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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 734
DEPARTMENT OF TRANSPORTATION
DELIVERY AND OPERATIONS DIVISION

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ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amends Rules on Traffic Control Devices

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 04/21/2026 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 Federal Highway Administration has adopted The Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), 11th Edition with Revision 1 Incorporated (December 2023, Including Revision 1 dated December 2025), as 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 proposed rule adopts the 11th Edition MUTCD with Revision 1 Incorporated; the Manual on Uniform Traffic

Control Devices for Streets and Highways and the Oregon Supplement to Revision 1 of the 11th Edition (Oregon Supplement) by reference in Oregon Administrative Rule (OAR) 734-020-0005.

The Federal Highway Administration (FHWA) published the final rule for Revision 1 of the 11th Edition MUTCD in the Federal Register on March 5, 2026 under 23 CFR 655. This proposed amendment to OAR 734-020-0005 is intended to meet federal requirements by adopting Revision 1 of the 11th Edition MUTCD, which contains minor technical corrections and addressed editorial changes to the 11th Edition of the MUTCD that was published in December 2023.

The FHWA allows states to deviate from the national MUTCD by adopting a state supplement to the MUTCD. The Oregon Supplement has been determined to be in substantial conformance with the national MUTCD, as defined in 23 CFR 655.603(b)(1). The proposed rule is to adopt the Oregon Supplement to be in substantial conformance with the changes in Revision 1 of the 11th Edition MUTCD.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

- Manual on Uniform Traffic Control Devices for Streets and Highways, 11th Edition with Revision 1 Incorporated (December 2023, Including Revision 1 dated December 2025). Available from the Federal Highway Administration at https://mutcd.fhwa.dot.gov/kno_11th_Editionr1.htm.
- Federal Highway Administration's Final Rule for National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Revision 1 and supporting documents. Available from the federal General Services Administration at <https://www.regulations.gov/docket/FHWA-2024-0074>.
- 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>.

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 11th Edition MUTCD and Oregon Supplement to incorporate Revision 1 and 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 estimates no fiscal or economic impact from the proposed rule due to the FHWA certifying in federal rulemaking that the 11th Edition MUTCD Revision 1 updates will not have a significant fiscal or economic impact. The changes address technical corrections and editorial changes identified since publishing the 11th Edition of the MUTCD; correct inconsistencies in the text, tables, and figures; and clarify certain technical provisions. These changes promote uniformity and understanding, ultimately improving and promoting the safe and efficient utilization of roads that are open to public travel. Many of these known errors have been posted on the MUTCD website.

Federal Penalties for Inaction:

Failure of ODOT 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. Oregon receives approximately \$700 million in funding from the Federal Highway Administration each year for construction projects on the state's roads, including the interstate, 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 under 23 CFR 655.603 (b)(3). 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) State agencies, units of local government, and members of the public are not expected to be economically affected by the rule because the updates involve technical and editorial corrections.

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

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

(2)(b) Small businesses are not subject to these rules. Affected parties are currently required to follow the 11th Edition MUTCD. This includes reporting, recordkeeping, administrative activities, and costs required to comply with the 11th Edition MUTCD. The proposed rule to adopt Revision 1 of the 11th Edition MUTCD does not change existing reporting, recordkeeping, and administrative activities associated with the MUTCD.

(2)(c) There will be no cost for the updated editions of the MUTCD and Oregon Supplement because both will be free to access online on FHWA's and ODOT's websites, respectively.

Small businesses are not subject to these rules. Affected parties must already follow the 11th Edition MUTCD. This includes professional services, equipment supplies, labor, and administration required to comply with the 11th Edition MUTCD. The proposed rule to adopt the Revision 1 of the 11th Edition 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 during the initial amendment of OAR 734-020-0005 to adopt the 11th Edition MUTCD, Revision 1, in November 2025. ODOT did not receive any replies. No additional outreach is needed since FHWA has determined that the MUTCD amendments in Revision 1 were minor technical corrections and addressed editorial changes that do not change the underlying legal requirements or substantive objectives of the 11th Edition, Revision 1, of the MUTCD.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

FHWA waived all the normal federal rulemaking requirements for Revision 1 because it was determined that the MUTCD amendments were minor technical corrections and addressed editorial changes that do not change the underlying legal requirements or substantive objectives of the 11th Edition of the MUTCD. ODOT did not consider a RAC necessary because the proposed amendments are to incorporate into ODOT's rules FHWA's technical and

AMEND: 734-020-0005

RULE SUMMARY: Adopts Revision 1 of the Manual on Uniform Traffic Control Devices (11th Edition) and Oregon Supplement to Revision 1 of the Manual on Uniform Traffic Control Devices (11th Edition).

CHANGES TO RULE:

734-020-0005

Traffic Control Devices

(1) Manual on Uniform Traffic Control Devices;¶

(a) In accordance with ORS 810.200, the Oregon Transportation Commission (Commission) hereby adopts by reference the Manual on Uniform Traffic Control Devices for Streets and Highways (11th Edition, December 2023, Including Revision 1 dated December 2025), issued by the United States Department of Transportation, Federal Highway Administration, as the manual and specifications of uniform standards for traffic control devices for use upon highways within this state.¶

(b) The Commission hereby adopts by reference the Manual on Uniform Traffic Control Devices for Streets and Highways, Oregon Supplement to Revision 1 of the 11th Edition (January ~~June~~ 2026) as the register of deviations to the Manual on Uniform Traffic Control Devices for Streets and Highways (11th Edition, December 2023, Including Revision 1 dated December 2025).¶

(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 or 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 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) Two Transportation Professionals appointed by the Oregon Section of the Institute of Transportation Engineers;¶

(b) A committee member will serve a three-year term and may be re-appointed to serve 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 184.619, 366.205, 810.200, 810.210

Statutes/Other Implemented: ORS 810.200, 810.210