



NOTICE OF PROPOSED RULEMAKING INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 734
DEPARTMENT OF TRANSPORTATION
DELIVERY AND OPERATIONS DIVISION

FILED

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ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amends Rules on Traffic Control Devices and Advisory Committee Membership

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 09/21/2025 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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NEED FOR THE RULE(S)

Traffic Control Device Uniformity:

Traffic control devices include signs, signals, markings, channelizing devices, or other devices that use colors, shapes, symbols, words, sounds, and/or tactile information to communicate regulatory, warning, or guidance messages to road users on streets, highways, pedestrian facilities, bikeways, pathways, or site roadways open to public travel.

Uniform traffic control devices are critical to ensure safety across Oregon's roadway networks.

- Uniformity simplifies the task of road users by helping them quickly recognize, understand, and predictably react to the device's message.
- Uniformity helps road users, law enforcement officers, and traffic courts by giving everyone the same interpretation.
- Uniformity helps road authorities through efficiency in manufacture, installation, maintenance, and administration.

State Statutes and Federal Regulations:

ORS 810.200 requires the Oregon Transportation Commission to adopt a manual and specifications of uniform standards for traffic control devices in Oregon consistent with the Oregon Vehicle Code and establish a system of marking and signing highways in this state that, as far as possible, conforms to the system of marking and signing adopted in other states. ORS 810.210 requires traffic control devices that road authorities erect and use to conform to the manual and specifications adopted under ORS 810.200. The Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), approved by the Federal Highway Administration, is the national standard for all traffic control devices installed on any street, highway, or bicycle trail open to public travel under 23 CFR 655.603(a), per 23 US §109(d) and 402(a).

The current rule adopts the 2009 MUTCD, the Oregon Supplement to the 2009 MUTCD, and the 2011 Oregon Temporary Traffic Control Handbook as Oregon's traffic control device manual and specifications by reference in

The Federal Highway Administration published an updated edition of the MUTCD on December 18, 2023, and is requiring states to adopt the 11th Edition of the MUTCD by January 19, 2026, under 23 CFR 655.603(b). This proposed amendment to OAR 734-020-0005 is intended to meet this federal requirement.

Some content in the 11th Edition of the MUTCD conflicts with the Oregon Vehicle Code. The Federal Highway Administration allows states to deviate from the national MUTCD in these cases by adopting a state supplement to the MUTCD. The Oregon Supplement to the 11th Edition of the Manual on Uniform Traffic Control Devices for Streets and Highways (Oregon Supplement) must be in substantial conformance with the national MUTCD, as defined in 23 CFR 655.603(b)(1). The Federal Highway Administration's Oregon Division decides whether the Oregon Supplement to the MUTCD is in substantial conformance with the national MUTCD.

Updated Manual and Specifications:

This rule adopts updated technical provisions to improve and promote the safety, inclusion, and mobility of all road users and efficient use of Oregon's public streets and highways. This rule adopts traffic control devices or applications that have been approved by the Federal Highway Administration. This includes:

- Pedestrian safety enhancements such as the rectangular rapid-flashing beacon;
- Treatments that help bicyclists navigate the street more easily such as bicycle signals, buffered bicycle lanes, and separated bicycle lanes;
- Devices for congestion-reduction strategies such as signs and markings for transit lanes; and
- Devices for traffic management applications such as dynamic lane control.

Many road authorities in Oregon have been using these new devices under interim approvals from the Federal Highway Administration because they were not in the 2009 MUTCD. The Federal Highway Administration has now incorporated those devices into the 11th Edition of the MUTCD. Examples include rectangular rapid-flashing beacons, bicycle signals, intersection bicycle boxes, two-stage bicycle turn boxes, green colored pavement in bicycle lanes, red colored pavement in transit lanes, electric vehicle charging symbol signs, and three-section flashing yellow arrow signals.

Oregon Temporary Traffic Control Handbook for Operations of Three Days or Less (2026 ed):

This rulemaking also adopts updated technical provisions for temporary traffic control of three days or less to promote safety, promote efficient travel through short-term work zones, and conform with updates for temporary traffic control in the 11th Edition of the MUTCD.

Oregon Traffic Control Devices Committee Membership:

The Oregon Traffic Control Devices Committee established in OAR 734-020-0005 serves as an advisory body to the state traffic engineer on uniform standards for traffic control devices in Oregon. This proposed amendment expands the membership of the Oregon Traffic Control Devices Committee to include a second transportation professional appointed by the Oregon Section of the Institute of Transportation Engineers. The committee approved including these changes in this rule update at their August 15, 2025, meeting.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Manual on Uniform Traffic Control Devices 11th Edition. Available from the Federal Highway Administration at: <https://mutcd.fhwa.dot.gov/index.htm>.

Federal Highway Administration's Final Rule for National Standards for Traffic Control Devices and supporting documents. Available from the federal General Services Administration at:

<https://www.regulations.gov/docket/FHWA-2020-0001>.

The Oregon Supplement to the MUTCD, 11th Edition, and the Oregon Temporary Traffic Control Handbook are available at: <https://www.oregon.gov/ODOT/Engineering/Pages/MUTCD.aspx>.

U.S. Department of Transportation, Federal Highway Administration, National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Revision, 88 Fed Reg 87672 (2023) (final rule) (to be codified at 23 CFR Parts 470, 630 and 655), available at: <https://www.federalregister.gov/d/2023-27178>.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

Uniformity of traffic control devices simplifies the task of all road users by helping them quickly recognize, understand, and react to the device's message. This promotes safety, inclusion, and mobility for all users of the road network. Uniformity also helps road users, law enforcement officers, and traffic courts by giving everyone the same interpretation of what is required by the device.

This proposed rule amendment will update the MUTCD and Oregon Supplement to give road authorities more flexibility to install traffic control devices to improve safety at enhanced crosswalks, designate transit lanes, and designate separated and buffered bicycle lanes.

The resulting updates will have a positive effect on racial equity in this state by helping to promote uniformity and improve access to health care, education, transit, and employment.

FISCAL AND ECONOMIC IMPACT:

ODOT cannot calculate the estimated economic impact of the proposed rule. ODOT does not have an inventory of traffic control devices on all public roads and their condition. Under the current and proposed rules, most traffic control devices can remain in place until the end of their serviceable life. Serviceable life can depend on a device's materials, exposure to traffic, and the elements. Replacing a device may be as simple as replacing it in-kind or as complex as rebuilding a structure the device is attached to. And in some cases, long-term costs may be reduced under the revised rule by allowing a device to be removed at the end of its serviceable life.

Failure to update the rule may result in the Federal Highway Administration withholding payment of federal funds to the state for highway projects, among other penalties. While ODOT cannot calculate the estimated economic impact of the proposed rule, it is not expected to exceed the amount Oregon receives in federal funds for highway projects, nor the federal funds Oregon would lose by not updating the rule.

Updating Traffic Control Devices:

Under the current rule, ODOT and local governments must follow the MUTCD, 2009 Edition, and have installed existing traffic control devices according to prior editions of the MUTCD. The 11th Edition of the MUTCD revises some traffic control standards and introduces new devices. Like prior editions of the MUTCD, requirements for updating traffic control devices for the 11th Edition fall into three categories:

1. New or reconstructed traffic control devices must follow the latest edition of the MUTCD adopted in OAR 734-020-0005. In some cases, revised standards in the MUTCD might add costs when an existing traffic control device is replaced. For example, when a school crossing guard flag reaches the end of its serviceable life, the school district will need to replace the flag with a portable stop sign that might be more expensive (but more durable) than new flags. Or when a transit signal reaches the end of its serviceable life, the road authority might need to replace the control system and the signal so the new transit signal will operate according to revised MUTCD standards. In other cases, revised

standards in the MUTCD might reduce costs. For example, the requirements for horizontal curve signs and chevrons were revised to include considerations of average daily traffic volume, roadway type (e.g. freeway, arterial, etc.), and less expensive devices like delineators or edge lines. These revisions will allow agencies to use fewer signs and use less expensive devices to warn of horizontal curves on some roadways, reducing installation and maintenance costs.

2. Except as described in paragraph 3, below, existing traffic control devices may remain in place through the end of the serviceable life of the device. This does not create an added cost to ODOT and local governments.

3. The Federal Highway Administration set new compliance dates for a limited number of devices, listed in MUTCD Table 1B-1, to meet the revised standards in the 11th Edition of the MUTCD. The compliance dates are 5 to 10 years from the effective date the Federal Highway Administration's final rule for the 11th Edition of the MUTCD (January 18, 2024). This creates an added cost to ODOT and local governments to 1) replace a device before the end of the serviceable life of the device because it does not meet the revised standards in the 11th Edition of the MUTCD, or 2) require installation of signs where none were previously required.

Federal Penalties for Inaction:

Oregon receives approximately \$700 million in funding from the Federal Highway Administration each year for construction projects on the state's roads, including interstates, as well as planning and engineering. ODOT distributes about 30 percent of those federal funds to local governments like cities and counties. (Source: <https://www.oregon.gov/odot/about/pages/transportation-funding.aspx>)

In addition to the state requirements under ORS 810.210, traffic control devices must conform to the MUTCD if the devices are placed or installed by ODOT and local governments in any highway project that uses federal funds. The Federal Highway Administration has authority to impose penalties under 23 CFR 1.36 for noncompliance with 23 USC §109(d), including failure to adopt the latest edition of the MUTCD by the Federal Highway Administration's deadline. These penalties include withholding payment of federal funds to the state for projects, withholding approval of further projects in the state, and other actions the Federal Highway Administration considers proper.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) • Road authorities in Oregon, as defined in ORS 801.445. These include the Oregon Department of Transportation, counties, and cities.

- State Board of Education and school districts that fund school traffic patrols under ORS 339.655 and ORS 339.660.
- Other state agencies that reference the MUTCD in their administrative rules, including the following agencies:
 - o Columbia River Gorge Commission
 - o Department of Consumer & Business Services, Oregon Occupational Safety and Health Division
 - o Travel Information Council
- Public utilities and other companies that use temporary traffic control for work on public streets and highways.

(2) Small businesses are not subject to these rules.

(2)(a) Small businesses are not subject to these rules.

(2)(b) Affected parties must already follow the MUTCD, 2009 Edition. This includes reporting, recordkeeping, administrative activities, and costs required to comply with the 2009 Edition. The proposed rule to adopt the 11th Edition of the MUTCD does not change existing reporting, recordkeeping, and administrative activities associated with the MUTCD. Failure to update the rule may result in the Federal Highway Administration withholding payment of federal funds to the state for highway projects, among other penalties. While ODOT cannot calculate the estimated economic impact of the proposed rule, the cost of implementing the proposed rule is not expected to exceed the amount

Oregon receives in federal funds for highway projects, nor the federal funds Oregon would lose by not updating the rule.

(2)(c) The documents will be free to access online. Printed versions of the Oregon Temporary Traffic Control Handbook will be available for purchase.

Affected parties must already follow the MUTCD, 2009 Edition. This includes professional services, equipment supplies, labor, and administration required to comply with the 2009 Edition. The proposed rule to adopt the 11th Edition of the MUTCD does not change existing professional services, equipment supplies, labor, and administration associated with the MUTCD.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

ODOT shared draft rules with small business groups for comments. ODOT did not receive any replies.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 734-020-0005

RULE SUMMARY: Adopts the Manual on Uniform Traffic Control Devices (11th Edition), Oregon Supplement to the Manual on Uniform Traffic Control Devices (11th Edition), and Oregon Temporary Traffic Control Handbook (2026 Edition). Also amends membership on the Oregon Traffic Control Devices Committee.

CHANGES TO RULE:

734-020-0005

Traffic Control Devices-

(1) Manual on Uniform Traffic Control Devices:¶¶

(a) In accordance with ORS 810.200, the ~~2009 Edition of Oregon Transportation Commission (Commission)~~ hereby adopts by reference the Manual on Uniform Traffic Control Devices dated December 2009 (U.S. (11th Edition, December 2023), issued by the United States Department of Transportation, Federal Highway Administration) ~~is hereby adopted by reference~~, as the manual and specifications of uniform standards for traffic control devices for use upon highways within this state.¶¶

(b) ~~The Oregon Supplement to Commission hereby adopts by reference the Manual on Uniform Traffic Control Devices dated December 2011 is hereby adopted by reference, Oregon Supplement to the 11th Edition (January 2026)~~ as the register of deviations to the 2009 Edition of the Manual on Uniform Traffic Control Devices.¶¶

(c) ~~The Oregon Temporary Traffic Control Handbook dated December 2011 is hereby adopted by reference as a (11th Edition, December 2023).~~ ¶¶

(c) The Commission hereby adopts the Oregon Temporary Traffic Control Handbook (January 2026) as the standard for temporary traffic control for operations of three days or less.¶¶

(2) Traffic Control Devices Committee¶¶

(a) The Traffic Control Devices Committee is created to serve as an advisory body to the State Traffic Engineer on uniform standards for traffic control devices in this state. The committee shall consist of the following persons:¶¶

(A) The State Traffic Engineer of the Department of ~~Transportation~~ their designee;¶¶

(B) A State Region Traffic Manager appointed by the State Traffic Engineer of the Department of Transportation;¶¶

(C) The Superintendent of State Police or ~~a representative designated by the superintendent~~ their designee;¶¶

(D) Three City Traffic Engineers appointed by the League of Oregon Cities;¶¶

(E) Three County Traffic Engineers appointed by the Association of Oregon Counties; and¶¶

(F) ~~At Two~~ Two Transportation Engineer Professionals appointed by the Oregon Sections of the Institute of Transportation Engineers;¶¶

(b) ~~€A committee members will serve a maximum three-year term and may be re-appointed to serve an additional three-year terms.~~¶¶

(c) Six Committee members constitute a quorum.¶¶

(d) A Chair and Vice-Chair shall be elected by the Committee to serve for the calendar year. The Chair shall prepare the agenda and moderate the meetings. The Vice-Chair shall preside in the absence of the Chair. If both are absent, a temporary Chair shall be chosen by the Committee at the meeting.¶¶

(e) The State Traffic Engineer or their designee shall serve as Secretary to the Committee assisting the Chair in preparing the agenda, publishing an agenda prior to each meeting, maintaining Committee files, and publishing minutes of meetings.¶¶

(f) The Committee shall meet every other month and at such additional times as designated by the Chair or as requested by six or more members of the Committee.¶¶

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS ~~184.616~~, 184.619, 366.205, 810.200, 810.210

Statutes/Other Implemented: ORS 810.200, 810.210