

TRANSPORTATION CABINET
Department of Highways
Division of Traffic Operations
(Amendment)

603 KAR 5:050. Uniform traffic control devices.

RELATES TO: KRS 189.337, 23 C.F.R. 655.601-655.603

STATUTORY AUTHORITY: KRS 189.337(2), 23 C.F.R. 655.601-655.603

NECESSITY, FUNCTION, AND CONFORMITY: KRS 189.337(2) requires the Transportation Cabinet, Department of Highways, to promulgate and adopt a manual of standards and specifications for a uniform system of traffic control devices. The Federal Highway Administration in 23 C.F.R. 655.603 recognizes the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) as the national standard for all traffic control devices installed on any street, highway, bicycle trail, or private road open to public travel. This administrative regulation establishes that the MUTCD shall be the uniform system of traffic control devices in Kentucky.

Section 1. Definition. "Private road open to public travel" means a private toll road or road, including any adjacent sidewalk that generally runs parallel to the road, within a shopping center, airport, sports arena, or other similar business or recreation facility that:

- (1) Is privately owned, but on which the public is allowed to travel without access restrictions; and
- (2) Does not include a road within private gated property, except for a gated toll road, in which access is restricted at all times, a parking area, driving aisle within a parking area, or a private grade crossing.

Section 2. Traffic Control Devices. The MUTCD published by the Federal Highway Administration shall be the standard for all traffic control devices installed on any street, highway, bicycle trail, or private road open to public travel in Kentucky.

Section 3. Incorporation by Reference.

(1) "Manual on Uniform Traffic Control Devices for Streets and Highways 11th edition", Federal Highway Administration, December~~1, 2023~~~~[2009]~~, ~~[revised May, 2012,]~~is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Transportation Cabinet, Department of Highways, Division of Traffic Operations, 200 Mero Street, Third Floor, in Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4:30 p.m. This material may also be obtained at the cabinet's Web site at www.transportation.ky.gov.

(HIWA-UTCD-1; 1 Ky.R. 815; eff. 5-14-1975; 5 Ky.R. 814; 6 Ky.R. 53; eff. 7-17-1979; 11 Ky.R. 1159; eff. 3-12-1985; 1660; eff. 6-4-1985; 13 Ky.R. 940; eff. 12-2-1986; 16 Ky.R. 862; 1355; eff. 1-12-1990; 19 Ky.R. 2490; eff. 7-6-1993; 20 Ky.R. 3310; eff. 7-13-1994; 24 Ky.R. 403; eff. 10-7-1997; 28 Ky.R. 927; 1386; eff. 12-19-2001; 32 Ky.R. 736; 1243; eff. 1-18-2006; 38 Ky.R. 1055; 1318; eff. 1-25-2012; 39 Ky.R. 1318; eff. 4-5-2013; Crt eff. 3-5-2019; 51 Ky.R. 785; eff. 2-18-2025.)

JIM GRAY, Secretary

JAMES E. BALLINGER, State Highway Engineer

APPROVED BY AGENCY: September 13, 2024

FILED WITH LRC: September 13, 2024 at 11:45 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 21, 2024, at 10:30 a.m. EST, at the Transportation Cabinet, Transportation Cabinet Building, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing five (5) working days prior to the hearing, of their intent to attend. If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirement five working days prior to the hearing. This request does not have to be in writing. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. EST on November 30, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Jon Johnson, Staff Attorney Manager/Assistant General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, phone (502) 782-8180, fax (502) 564-5238, email Jon.Johnson@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jon Johnson

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This amendment incorporates the most recent MUTCD standards.

(b) The necessity of this administrative regulation:

This amendment is needed to comply with most recent MUTCD standards.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

Adopting the most recent MUTCD standards will fulfill statutory requirements regarding safety.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This amendment will update the most recent MUTCD standards which will assist in effective administration of the relevant statutes.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

This amendment will update the regulation to include most recent MUTCD standards.

(b) The necessity of the amendment to this administrative regulation:

This amendment is necessary to adopt most recent standards.

(c) How the amendment conforms to the content of the authorizing statutes:

This amendment fulfills the intent of keeping the law consistent with updated national standards.

(d) How the amendment will assist in the effective administration of the statutes:

This amendment will adopt the most recent MUTCD standards. As such this will allow uniformity with other jurisdictions and will in turn honor the purpose of the relevant statutes.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

The Transportation Cabinet will be positively affected by removing an obsolete administrative regulation from its books. (4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: (a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: N/A (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: N/A (c) As a result of compliance, what benefits will accrue to the entities: N/A

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

N/A

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

N/A

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

N/A

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

There are no costs.

(b) On a continuing basis:

There are no costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

N/A

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

There are no fees involved.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

There are no new costs. The amendment also does not increase existing fees.

(9) TIERING: Is tiering applied?

Not applicable to substitution of more recent MUTCD standards.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 189.337.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:

(a) Estimate the following for the first year:

Expenditures:no expenditures.

Revenues:no revenue.

Cost Savings:no cost savings.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

There will be no change.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

(a) Estimate the following for the first year:

Expenditures:no expenditures.

Revenues:no revenue.

Cost Savings:no cost savings.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

There will be change.

(4) Identify additional regulated entities not listed in questions (2) or (3):

(a) Estimate the following for the first year:

Expenditures:N/A.

Revenues:N/A.

Cost Savings:N/A.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

N/A.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

There will be zero fiscal impact of this amendment.

(b) Methodology and resources used to determine the fiscal impact:

The adoption of most recent MUTCD standards has no fiscal impact. This question is therefore not applicable.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate)

: The adoption of most recent MUTCD standards has no fiscal impact. This question is therefore not applicable. There will be no perceived economic impact.

(b) The methodology and resources used to reach this conclusion:

The adoption of the motion recent MUTCD standards does not require methodology or resources to adopt. The amendment simply adopts most recent manual.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate.

23 C.F.R. 655.601-655.603.

(2) State compliance standards.

KRS 189.337(2).

(3) Minimum or uniform standards contained in the federal mandate.

Amendment adopts December 2023 MUTCD standards.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?

This amendment adopts the most recent MUTCD Manual. There are no stricter requirements or additional responsibilities.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.

N/A.