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PA. DOT

May 19, 2003

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Arthur Breneman, P.E.
Chief
Traffic Engineering and Operations Division
Bureau of Highway Safety and Traffic Engineering
Pennsylvania Department of Transportation
400 North Street, 6th Floor
Harrisburg, PA 17120-0064

TRAFFIC ENGINEERING
AND OPERATIONS DIVISION

Re: *Official Traffic Control Devices*

Dear Mr. Breneman:

Pursuant to the "Proposed Rulemaking" notice published in the April 19, 2003 issue of the *Pennsylvania Bulletin*, 33 Pa.B. 1930, the Energy Association of Pennsylvania ("Energy Association"), on behalf of its electric and natural gas distribution company members, submits this letter in lieu of formal comments.

The Energy Association generally supports the Pennsylvania Department of Transportation ("PennDOT") in its adoption of the *National Manual on Uniform Traffic Control Devices* ("MUTCD"). Many of the Energy Association's members have multistate operations, and those other states have adopted the MUTCD. By joining its neighboring states, PennDOT will promote uniformity and integration across multistate operations, thus reducing the cost of providing electric and natural gas service to Pennsylvanians.

While the Energy Association notes that it has no quarrel with the Proposed Rulemaking as such, it remains extremely interested in how PennDOT will ultimately implement the newly enacted Pennsylvania statute governing signage requirements for utility work zones. Act 229 of 2002, which was signed into law only late last December, requires traffic control signs at the beginning and end of active work zones (see Section 12, creating 75 Pa.C.S. § 3326(c)) and a separate sign at the beginning of each work zone to warn oncoming motorists to turn on their headlights (see Section 16, creating 75 Pa.C.S. § 4309(b)). None of these signs are required by the MUTCD, even though MUTCD Chapter 6 provides a detailed and self-contained set of work zone standards reflecting a nationwide consensus of traffic engineers. See Proposed Rulemaking Annex A, Proposed 67 Pa. Code § 212.401.

A policy statement indicating PennDOT's initial approach to Act 229 implementation was published in the March 15, 2003 issue of the *Pennsylvania Bulletin*. *Additional Traffic-Control Devices in Highway Work Zones — Statement of Policy*, 33 Pa.B. 1361. As evidenced by the policy statement, PennDOT has correctly determined that some work zones should be exempt from the signage requirements because any potential safety benefits are dwarfed by the safety risks associated with erecting the signs and the hazards inherent in exposing motorists to too many signs over too short a distance. Accordingly, PennDOT identified five categories of work zones where Act 229 signs would not be required. 67 Pa. Code § 204.4.

The Energy Association applauds PennDOT for seeing the wisdom of establishing the Section 204.4 exemptions, and in most cases the Energy Association agrees with the exemptions as stated. Nevertheless, there are at least two areas — perhaps three — where the Section 204.4 exemptions should be expanded further. First, Section 204.4(2) provides that signs are not required "where the duration of the . . . utility operation is less than 2 hours." The Energy Association believes the appropriate duration should be 12 hours, consistent with the MUTCD definition of a "short-term stationary" traffic control zone. MUTCD Section 6G-02, Standard C.

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Second, Section 204.4(5) provides that signs will not be required where the length of the work zone is 250 feet or less. A number of common utility operations require work zones between 250 and 500 feet, and in these cases the danger associated with erecting Act 229 signs exceeds any potential safety benefits. The Energy Association advocates extending the Section 204.4(5) exemption to work zones up to 500 feet.

Finally, the Energy Association is currently evaluating whether the MUTCD provision concerning emergency utility operations, Proposed Rulemaking Annex A, Proposed 67 Pa. Code § 212.413, would also serve as an appropriate exemption from the Act 229 signage requirements. If Proposed Section 212.413 is not sufficient, an additional exemption under Section 204.4 will need to be written for emergency operations.

Since the Proposed Rulemaking is not intended to cover Act 229 implementation, this letter is not the place for a detailed presentation supporting amendments to the work duration or work zone length exemptions, or the need for a separate exemption for emergency operations. We understand Act 229 implementation will be taken up elsewhere, perhaps as a separate rulemaking or as part of the Pennsylvania Supplement to the MUTCD. Whatever the case, the Energy Association intends to comment in more detail at that time. Act 229 implementation is extremely important, however, and it seemed appropriate to at least broach these subjects now.

The Energy Association appreciates this opportunity to comment and we trust these remarks will be considered as PennDOT continues its deliberations in this matter.

Respectfully submitted,



Dan Regan
Vice President & General Counsel