



STATE OF CONNECTICUT

DEPARTMENT OF TRANSPORTATION

2800 BERLIN TURNPIKE, P.O. BOX 317546
NEWINGTON, CONNECTICUT 06131-7546



Office of the
Commissioner

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**Public Hearing – February 13, 2013
Transportation Committee**

**Testimony Submitted by Commissioner Jim Redeker
Department of Transportation**

Proposed S.B. 102 – An Act Allowing “Welcome Home” Messages for Returning Connecticut Military Units to be Displayed on Overhead Electronic Sign Boards on State Highways.

Although very well intentioned, The Department of Transportation (ConnDOT) is opposed to S.B. 102 as written. The electronic highway signs, also known as variable message signs (VMS), are operated by ConnDOT and used according to policies developed by the agency and guidance set forth by the Federal Highway Administration (FHWA), including the Manual on Uniform Traffic Control Devices (MUTCD). These policies and standards prohibit the use of VMS for general informational messages such as the "welcome home" messages set forth in the bill and would jeopardize federal participation costs associated with the operation and maintenance of the VMS signs.

In response to a similar bill introduced during the 2011 General Assembly, the Department received guidance through correspondence from the Administrator of the FHWA Connecticut Division Office in April of that year (see attached). The letter documents the FHWA position regarding the use of VMS for this purpose, as well as the long-term financial implications. The terms and conditions set forth in this letter are still in effect.

The letter indicates that "messages not related to traffic control and safety should not be displayed on highway message signs. Non-transportation related messages may adversely compromise the safety and efficiency of the traffic flow because of the distractions that they cause." The letter also indicates that "the display of non-traffic related messages on traffic signs is prohibited per Federal standards as prescribed by the *Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD)*."

It further states that "since the 'welcome home' messages that would be required on the variable message signs per the pending State legislation would compromise the safe and efficient flow of traffic on Connecticut's interstate system, passage of this bill would violate FHWA standards on the use of non-traffic related messages on variable message signs and thus would deviate from the conditions for Federal-aid funding agreed to by the State of Connecticut on projects involving variable (message signs, the State would as a minimum jeopardize Federal-aid funding on all current and future projects involving variable message signs. Furthermore...this regulation would result in charges not being allowable on Federal-aid projects involving the operations and maintenance of variable message signs

where the signs are used for purposes that are prohibited by Federal standards. The Connecticut Department of Transportation currently utilizes federal funding for the operation of their Newington and Bridgeport Operations Center, which is associated with the Department's traffic and incident management system. Because the aforementioned cited Federal laws, regulations and standards would be violated by the passing of the pending legislation, the State of Connecticut, through the Connecticut Department of Transportation, risks forfeiting Federal-aid participation on costs associated with the operations and maintenance of its variable message signs on these two current federally-funded operation centers given the provisions of 2 CFR Part 225, Appendix A, which require conformity to any/all Federal laws and terms and conditions of the Federal award."

Currently, 100% of the VMS installation costs and 80-90% of the VMS operational and maintenance costs are paid using Federal-aid funds. Should the restrictions in Ms. Jackson-Grove's letter be imposed on the State of Connecticut, all of these costs must be paid with State of Connecticut funds.

The Department estimates that \$20,000,000 will be spent on new VMS installations over the next ten years. FHWA funds normally pay for 100% of these costs (i.e. there is no cost to the Department). However, if the FHWA restrictions are imposed, the \$20,000,000 must be paid with State funds.

ConnDOT currently maintains and operates 133 VMS sites. If the FHWA restrictions are imposed, the State share of operations and maintenance costs will increase from approximately \$53,000 per year to an estimated \$350,000 per year.

For further information or questions, please contact Pam Sucato, Legislative Program Manager for the Department of Transportation, at (860) 594-3013.



U.S. Department
of Transportation
**Federal Highway
Administration**

Connecticut Division

April 13, 2011

628-2 Hebron Avenue
Suite 303
Glastonbury, CT 06033
860-659-6703
860-659-6724
Connecticut.FHWA@dot.gov

In Reply Refer To:
HDA-CT

Mr. James P. Redeker
Acting Commissioner
Connecticut Department of Transportation
2800 Berlin Turnpike
PO Box 317546
Newington, Connecticut 06131-7546

Subject: Proposed Legislation to Post Non-Transportation
Related Messages on Changeable Message Sign

Dear Mr. Redeker:

The Federal Highway Administration (FHWA) has become aware of the proposed legislation, SB No. 714. This proposed bill involves the use of overhead electronic sign boards on Interstate highways to display "Welcome Home" messages for Connecticut military units returning from service abroad. It is our understanding that the CTDOT has submitted testimony to the Transportation Committee indicating the Department's opposition to this pending legislation. Furthermore, the CTDOT has contacted our office to seek information regarding the impact of this legislation on Federal standards and funding. The purpose of this letter is to provide the State with FHWA position regarding this pending legislation.

First, we would like to express our sincere appreciation for the thousands of military service members that put their lives at risk and the sacrifices they make to protect our country and the freedoms that we, as United States citizens, enjoy. We appreciate the sensitivity of this matter and recognize the importance of acknowledging the significance of the mission that the military carries out.

FHWA must also express and recognize the importance of keeping the traveling public safe. The federal standards for changeable message signs are primarily crafted to address public safety. Per these requirements, messages not related to traffic control and safety shall not be displayed on highway message signs. Non-transportation related messages may adversely compromise the safety and efficiency of the traffic flow because of the distractions that they cause.



Driver distraction can become a critical issue, particularly in higher-speed and heavy traffic environments, such as freeways. When traffic signs of any sort are used for purposes other than traffic control and safety, the effectiveness of the signs becomes diminished.

Therefore, the display of non-traffic related messages on traffic signs is prohibited per Federal standards as prescribed by the *Manual on Uniform Traffic Control Devices for Streets and Highways* (MUTCD). The MUTCD is the national standard for all traffic control devices on streets, highways, bikeways, and private roads open to public travel. The provisions of the MUTCD are authorized by reference in 23 CFR Part 655.

For clarification purposes, the types of signs referred to in SB No. 714 are commonly known as variable message signs in the National Electrical Manufacturer's Association (NEMA) standard publication or as electronic-display changeable message signs in the MUTCD.

Title 23 U.S.C. Section 109 provides for the approval and Federal participation on projects involving the installation of informational, regulatory and warning signs, curb and pavement or other markings, and traffic signals by any public authority or other agency only if such installations will promote the safe and efficient utilization of the highways. Since the "welcome home" messages that would be required on the variable message signs per the pending State legislation would compromise the safe and efficient flow of traffic on Connecticut's Interstate system, the passage of this pending legislation would result in the ineligibility of Federal-aid funding on those projects that would be affected.

In addition, projects involving the design, construction, and operations of variable message signs in Connecticut are being funded with Federal-aid funds obligated in accordance with 23 CFR Part 630, Subpart A. These projects were obligated by agreement with the State of Connecticut's through CTDOT's acceptance and agreement to comply with all applicable terms and conditions contained in (1) Title 23 U.S.C. (2) all Federal regulations pursuant thereto, (3) and the standards, policies and procedures promulgated by FHWA relative to these projects. Since passage of this bill would violate FHWA standards on the use of non-traffic related messages on variable message signs and thus would deviate from the conditions for Federal-aid funding agreed to by the State of Connecticut on projects involving variable message signs, the State would as a minimum jeopardize Federal-aid funding on all current and future projects involving variable message signs.

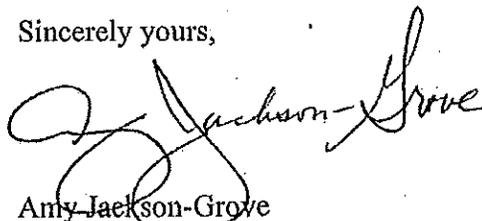
Furthermore, in accordance with General Principles for Determining Allowable Costs applicable to Federal grants for State and local governments, as provided in 2 CFR Part 225, this regulation would result in charges not being allowable on Federal-aid projects involving the operations and maintenance of variable message signs where the signs are used for purposes that are prohibited by Federal standards. The Connecticut Department of Transportation currently utilizes federal funding for the operation of their Newington and Bridgeport Operations Center, which is associated with the Department's traffic and incident management system. Because the aforementioned cited Federal laws, regulations, and standards would be violated by the passing of the pending legislation, the State of Connecticut, through the Connecticut Department of Transportation, risks forfeiting Federal-aid participation on costs associated with the operations and maintenance of its variable message signs on these two current federally-funded operation

centers given the provisions of 2 CFR Part 225, Appendix A, which require conformity to any/all Federal laws and terms and conditions of the Federal award.

We do support the recognition of our military and the sacrifices they and their families make to keep us safe every day. However, we also believe that the safety and mobility of all road users, including our troops being transported to their home bases, have a high priority and that the integrity of the traffic control devices that foster safe, efficient highway environments must be preserved. Therefore, we believe that there are more appropriate ways to express this recognition than with highway signs.

We hope this information is helpful to you in understanding the intentions of the Federal standards as they apply to highway signs and the impact involving Federal-aid funding in Connecticut associated with passage of this pending legislation.

Sincerely yours,

A handwritten signature in black ink that reads "Amy Jackson-Grove". The signature is fluid and cursive, with the first name "Amy" being particularly prominent.

Amy Jackson-Grove
Division Administrator

cc: Pamela Sucato (CTDOT)
Harold Decker (CTDOT)

