 2C.36 discusses the application of the non-motorized traffic crossing signs. Section 2C.36 also proposes a new application for advance crossing and crossing signs. These two signs would be identical in design. In the past, the crossing signs were distinguished from the advance crossing signs by the use of crosswalk lines on the sign. The FHWA is proposing to delete the crosswalk lines on the crossing signs since motorist comprehension studies show that people really do not know the difference between the two signs. Instead of using crosswalk lines within the sign to indicate where the actual crossing is located, the FHWA proposes a crossing sign with a supplemental downward pointing arrow plaque to show the crossing location. For advance crossing situations, the FHWA proposes to use a crossing sign supplemented with an ''Ahead'' or ''XX feet'' plaque. The FHWA proposes a phase-in compliance period of 10 years after the date of the final rule or as signs are replaced within the 10 year period. This would allow for replacement of the existing crossing signs after the normal service life.

24. In Section 2C.38 and 2C.39, the FHWA proposes to add a new discussion on the use of supplemental warning plaques. When engineering judgment determines that road users need additional information beyond that contained in the main message of the warning sign, these supplemental warning plaques may be used. The supplemental warning plaques must be used in conjunction with the primary warning sign. The proposed series of supplemental warning plaques will consist of: the ''Share the Road'' Sign (W16–1); Distance Plaques (W16–2 through W16–4 and W7–3a); Supplemental Arrows (W16–5 through W16–7); the ''Advisory Speed'' Plaque (W13–1); the ''Hill Grade-Related'' Plaques (W7–2 and W7–3 series); the ''Advance Street Name'' Plaque (W16–9); and the ''Dead End'' and ''No Outlet'' plaques (W14–1 and W14–2). The FHWA also proposes to include Table 2C–5 to show the minimum sizes of supplemental warning plaques.

Discussion of Adopted Amendments to Chapter 2C of the 1988 MUTCD

The following adopted change was published in a previous final rule on June 19, 1998, at 63 FR 33546 and is highlighted in this disucssion of proposed changes for purposes of consistency:

In section 2C.36, paragraph 6, the FHWA has included a change which allows the OPTIONAL use of the color fluorescent yellow green for pedestrian, bicycle, and school advance crossing and crossing signs. Guidance for the recommended installation of these signs is also provided in section 2C.36, paragraph 7.

Discussion of Proposed New Part 10—Traffic Controls for Highway-Light Rail Transit Grade Crossings

1. The FHWA proposes to add a new part to the MUTCD entitled, ''Part 10—Traffic Controls for Highway-Light Rail Transit Grade Crossings.''

2. In Section 10B.1, paragraph 4, the FHWA proposes to add STOP, YIELD, and advance warning signs as eligible for installation at highway-light rail transit crossings. The FHWA believes these other signs will provide options and flexibility to local decision makers concerned with safety and traffic control at these specific light-rail transit grade crossings.

3. In Section 10C.2, the FHWA proposes to add a new standard ''Light Rail Transit'' advance warning sign (W10–6). This sign would be required for use on each roadway in advance of every highway-light rail transit crossing controlled by automatic (traffic) gates or flashing light signals. The ''Light Rail Transit'' advance warning sign (W10–6) would be optional in advance of light rail transit crossings on semi-exclusive alignments without automatic (traffic) gates or flashing light signals. This sign would also be optional in advance of highway-light rail transit crossings controlled by traffic signals only (i.e., mixed-use alignment).

4. In Section 10C.2, the FHWA proposes to add a new ''Light Rail Transit Both Directions'' warning sign (W10–6a). This sign would be recommended for use at intersections and mid-block crossings (including alleys and driveways) where light rail transit operates in both directions.

5. In Section 10C.5, the FHWA proposes to add new ''Light Rail Transit Only Lane'' regulatory signs (R15–4 series). These signs would be optional for use on a roadway lane limited to light rail transit use only. They would be used to indicate restricted lane use in semi-exclusive and mixed alignments. The purpose of the sign is primarily for multi-lane operations, where roadway users may need additional guidance on vehicle lane use and/or restrictions.

6. In Section 10C.6, the FHWA proposes to add a new ''Do Not Pass Light Rail Transit'' regulatory sign (R15–5). This sign would be optional for installation at mixed-use alignments. The purpose of the sign is to indicate that vehicles are not allowed to pass light rail transit cars that are loading or unloading passengers where there is no raised platform.

7. In Section 10C.7, the FHWA proposes to add a new ''No Vehicles On Tracks'' regulatory sign (R15–6). This sign would be optional for use in situations where the decision has been made to deter vehicles from driving on the trackway. The sign would be used: (1) Where either the cross street is solely for light rail transit and traffic is not permitted to turn down the intersecting street; or (2) where there are adjacent traffic lanes separated from the light rail transit lane by a curb.

8. In Section 10C.8, the FHWA proposes to add new ''Divided Highway With Light Rail Transit Crossing'' regulatory signs (R15–7 series). These signs would be optional as a supplemental sign on the approach legs of roadways that intersect with a divided highway where light rail transit cars operate in the median.

9. In Section 10C.11, the FHWA proposes to add a new ''Light Rail Transit Approaching'' warning sign (W10–7). This sign would be optional at signalized intersections near grade crossings where road users turning across the tracks are controlled by exclusive turn signal phases displaying a red indication. This sign would also be optional at crossings controlled by STOP signs, automatic (traffic) gates, or traffic signals where traffic turning across the tracks is not controlled by exclusive signal phases. The sign is intended to supplement the traffic control signal and to warn road users turning across the tracks that a light rail transit train may be approaching.

10. In Section 10C.12, the FHWA proposes to add a new ''Light Rail Station'' information sign (I–12). This use of this sign would be optional to direct road users to a light rail station or boarding location. The sign may be supplemented by the name of the transit system and by arrows.

11. In Section 10D.2 and throughout the text as appropriate, the FHWA

proposes to revise the term ''automatic gates'' to ''traffic gates.'' The purpose of the proposed change is that the FHWA believes the qualifier ''automatic'' is archaic in that most gates today are assumed to be automatic. Instead the FHWA believes ''traffic'' would be a more suitable qualifier.

12. In Section 10D.5, the FHWA proposes to include a special light rail transit traffic signal control indication. This signal indication would be recommended for control of light rail transit movements only. The indications are described as horizontal, diagonal, or vertical white bars. Additionally, the FHWA proposes to provide that the standard traffic control signal indications (typical red-, yellow-, green-ball and/or arrow) may also be used to control light rail transit movements.

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 preliminarily that this action will not be 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 safety, 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. 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 and safety, expand guidance, and clarify application of traffic control devices. The FHWA hereby certifies that these proposed revisions would not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

This proposed rule would not impose a Federal mandate resulting in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year (2 U.S.C. 1532).

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and the FHWA anticipates 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 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 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 Part 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; 49 CFR 1.48)

Issued on: June 18, 1999.

Kenneth R. Wykle,

Federal Highway Administrator.

[FR Doc. 99–16138 Filed 6–23–99; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. S–042]

RIN 1218–AB77

Employer Payment for Personal Protective Equipment

AGENCY: Occupational Safety and Health Administration (OSHA), Department of Labor.

ACTION: Notice of Availability of Survey.

SUMMARY: The Occupational Safety and Health Administration (OSHA) has completed a survey of current patterns of personal protective equipment (PPE) payment and usage. We have submitted the survey to the docket of our rulemaking concerning employer payment for PPE (Docket S–042). The survey is available for review, and we invite the public to comment and testify on the survey. Also, OSHA is requesting information about the impact of the proposed rule on the shipyard industry.