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Title 23

Title 23—Highways
Revised as of January 1, 1970



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TITLE 23 **Revised as of January 1, 1970**

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**As of January 1, 1970
Title 23
Revised as of January 1, 1969
Replaced by This Volume**

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Explanation

This book containing Title 23, revised as of January 1, 1970, replaces the volume entitled "Title 23—Highways and Vehicles, Revised as of January 1, 1969," and becomes an integral part of the Code of Federal Regulations.

The text in this revision is derived from the latest text of the rules and regulations, general and permanent in nature, duly promulgated in the Federal Register on or before December 31, 1969. Source materials from which the text is derived are cited with the text and should be consulted to determine the effective date of any given provision. All dates appearing in the source citations are dates of publication in the Federal Register and should not be construed as effective dates.

Current regulatory material appearing in the daily issues of the Federal Register follows the numbering system used herein and serves as a daily supplement hereto. This book contains the following finding aids: a table of CFR titles and chapters; an alphabetical list of CFR subtitles and chapters; and a list of sections affected which furnishes Federal Register citations to all changes in this book beginning January 1, 1964, including changes which are no longer in effect.

A compilation of the list of sections affected for the entire Code of Federal Regulations from January 1, 1949, through December 31, 1963, is published in a separate volume entitled "List of Sections Affected, 1949–1963."

A General Explanation of the Code of Federal Regulations, a list of current CFR volumes, and a list of superseded CFR volumes appear in the volume containing Title 1 and in the General Index volume. A list of titles, subtitles, chapters, subchapters, and parts of the entire Code of Federal Regulations is also published in the General Index volume.

This volume is published pursuant to Part 30 of the regulations of the Administrative Committee of the Federal Register (34 F.R. 19106; 1 CFR Part 30), under the authority contained in section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The contents of the Federal Register and the Code of Federal Regulations are by law prima facie evidence of the text of the original documents and are required to be judicially noticed (44 U.S.C. 1507, 1510). The preferred citation of the Code is "CFR." Thus the citation "23 CFR 1.1" refers to section 1.1 of this Title.

DAVID C. EBERHART

January 1, 1970.

Cite this Code CFR
thus: 23 CFR 1.1

Title 23—Highways

CHAPTER I—Bureau of Public Roads, Department of Transportation . . .	<i>Part</i> 1
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 CROSS REFERENCES: Forest Service, Department of Agriculture: See Parks, Forests, and Memorials, 36 CFR Chapter II.	
Office of the Secretary of Labor and labor regulations: See Labor, Title 29.	
Regulations concerning construction and maintenance of roads on Indian lands, Bureau of Indian Affairs, Department of the Interior: See Indians, 25 CFR Part 162.	
Regulations of the Bureau of Land Management concerning rights-of-way for roads and highways: See Public Lands, Interior, 43 CFR Part 2230, Subpart 2234.	
Regulations relating to use of land for roads and trails of the Forest Service, Department of Agriculture: See Parks, Forests, and Memorials, 36 CFR 251.5.	
Bureau of Employment Security, Department of Labor: See Employees' Benefits, 20 CFR Chapter V.	
Bureau of Public Roads, Department of Transportation: See National Defense, Appendix, 32A CFR Chapter IX.	

CHAPTER I—BUREAU OF PUBLIC ROADS

DEPARTMENT OF TRANSPORTATION ¹

Part

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- 2 Statement of policy as to administrative action to be taken by the Federal Highway Administrator in instances of irregularities.
- 15 Regulations for administering forest highways.
- 20 National standards for regulation by States of outdoor advertising signs, displays and devices adjacent to the National System of Interstate and Defense Highways.
- 21 National standards for directional and other official signs.
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Appendix A

AUTHORITY: The provisions of this Part 1 issued under sec. 315, 72 Stat. 915; 23 U.S.C. 315, except as otherwise noted.

SOURCE: The provisions of this Part 1 appear at 25 F.R. 4162, May 11, 1960, unless otherwise noted.

¹ Pursuant to the Department of Transportation Act.

§ 1.1 Purpose.

The purpose of the regulations in this part is to implement and carry out the provisions of Federal law relating to the administration of Federal aid for highways.

§ 1.2 Definitions.

(a) Terms defined in 23 U.S.C. 101(a), shall have the same meaning where used in the regulations in this part, except as modified herein.

(b) The following terms where used in the regulations in this part shall have the following meaning:

Administrator. The Federal Highway Administrator.

Advertising policy. The national policy relating to the regulation of outdoor advertising declared in title 23 U.S.C. 131.

Advertising standards. The "National Standards for Regulation by States of Outdoor Advertising Signs, Displays and Devices Adjacent to the National System of Interstate and Defense Highways" promulgated by the Secretary (Part 20 of this chapter).

Commissioner. The Commissioner of Public Roads.

Federal laws. The provisions of title 23, United States Code, and all other Federal laws, heretofore or hereafter enacted, relating to Federal aid for highways.

Latest available Federal census. The latest available Federal decennial census, except for the establishment of urban areas.

Project. An undertaking by a State highway department for highway construction, including preliminary engineering, acquisition of rights-of-way and actual construction, or for highway planning and research, or for any other work or activity to carry out the provisions of the Federal laws for the administration of Federal aid for highways.

Secondary road plan. A plan for administration of Federal aid for highways on the Federal-aid secondary highway system pursuant to 23 U.S.C. 117.

Secretary. The Secretary of Transportation.

State. Any State of the United States, the District of Columbia and Puerto Rico.

Urban area. An area including and adjacent to a municipality or other urban place having a population of five thousand or more, as determined by the latest available published official Federal cen-

sus, decennial or special, within boundaries to be fixed by a State highway department, subject to the approval of the Administrator.

§ 1.3 Federal-State cooperation; authority of State highway departments.

The Administrator shall cooperate with the States, through their respective State highway departments, in the construction of Federal-aid highways. Each State highway department, maintained in conformity with 23 U.S.C. 302, shall be authorized, by the laws of the State, to make final decisions for the State in all matters relating to, and to enter into, on behalf of the State, all contracts and agreements for projects and to take such other actions on behalf of the State as may be necessary to comply with the Federal laws and the regulations in this part.

§ 1.4 Cooperation of governmental instrumentalities.

The State highway department shall be responsible for any project to be undertaken with the cooperation of, or with funds provided by, any other governmental instrumentality.

§ 1.5 Information furnished by State highway departments.

At the request of the Administrator the State highway department shall furnish to him such information as the Administrator shall deem desirable in administering the Federal-aid highway program.

§ 1.6 Federal-aid highway systems.

(a) **Selection or designation.** To insure continuity in the direction of expenditures of available funds, systems of Federal-aid highways are selected or designated by any State that desires to avail itself through its State highway department, of the benefits of Federal aid for highways. Upon approval by the Administrator of the selections or designations by a State highway department, such highways shall become portions of the respective Federal-aid highway systems, and all Federal-aid apportionments shall be expended thereon.

(b) **Revisions.** A State highway department may propose revisions, including additions, deletions or other changes, in the routes comprising the approved Federal-aid highway systems. Any such revision shall become effective only upon approval thereof by the Administrator

upon a determination that such revision is in the public interest and consistent with Federal laws. There is no predetermined time limit for the submission of the full selection of the systems.

(c) *Selection considerations.* Each Federal-aid system shall be so selected or designated as to promote the general welfare and the national and civil defense and to become the pattern for a long-range program of highway development to serve the major classes of highway traffic broadly identified as (1) interstate or interregional; (2) city-to-city primary, either interstate or intrastate; (3) rural secondary or farm-to-market; and (4) intraurban. The conservation and development of natural resources, the advancement of economic and social values, and the promotion of desirable land utilization, as well as the existing and potential highway traffic and other pertinent criteria are to be considered when selecting highways to be added to a Federal-aid system or when proposing revisions of a previously approved Federal-aid system.

(d) *Identity.* The Federal-aid highway systems as now constituted and approved are identified as:

(1) The Interstate System, as described in 23 U.S.C. 103(d), comprised of highways of the highest importance to the nation;

(2) The Federal-aid primary system, as described in 23 U.S.C. 103(b), comprised of important city-to-city, interstate and intrastate highways, serving essentially through traffic; and

(3) The Federal-aid secondary system, as described in 23 U.S.C. 103(c), not to exceed in any State at one time a mileage that can be initially improved within a reasonable period of years and thereafter maintained with income expected to be available.

(e) *Integration.* The highways of the Federal-aid systems shall form integrated and connected networks in each State and nationwide. The individual routes of Federal-aid systems that cross the boundary line between contiguous States are to connect at the boundary line, and except in unusual cases the identity of the Federal-aid system for any such route shall be the same in the States involved.

§ 1.7 Urban area boundaries.

Boundaries of an urban area shall be submitted by the State highway department and be approved by the Adminis-

trator prior to the inclusion in a program of any project wholly or partly in such area involving funds authorized for and limited to urban areas.

§ 1.8 Programs of proposed projects.

Each State highway department shall prepare and submit to the Administrator, for his approval, detailed programs of proposed projects in such form and supported by such information as the Administrator may require. The Administrator shall not authorize any State to proceed with any project, or part thereof, until the program which includes such project has been approved.

§ 1.9 Limitation on Federal participation.

Federal-aid funds shall not participate in any cost which is not incurred in conformity with applicable Federal and State law, the regulations in this part, and policies and procedures prescribed by the Administrator. Federal funds shall not be paid on account of any cost incurred prior to authorization by the Administrator to the State highway department to proceed with the project or part thereof involving such cost.

§ 1.10 Surveys, plans, specifications and estimates.

(a) *Preparation.* Surveys, plans, specifications and estimates shall be prepared by or under the immediate direction of the State highway department and shall be of such content and form as prescribed by the Administrator.

(b) *Approval.* No project or part thereof for actual construction shall be advertised for contract nor work commenced by force account until plans, specifications, and estimates have been submitted to and approved by the Administrator and the State has been so notified.

§ 1.11 Engineering services.

(a) *Federal participation.* Costs of engineering services performed by the State highway department or any instrumentality or entity referred to in paragraphs (b) and (c) of this section may be eligible for Federal participation only to the extent that such costs are directly attributable and properly allocable to specific projects. Expenditures for the establishment, maintenance, general administration, super-

vision, and other overhead of the State highway department, or other instrumentality or entity referred to in paragraphs (b) and (c) of this section shall not be eligible for Federal participation.

(b) *Governmental engineering organizations.* The State highway department may utilize, under its supervision, the services of well-qualified and suitably equipped engineering organizations of other governmental instrumentalities for making surveys, preparing plans, specifications and estimates, and for supervising the construction of any project.

(c) *Railroad and utility engineering organizations.* The State highway department may utilize, under its supervision, the services of well-qualified and suitably equipped engineering organizations of the affected railroad companies for railway-highway crossing projects and of the affected utility companies for projects involving utility installations.

(d) *Private engineering organizations.* Private engineering organizations may be utilized on projects in accordance with requirements prescribed by the Administrator.

(e) *Responsibility of the State highway department.* The State highway department is not relieved of its responsibilities under Federal law and the regulations in this part in the event it utilizes the services of any engineering organization under paragraphs (b), (c) or (d) of this section.

§ 1.12 Authorizations to proceed with projects.

No work shall be undertaken on any Federal-aid project, nor shall any project be advertised for contract, prior to authorization thereof by the Administrator.

§ 1.13 Changes in project work and cost.

Subsequent to authorization by the Administrator to proceed with a project or any undertaking thereunder, no change shall be made which will increase the cost of the project to the Federal Government or alter the termini, character or scope of the work without prior authorization by the Administrator.

§ 1.14 Project agreements.

Project agreements, and modifications thereof, shall be in forms satisfactory to the Administrator, evidencing acceptance by the State highway department of conditions to payment of Federal

funds, as prescribed by Federal laws and the regulations in this part, and the amount of Federal funds obligated.

§ 1.15 Construction contracts and force account work.

(a) *Competitive bidding.* Except as provided in paragraph (b) of this section or when the Administrator finds that because of unusual circumstances some other method is in the public interest, actual construction work shall be performed by contract awarded to the lowest responsible bidder. The State highway department shall assure opportunity for free, open and competitive bidding, including adequate publicity of the advertisements or calls for bids. The advertising or calling for bids and the award of contracts shall comply with procedures and requirements prescribed by the Administrator.

(b) *Force account work.* When the Administrator finds that it is in the public interest, construction work may be performed by force account pursuant to requirements and procedures prescribed by him. Before such finding is made, the State highway department shall determine that the organization to undertake the work is so staffed and equipped as to perform such work satisfactorily and economically.

§ 1.16 Licensing and qualification of contractors.

With respect to Federal-aid projects, no procedure or requirement for pre-qualification, qualification or licensing of contractors shall be approved which, in the judgment of the Administrator, may operate to restrict competition, to prevent submission of a bid by, or to prohibit the consideration of a bid submitted by, any responsible contractor, whether resident or nonresident of the State wherein the work is to be performed. No contractor shall be required by law, regulation or practice to obtain a license before he may submit a bid or before his bid may be considered for award of a contract. This, however, is not intended to preclude requirements for the licensing of a contractor upon or subsequent to the award of the contract if such requirements are consistent with competitive bidding. Prequalification of contractors may be required as a condition for submission of a bid or award of contract only if the period between the date of issuing a call for bids and the date of opening of bids affords sufficient time to

enable a bidder to obtain the required prequalification rating. Requirements for the prequalification, qualification or licensing of contractors, that operate to govern the amount of work that may be bid upon by or may be awarded to a contractor, shall be approved only if based upon a full and appropriate evaluation of the contractor's experience, personnel, equipment, financial resources, and performance record.

§ 1.17 Health and safety.

Contracts for projects shall include provisions designed (a) to insure full compliance with all applicable Federal, State and local laws governing safety, health and sanitation, and (b) to require that the contractor shall provide all safeguards, safety devices and protective equipment and shall take any other actions reasonably necessary to protect the life and health of persons working at the site of the project and the safety of the public and to protect property in connection with the performance of the work covered by the contract.

§ 1.18 Furnishing of materials.

Contracts for projects shall require the contractor to furnish all materials incorporated in the work, except as otherwise authorized by the prior approval of the Administrator.

§ 1.19 Restrictions upon materials.

No requirement shall be imposed and no procedure shall be enforced by any State in connection with a project which may operate (a) to require the use or provide a price differential in favor of articles or materials produced within the State, or otherwise to prohibit, restrict or discriminate against the use of articles or materials shipped from or prepared, made or produced in any State, territory or possession of the United States; or (b) to prohibit, restrict or otherwise discriminate against the use of articles or materials of foreign origin to any greater extent than is permissible under policies of the Department of Commerce as evidenced by requirements and procedures prescribed by the Administrator to carry out such policies.

§ 1.20 Surety bonds and insurance.

No procedure or requirement shall be imposed by any State in connection with any project which operates to restrict competitive bidding by discriminating against the purchase of a surety bond or

insurance policy from any surety or insurer outside the State and authorized to do business in the State.

[28 F.R. 2901, Mar. 23, 1963]

§ 1.21 Subcontracting.

(a) *Contractor's organization.* Contracts for projects shall require that the contractor perform with his own organization contract work amounting to not less than 50 percent of the total contract price. If any of the contract work requires highly specialized knowledge, craftsmanship or equipment not ordinarily available in contracting organizations qualified to bid on the contract as a whole, such work may be designated in the advertised specifications as "Specialty Items" and may be performed by subcontract. The cost of such "Specialty Items" may be deducted from the total contract price before computing the amount of work required to be performed by the contractor with his own organization.

(b) *Exception.* Upon the request of a State, the requirements of this section may be modified by the Administrator for a project prior to or after the award of a contract, heretofore or hereafter made, to such extent as he may determine to be in the public interest.

§ 1.22 Patented or proprietary items.

Federal funds shall not participate, directly or indirectly, in payment for any premium or royalty on any patented or proprietary material, specification, or process, specifically set forth in the plans and specifications for a project, unless

(1) Such patented or proprietary item is purchased or obtained through competitive bidding with equally suitable unpatented items; or

(2) The State highway department certifies either that such patented or proprietary item is essential for synchronization with existing highway facilities, or that no equally suitable alternate exists; or

(3) Such patented or proprietary item is used for research or for a distinctive type of construction on relatively short sections of road for experimental purposes.

§ 1.23 Rights-of-way.

(a) *Interest to be acquired.* The State shall acquire rights-of-way of such nature and extent as are adequate for the construction, operation and maintenance of a project.

(b) *Use for highway purposes.* Except as provided under paragraph (c) of this section, all real property, including air space, within the right-of-way boundaries of a project shall be devoted exclusively to public highway purposes. No project shall be accepted as complete until this requirement has been satisfied. The State highway department shall be responsible for preserving such right-of-way free of all public and private installations, facilities or encroachments, except (1) those approved under paragraph (c) of this section; (2) those which the Administrator approves as constituting a part of a highway or as necessary for its operation, use or maintenance for public highway purposes and (3) informational sites established and maintained in accordance with § 1.35 of the regulations in this part.

(c) *Other use or occupancy.* Subject to 23 U.S.C. 111, the temporary or permanent occupancy or use of right-of-way, including air space, for nonhighway purposes and the reservation of subsurface mineral rights within the boundaries of the rights-of-way of Federal-aid highways, may be approved by the Administrator, if he determines that such occupancy, use or reservation is in the public interest and will not impair the highway or interfere with the free and safe flow of traffic thereon.

§ 1.24 Labor and employment.

(a) *Convict labor.* No convict labor shall be employed and no materials manufactured or produced by convict labor shall be used in the construction of a project. No convict labor shall be employed at the site of a project after the approval of the program including the project and prior to the completion of its construction.

(b) *Selection of labor.* No procedure or requirement shall be imposed by any State which will operate to discriminate against the employment of labor from any other State, possession or territory of the United States, in the construction of a project.

(c) *Wage rates; Interstate System projects.* The advertisement or call for bids on any contract for the initial construction of a project on the Interstate System either shall include the minimum wage rates determined therefor by the Secretary of Labor or shall provide that such rates are set out in the advertised specifications, proposal or other contract document, and shall further specify that

such rates are a part of the contract covering the project.

(d) *Wage rates; other Federal-aid projects.* Contracts for the construction of projects other than those for initial construction of the Interstate System shall require that laborers and mechanics employed on such construction shall be paid rates of wages not less than the minimum rates therefor set forth in the contract for such construction as predetermined under State law or, in the absence thereof, by the State highway department.

(e) *Construction by Federal agencies.* In those cases where construction work on Federal-aid highways is being performed by any Federal agency under its procedures and by Federal contract, the labor standards relating to direct Federal contracts shall be applicable.

§ 1.25 Railway-highway crossing projects.

(a) *Requirements for agreements or orders.* Before a project for the elimination of hazards at a railway-highway crossing shall be approved for construction with the aid of Federal funds, irrespective of the Federal share of the cost of such construction, either (1) an agreement shall have been entered into between the State highway department and the railroad concerned; or (2) an order authorizing the project shall have been issued by the State public utility commission or other agency or official having comparable powers. Such agreement or order shall contain provisions specifying responsibility for and pertinent details concerning construction, maintenance, and railroad contributions relating to the project, which, subject to 23 United States Code, section 130, and other applicable Federal law, conform to, and are not inconsistent with, the policies, classifications of projects and procedures prescribed by the Administrator. In extraordinary cases, where the Administrator finds that the circumstances are such that requiring such agreement or order would not be in the best interests of the public, projects may be approved for construction with the aid of Federal funds without requiring such agreement or order prior to such approval, provided provisions satisfactory to the Administrator have been made with respect to construction, maintenance and railroad contributions relating to the project.

(b) *Applicability of State laws.* State laws pursuant to which contributions are imposed upon railroads for the elimination of hazards at railway-highway crossings shall be held not to apply to Federal-aid projects.

§ 1.26 Highway planning and research projects.

(a) The funds programed for highway planning and research projects under 23 U.S.C. 307(c) (1) and (3) shall be administered as a single fund, but the identity of such funds, as Interstate, primary, secondary or urban, shall be preserved.

(b) The funds programed for highway planning and research projects under 23 U.S.C. 307(c) (2) shall be administered as a single fund.

(Sec. 6, 77 Stat. 277, 23 U.S.C. 307) [30 F.R. 13255, Oct. 19, 1965]

§ 1.27 Maintenance.

The responsibility imposed upon the State highway department, pursuant to 23 U.S.C. 116, for the maintenance of projects shall be carried out in accordance with policies and procedures issued by the Administrator. The State highway department may provide for such maintenance by formal agreement with any adequately equipped county, municipality or other governmental instrumentality, but such agreement shall not relieve the State highway department of its responsibility for such maintenance.

§ 1.28 Diversion of highway revenues.

(a) *Reduction in apportionment.* If the Secretary shall find that any State has diverted funds contrary to 23 U.S.C. 126, he shall take such action as he may deem necessary to comply with said provision of law by reducing the first Federal-aid apportionment of primary, secondary and urban funds made to the State after the date of such finding. In any such reduction, each of these funds shall be reduced in the same proportion.

(b) *Furnishing of information.* The Administrator may require any State to submit to him such information as he may deem necessary to assist the Secretary in carrying out the provisions of 23 U.S.C. 126 and paragraph (a) of this section.

§ 1.29 Vehicle weight and width limitation.

When requested by the Administrator, each State shall certify to the Administrator, with such pertinent information

as he may require, whether or not its laws and regulations conflict with the limitations of 23 U.S.C. 127 as to weight and width of vehicles which may lawfully use the Interstate System within the boundaries of that State.

§ 1.30 Records and Documents.

(a) *General.* Each State highway department shall maintain or cause to be maintained all records (including source data) relating to projects undertaken pursuant to Federal law and the regulations. The records shall be maintained in the form and manner to be prescribed by the Federal Highway Administrator and set forth in a "Retention Schedule of Federal-Aid Highway Records for State Highway Departments." Except as otherwise shown, the minimum retention period specified by the Federal Highway Administrator in the records schedule begin with the date of the final payment of Federal funds to the State with respect to a particular project. Microfilm may not be substituted for any category of original documentation unless such substitution is provided for in the schedule or is specifically authorized by the Federal Highway Administrator. Nothing contained in this section shall be construed to excuse noncompliance with requirements of any other governmental body, Federal or State, prescribing a longer retention period for any category of records.

(b) *Toll facilities.* Where Federal funds participate in a project for the construction of a toll bridge, toll tunnel, or approach to a toll facility under 23 U.S.C. 129, the State highway department shall maintain or cause to be maintained all records (including source data) set forth in the records schedule specified in paragraph (a) of this section. Such records shall be retained until the facility shall have been operated on a toll-free basis for a period of at least 3 consecutive years.

(c) *Availability for inspection.* Records and source data maintained under paragraphs (a) and (b) of this section shall be available at all reasonable times for inspection by any authorized representative of the Federal Government and copies thereof shall be furnished when requested.

(d) *Waivers.* No waiver from any provision of this section will be granted by the Federal Highway Administrator without full justification by the State highway department. Each written re-

quest from a State highway department for a waiver shall demonstrate that unusual circumstances warrant a departure from the prescribed minimum records retention period, procedures or techniques, or that compliance with the retention schedule would impose an unreasonable burden upon the State or contractor. The granting of a waiver is expressly reserved to the Federal Highway Administrator who shall make the determination that said waiver is in the public interest.

[31 F.R. 9270, July 7, 1966]

§ 1.31 Payments.

States may submit requests for payments of Federal funds claimed to be due on account of a project. Such requests shall be in the form of vouchers as prescribed by the Administrator, and shall be certified and accompanied with such supporting data as the Administrator may require. Such vouchers may be submitted from time to time as the work progresses and shall be submitted promptly after completion of the project to which the voucher pertains.

§ 1.32 Policies and procedures.

The Administrator shall promulgate and require the observance of such policies and procedures, and may take such other action as he may deem necessary for carrying out the provisions and purposes of the Federal laws and the regulations in this part. Selected Policy and Procedure Memoranda are contained in Appendix A to this part.

[25 F.R. 4162, May 11, 1960, as amended at 34 F.R. 728, Jan. 17, 1969]

§ 1.33 Conflicts of interest.

No official or employee of a State or any other governmental instrumentality who is authorized in his official capacity to negotiate, make, accept or approve, or to take part in negotiating, making, accepting or approving any contract or subcontract in connection with a project shall have, directly or indirectly, any financial or other personal interest in any such contract or subcontract. No engineer, attorney, appraiser, inspector or other person performing services for a State or a governmental instrumentality in connection with a project shall have, directly or indirectly, a financial or other personal interest, other than his employment or retention by a State or other governmental instrumentality, in any contract or subcontract in connection

with such project. No officer or employee of such person retained by a State or other governmental instrumentality shall have, directly or indirectly, any financial or other personal interest in any real property acquired for a project unless such interest is openly disclosed upon the public records of the State highway department and of such other governmental instrumentality, and such officer, employee or person has not participated in such acquisition for and in behalf of the State. It shall be the responsibility of the State to enforce the requirements of this section.

§ 1.34 Secondary road plan.

The approval by the Administrator of a State's certified statement of its secondary road plan, pursuant to 23 U.S.C. 117 will remain in effect for such time as the Administrator in his discretion may determine. Projects undertaken pursuant to such approved certified statement shall not be subject to the following sections of the regulations in this part: §§ 1.10; 1.15; 1.16; 1.18; 1.19; 1.20; 1.21; 1.22; 1.24 (b), (c), (d) and (e).

§ 1.35 Advertising.

(a) *Agreements.* Any agreement entered into pursuant to the provisions of 23 U.S.C. 131 shall provide for the control or regulation of outdoor advertising, consistent with the Advertising Standards and Advertising Policy, in areas adjacent to the entire mileage of the Interstate Systems within that State, except such segments as may be excluded from application of such Standards and Policy by 23 U.S.C. 131. Such agreements may be modified, amended or supplemented as the Administrator may determine is necessary.

(b) *Informational sites.* Any such agreement for the control of advertising may provide for establishing publicly owned informational sites, whether publicly or privately operated, within the limits of or adjacent to the right-of-way of the Interstate System on condition that no such site shall be established or maintained except at locations and in accordance with plans, in furtherance of the Advertising Policy and consistent with the Advertising Standards, submitted to and approved by the Administrator.

(c) *Acquisition of advertising rights.* Federal funds may participate in the cost of acquiring rights to advertise or to regulate advertising only if the pur-

pose of such acquisition is to accomplish the objectives stated in 23 U.S.C. 131. Projects for the acquisition of advertising rights shall embrace a segment of the highway of sufficient length to promote the objectives of the Advertising Policy. Within the limits of any such segment, provision shall be made for acquiring all of the advertising rights on both sides of the highway necessary to effectuate the Advertising Policy and Advertising Standards. No advertising right in the acquisition of which Federal funds participated shall be disposed of without the prior approval of the Administrator.

§ 1.36 Compliance with Federal laws and regulations.

If the Administrator determines that a State has violated or failed to comply with the Federal laws or the regulations in this part with respect to a project, he may withhold payment to the State of Federal funds on account of such project, withhold approval of further projects in the State, and take such other action that he deems appropriate under the circumstances, until compliance or remedial action has been accomplished by the State to the satisfaction of the Administrator.

§ 1.37 Delegation of authority.

The Administrator has been delegated authority to perform the functions vested in the Secretary under Federal law, except the apportionment of Federal-aid funds among the States. The Secretary has reserved to himself the function of issuing or revising regulations.

The Administrator is authorized to redelegate any power or authority conferred upon him to the Commissioner or to any other official or employee of the Bureau of Public Roads as in his judgment will result in efficiency and economy in the effectuation of the purposes of Federal law and the regulations in this part. Any redelegation by the Administrator may include the power to make successive redelegations of authority to the extent deemed desirable by him. Delegations made under regulations heretofore in effect shall continue in full force and effect until modified or revoked.

§ 1.38 Application of regulations.

The regulations in this part shall take effect upon publication in the FEDERAL

REGISTER and shall supersede all regulations heretofore in effect for carrying out the provisions of Federal laws.

APPENDIX A

POLICY AND PROCEDURE MEMORANDA

This appendix contains selected Policy and Procedure Memoranda issued by the Bureau of Public Roads.

POLICY AND PROCEDURE MEMORANDUM 20-8 PUBLIC HEARINGS AND LOCATION APPROVAL

Par.

1. Purpose.
2. Authority.
3. Applicability.
4. Definitions.
5. Coordination.
6. Hearing Requirements.
7. Opportunity for Public Hearings.
8. Public Hearing Procedures.
9. Consideration of Social, Economic, and Environmental Effects.
10. Location and Design Approval.
11. Publication of Approval.
12. Reimbursement for Public Hearing Expenses.

1. *Purpose.* The purpose of this PPM is to ensure, to the maximum extent practicable, that highway locations and designs reflect and are consistent with Federal, State, and local goals and objectives. The rules, policies, and procedures established by this PPM are intended to afford full opportunity for effective public participation in the consideration of highway location and design proposals by highway departments before submission to the Federal Highway Administration for approval. They provide a medium for free and open discussion and are designed to encourage early and amicable resolution of controversial issues that may arise.

The PPM requires State highway departments to consider fully a wide range of factors in determining highway locations and highway designs. It provides for extensive coordination of proposals with public and private interests. In addition, it provides for a two-hearing procedure designed to give all interested persons an opportunity to become fully acquainted with highway proposals of concern to them and to express their views at those stages of a proposal's development when the flexibility to respond to these views still exists.

2. *Authority.* This PPM is issued under authority of the Federal-aid Highway Act, 23 U.S.C. 101 et seq., 128, 315; sections 2(a), 2(b)(2), and 9(e)(1) of the Department of Transportation Act, 49 U.S.C. 1651(a) and (a)(2), 1657(e)(1); 49 CFR § 1.4(c); and 23 CFR § 1.32.

3. *Applicability.*

a. This PPM applies to all Federal-aid highway projects.

b. If preliminary engineering or acquisition of right of way related to an undertaking to construct a portion of a Federal-

aid highway project is carried out without Federal-aid funds, subsequent phases of the work are eligible for Federal-aid funding only if the nonparticipating work after the effective date of this PPM was done in accordance with this PPM.

c. This PPM shall not apply to the construction of highway projects where the Federal Highway Administrator has made a formal determination that the construction of the project is urgently needed because of a national emergency, a natural disaster or a catastrophic failure.

4. *Definitions.* As used in this PPM

a. A "corridor public hearing" is a public hearing that:

(1) Is held before the route location is approved and before the State highway department is committed to a specific proposal;

(2) Is held to ensure that an opportunity is afforded for effective participation by interested persons in the process of determining the need for, and the location of, a Federal-aid highway; and

(3) Provides a public forum that affords a full opportunity for presenting views on each of the proposed alternative highway locations, and the social, economic, and environmental effects of those alternate locations.

b. A "highway design public hearing" is a public hearing that:

(1) Is held after the route location has been approved, but before the State highway department is committed to a specific design proposal;

(2) Is held to ensure that an opportunity is afforded for effective participation by interested persons in the process of determining the specific location and major design features of a Federal-aid highway; and

(3) Provides a public forum that affords a full opportunity for presenting views on major highway design features, including the social, economic, environmental, and other effects of alternate designs.

c. "Social, economic, and environmental effects" means the direct and indirect benefits or losses to the community and to highway users. It includes all such effects that are relevant and applicable to the particular location or design under consideration such as:

- (1) Fast, safe and efficient transportation.
- (2) National defense.
- (3) Economic activity.
- (4) Employment.
- (5) Recreation and parks.
- (6) Fire protection.
- (7) Aesthetics.
- (8) Public utilities.
- (9) Public health and safety.
- (10) Residential and neighborhood character and location.
- (11) Religious institutions and practices.
- (12) Conduct and financing of Government (including effect on local tax base and social service costs).
- (13) Conservation (including erosion, sedimentation, wildlife and general ecology of the area).

- (14) Natural and historic landmarks.
- (15) Noise, and air and water pollution.
- (16) Property values.
- (17) Multiple use of space.
- (18) Replacement housing.
- (19) Education (including disruption of school district operations).
- (20) Displacement of families and businesses.
- (21) Engineering, right-of-way and construction costs of the project and related facilities.
- (22) Maintenance and operating costs of the project and related facilities.
- (23) Operation and use of existing highway facilities and other transportation facilities during construction and after completion.

This list of effects is not meant to be exclusive, nor does it mean that each effect considered must be given equal weight in making a determination upon a particular highway location or design.

5. *Coordination.*

a. When a State highway department begins considering the development or improvement of a traffic corridor in a particular area, it shall solicit the views of that State's resources, recreation, and planning agencies, and of those federal agencies and local public officials and agencies, and public advisory groups which the State highway department knows or believes might be interested in or affected by the development or improvement. The State highway department shall establish and maintain a list upon which any federal agency, local public official or public advisory group may enroll, upon its request, to receive notice of projects in any area specified by that agency, official, or group. The State highway departments are also encouraged to establish a list upon which other persons and groups interested in highway corridor locations may enroll in order to have their views considered. If the corridor affects another State, views shall also be solicited from the appropriate agencies within that State. All written views received as a result of coordination under this paragraph must be made available to the public as a part of the public hearing procedures set forth in paragraph 8.

b. Other public hearings or informal public meetings, clearly identified as such, may be desirable either before the study of alternate routes in the corridor begins or as it progresses to inform the public about highway proposals and to obtain information from the public which might affect the scope of the study or the choice of alternatives to be considered, and which might aid in identification of critical social, economic and environmental effects at a stage permitting maximum consideration of these effects. State highway departments are encouraged to hold such a hearing or meeting whenever that action would further the objectives of this PPM or would otherwise serve the public interest.

6. Hearing requirements.

a. Both a corridor public hearing and a design public hearing must be held, or an opportunity afforded for those hearings, with respect to each Federal-aid highway project that:

- (1) Is on a new location; or
- (2) Would have a substantially different social, economic or environmental effect; or
- (3) Would essentially change the layout or function of connecting roads or streets.

However, with respect to secondary road programs, two hearings are not required on a project covered by paragraph 6(a) (1) or (2) unless it will carry an average of 750 vehicles a day in the year following its completion.

b. A single combined corridor and highway design public hearing must be held, or the opportunity for such a hearing afforded, on all other projects before route location approval, except as provided in paragraph 6.c. below.

c. Hearings are not required for those projects that are solely for such improvements as resurfacing, widening existing lanes, adding auxiliary lanes, replacing existing grade separation structures, installing traffic control devices or similar improvements, unless the project:

- (1) Requires the acquisition of additional right-of-way; or
- (2) Would have an adverse effect upon abutting real property; or
- (3) Would change the layout or function of connecting roads or streets or of the facility being improved.

d. With respect to a project on which a hearing was held, or an opportunity for a hearing afforded, before the effective date of this PPM, the following requirements apply:

(1) With respect to projects which have not received location approval:

(a) If location approval is not requested within 3 years after the date of the hearing or an opportunity for a hearing, compliance with the corridor hearing requirements is required unless a substantial amount of right-of-way has been acquired.

(b) If location approval is requested within 3 years after the date of the hearing or an opportunity for a hearing, compliance with the corridor hearing requirements is not required.

(2) With respect to those projects which have not received design approval:

(a) If design approval is not requested within 3 years after the date of the hearing or an opportunity for a hearing, compliance with the design hearing requirements is required.

(b) If design approval is requested within 3 years after the date of the hearing or an opportunity for a hearing, compliance with the design hearing requirements is nevertheless required unless the division engineer finds that the hearing adequately dealt with design issues relating to major design features.

e. If location approval is not requested within 3 years after the date of the related

corridor hearing held, or an opportunity for a hearing afforded, under this PPM, a new hearing must be held or the opportunity afforded for such a hearing.

f. If design approval is not requested within 3 years after the date of the related design hearing held, or an opportunity for a hearing afforded, under this PPM, a new hearing must be held or the opportunity afforded for such a hearing.

7. Opportunity for public hearings.

a. A State may satisfy the requirements for a public hearing by (1) holding a public hearing, or (2) publishing two notices of opportunity for public hearing and holding a public hearing if any written requests for such a hearing are received. The procedure for requesting a public hearing shall be explained in the notice. The deadline for submission of such a request may not be less than 21 days after the date of publication of the first notice of opportunity for public hearing, and no less than 14 days after the date of publication of the second notice of opportunity for public hearing.

b. A copy of the notice of opportunity for public hearing shall be furnished to the division engineer at time of publication. If no requests are received in response to a notice within the time specified for the submission of those requests, the State highway department shall certify that fact to the division engineer.

c. The opportunity for another public hearing shall be afforded in any case where proposed locations or designs are so changed from those presented in the notices specified above or at a public hearing as to have a substantially different social, economic, or environmental effect.

d. The opportunity for a public hearing shall be afforded in each case in which either the State highway department or the division engineer is in doubt as to whether a public hearing is required.

e. Public hearing procedures authorized and required by State law may be followed in lieu of any particular hearing requirement of paragraph 7 or 8 of this PPM if, in the opinion of the Administrator, such procedures are reasonably comparable to that requirement.

8. Public hearing procedures.**a. Notice of public hearing:**

(1) When a public hearing is to be held, a notice of public hearing shall be published at least twice in a newspaper having general circulation in the vicinity of the proposed undertaking. The notice should also be published in any newspaper having a substantial circulation in the area concerned; such as foreign language newspapers and local community newspapers. The first of the required publications shall be from 30 to 40 days before the date of the hearing, and the second shall be from 5 to 12 days before the date of the hearing. The timing of additional publications is optional.

(2) In addition to publishing a formal notice of public hearing, the State highway

department shall mail copies of the notice to appropriate news media, the State's resource, recreation, and planning agencies, and appropriate representatives of the Departments of the Interior and Housing and Urban Development. The State highway department shall also mail copies to other federal agencies, and local public officials, public advisory groups and agencies who have requested notice of hearing and other groups or agencies who, by nature of their function, interest, or responsibility the highway department knows or believes might be interested in or affected by the proposal. The State highway department shall establish and maintain a list upon which any federal agency, local public official, public advisory group or agency, civic association or other community group may enroll upon its request to receive notice of projects in any area specified by that agency, official or group.

(3) Each notice of public hearing shall specify the date, time, and place of the hearing and shall contain a description of the proposal. To promote public understanding, the inclusion of a map or other drawing as part of the notice is encouraged. The notice of public hearing shall specify that maps, drawings, and other pertinent information developed by the State highway department and written views received as a result of the coordination outlined in Paragraph 5.a will be available for public inspection and copying and shall specify where this information is available; namely, at the nearest State highway department office or at some other convenient location in the vicinity of the proposed project.

(4) A notice of highway design public hearing shall indicate that tentative schedules for right-of-way acquisition and construction will be discussed.

(5) Notices of public hearing shall indicate that relocation assistance programs will be discussed.

(6) The State highway department shall furnish the division engineer with a copy of the notice of public hearing at the time of first publication.

b. Conduct of public hearing:

(1) Public hearings are to be held at a place and time generally convenient for persons affected by the proposed undertaking.

(2) Provision shall be made for submission of written statements and other exhibits in place of, or in addition to, oral statements at a public hearing. The procedure for the submissions shall be described in the notice of public hearing and at the public hearing. The final date for receipt of such statements or exhibits shall be at least 10 days after the public hearing.

(3) At each required corridor public hearing, pertinent information about location alternatives studied by the State highway department shall be made available. At each required highway design public hearing information about design alternatives studied by the State highway department shall be made available.

(4) The State highway department shall make suitable arrangements for responsible highway officials to be present at public hearings as necessary to conduct the hearings and to be responsive to questions which may arise.

(5) The State highway department shall describe the State-Federal relationship in the Federal-aid highway program by an appropriate brochure, pamphlet, or statement, or by other means.

(6) A State highway department may arrange for local public officials to conduct a required public hearing. The State shall be appropriately represented at such public hearing and is responsible for meeting other requirements of this PPM.

(7) The State highway department shall explain the relocation assistance program and relocation assistance payments available.

(8) At each public hearing the State highway department shall announce or otherwise explain that, at any time after the hearing and before the location or design approval related to that hearing, all information developed in support of the proposed location or design will be available upon request, for public inspection and copying.

(9) To improve coordination with the State highway department, it is desirable that the division engineer or his representative attend a public hearing as an observer. At a hearing, he may properly explain procedural and technical matters, if asked to do so. A Federal Highway Administration decision regarding a proposed location or design will not be made before the State highway department has requested location or design approval in accordance with paragraph 10.

c. Transcript:

(1) The State highway department shall provide for the making of a verbatim written transcript of the oral proceedings at each public hearing. It shall submit a copy of the transcript to the division engineer within a reasonable period (usually less than 2 months) after the public hearing, together with:

(a) Copies of, or reference to, or photographs of each statement or exhibit used or filed in connection with a public hearing.

(b) Copies of, or reference to, all information made available to the public before the public hearing.

(2) The State highway department shall make copies of the materials described in subparagraph 8.c.(1) available for public inspection and copying not later than the date the transcript is submitted to the division engineer.

9. Consideration of social, economic, and environmental effects. State highway departments shall consider social, economic, and environmental effects before submission of requests for location or design approval, whether or not a public hearing has been held. Consideration of social, economic, and environmental effects shall include an analysis of information submitted to the

State highway department in connection with public hearings or in response to the notice of the location or design for which a State highway department intends to request approval. It shall also include consideration of information developed by the State highway department or gained from other contacts with interested persons or groups.

10. *Location and design approval.*

a. This section applies to all requests for location or design approval whether or not public hearings, or the opportunity for public hearings, are required by this PPM.

b. Each request by a State highway department for approval of a route location or highway design must include a study report containing the following:

(1) Descriptions of the alternatives considered and a discussion of the anticipated social, economic, and environmental effects of the alternatives, pointing out the significant differences and the reasons supporting the proposed location or design. In addition, the report must include an analysis of the relative consistency of the alternatives with the goals and objectives of any urban plan that has been adopted by the community concerned.

(a) Location study reports must describe the termini, the general type of facility, the nature of the service which the highway is intended to provide, and other major features of the alternatives.

(b) Design study reports must describe essential elements such as design standards, number of traffic lanes, access control features, general horizontal and vertical alignment, right-of-way requirements and location of bridges, interchanges, and other structures.

(2) Appropriate maps or drawings of the location or design for which approval is requested.

(3) A summary and analysis of the views received concerning the proposed undertaking.

(4) A list of any prior studies relevant to the undertaking.

c. At the time it requests approval under this paragraph, each state highway department shall publish in a newspaper meeting the requirements of paragraph 8.a.(1), a notice describing the location or design, or both, for which it is requesting approval. The notice shall include a narrative description of the location or design. Where practicable, the inclusion of a map or sketch of that location or design is desirable. In any event, the publication shall state that such maps or sketches as well as all other information submitted in support of the request for approval is publicly available at a convenient location.

d. The following requirements apply to the processing of requests for highway location or highway design approval:

(1) *Location approval.* The division engineer may approve a route location and au-

thorize design engineering only after the following requirements are met:

(a) The State highway department has requested route location approval.

(b) Corridor public hearings required by this PPM have been held, or the opportunity for hearings has been afforded.

(c) The State highway department has submitted public hearing transcripts and certificates required by section 128, title 23, United States Code.

(d) The requirements of this PPM and of other applicable laws and regulations.

(2) *Design approval.* The division engineer may approve the highway design and authorize right-of-way acquisition, approve right-of-way plans, approve construction plans, specifications, and estimates, or authorize construction, only after the following requirements have been met:

(a) The route location has been approved.

(b) The State highway department has requested highway design approval.

(c) Highway design public hearings required by this PPM have been held, or the opportunity for hearings has been afforded.

(d) The State highway department has submitted the public hearing transcripts and certificates required by section 128, title 23, United States Code.

(e) The requirements of this PPM and of other applicable laws and regulations.

e. The division engineer, under criteria to be promulgated by the Federal Highway Administrator, may in other appropriate instances authorize the acquisition of right-of-way before a design hearing.

f. Secondary Road Plans shall be amended as necessary to incorporate procedures similar to those required for other projects. Secondary Road Plans shall include provisions requiring (1) route location and highway design approval, (2) preparation of study reports as described in paragraph 10(b), and (3) corridor and highway design public hearings in all cases where they would be required for Federal-aid projects not administered under the Secondary Road Plan. Project actions by the division engineer or submissions to the division engineer which are not now required should not be established for Secondary Road Plan projects as a result of this PPM.

11. *Publication of approval.* In cases where a public hearing was held, or the opportunity for a public hearing afforded, the state highway department shall publish notice of the action taken by the division engineer on each request for approval of a highway location or design, or both, in a newspaper meeting the requirements of paragraph 8.a.(1), within 10 days after receiving notice of that action. The notice shall include a narrative description of the location and/or design, as approved. Where practicable, the inclusion of a map or sketch of that location or design is desirable. In any event, the publication shall state that such maps or sketches as well as all other information concerning the

approval is publicly available at a convenient location.

12. *Reimbursement for public hearing expenses.* Public hearings are an integral part of the preliminary engineering process. Reasonable costs associated with public hearings are eligible for reimbursement with federal-aid funds on the same basis as other preliminary engineering costs.

[34 F.R. 728, Jan. 17, 1969; 34 F.R. 1380, Jan. 29, 1969]

PART 2—STATEMENT OF POLICY AS TO ADMINISTRATIVE ACTION TO BE TAKEN BY THE FEDERAL HIGHWAY ADMINISTRATOR IN INSTANCES OF IRREGULARITIES

Sec.

- 2.1 Purpose.
- 2.2 Definitions.
- 2.3 Nature of administrative action.
- 2.4 Administrative action to be taken under various situations.
- 2.5 Other instances of irregularities.
- 2.6 Notice of proposed administrative action.
- 2.7 Hearings.
- 2.8 Determination and notice of administrative action.

AUTHORITY: The provisions of this Part 2 issued under sec. 315, 72 Stat. 915; 23 U.S.C. 315.

SOURCE: The provisions of this Part 2 appear at 27 F.R. 8448, Aug. 23, 1962, unless otherwise noted.

§ 2.1 Purpose.

The purpose of this part is to prescribe the administrative action which shall be taken by the Administrator in order to safeguard the Federal interest in instances of irregularities in the administration and execution of the direct-Federal and Federal-aid highway programs. It is applicable to personnel of the Bureau of Public Roads (referred to as the Bureau in this part), and State highway departments, highway construction contractors and organizations including personnel thereof, or to other persons or organizations performing services for the Bureau or State highway departments on a fee or contract basis.

§ 2.2 Definitions.

Terms defined in 23 U.S.C. 101(a) and Part 1 of this chapter shall have the same meaning where used in this part, except as modified herein.

§ 2.3 Nature of administrative action.

(a) *General.* When an irregularity occurs as described in §§ 2.4 and 2.5 ef-

fective administrative action shall be instituted by the Administrator according to the circumstances, nature, and seriousness of the offense.

(b) *Direct-Federal projects.* Administrative action and procedures involving contractors and contractor organizations performing services for the Bureau in connection with the direct-Federal highway program or against whom administrative action has been taken under § 2.4 or § 2.5 in connection with Federal-aid projects and who are seeking to perform services for the Bureau in connection with the direct-Federal highway program shall be governed by applicable Federal Procurement Regulations (41 CFR Subpart 1-1.6).

(c) *Bureau personnel.* Administrative action with respect to Bureau personnel shall be consistent with and subject to applicable civil service laws, rules, and regulations.

(d) *State highway departments.* (1) The administrative action to be taken by the Administrator with respect to the indicated irregularities shall not relieve a State highway department of its responsibilities in connection with these same matters, nor is such action by the Administrator a substitute for corrective action as would normally be taken by a State under the described situations.

(2) If the frequency, seriousness, nature, or extent of any violation is such as to cast doubt on the ability of a State highway department to discharge its responsibilities in an adequate manner, or is such as may affect continued eligibility of Federal aid under the provisions of Federal-aid legislation, regulations, or directives, a complete evaluation of the highway department organization shall be made by the Administrator for the purpose of determining an appropriate course of action.

(e) *Department of Justice procedures.* Irregularities which warrant referral to the United States Department of Justice shall be processed in accordance with applicable requirements and procedures of that department.

§ 2.4 Administrative action to be taken under various situations.

(a) *Situation No. 1—(1) Irregularity.* Clear and convincing evidence of fraud, bribery, collusion, conspiracy, or other serious offense involving violation of State or Federal criminal statutes in connection with a project requiring Bureau approval or concurrence, with or

without evidence of failure of substantial conformity with project plans and specifications.

(2) *Administrative action.* (1) Bureau personnel who are involved shall be subject to suspension pending completion of Bureau or State investigations.

(ii) State personnel who are involved shall be unacceptable for employment on any highway project requiring Bureau approval or concurrence pending completion of Bureau or State investigations.

(iii) The contractor, contractor organization or personnel thereof, or other person or organization performing services for the Bureau or State highway department on a fee or contract basis who are involved shall be unacceptable for employment on any future highway project requiring Bureau approval or concurrence pending completion of Bureau or State investigations.

(iv) Federal-aid reimbursement payments to the State on an affected project shall not exceed 75 percent of the Federal pro rata share of the total cost of such project pending completion of Bureau investigation.

(v) After investigation, Bureau personnel who are found to be at fault shall be subject to removal and disqualification for employment on any highway project requiring Bureau approval or concurrence.

(vi) After investigation, State personnel who are found to be at fault shall be unacceptable for employment on any highway project requiring Bureau approval or concurrence for a period of three months to three years.

(vii) After investigation, the contractor, contractor organization or personnel thereof, or other person or organization performing services for the Bureau or State highway department on a fee or contract basis who are found to be at fault shall be unacceptable for employment on any future highway project requiring Bureau approval or concurrence for a period of three months to three years.

(viii) If investigation discloses a failure of substantial conformity with project plans and specifications, Federal-aid reimbursement to the State for project costs of affected items shall be withheld until the work is performed in conformity with project plans and specifications, and Federal funds shall not participate in the costs of correction.

(b) *Situation No. 2—(1) Irregularity.* Establishment by admission, or conviction,

or judgment of a court of competent jurisdiction that fraud, bribery, collusion, conspiracy, or other criminal offense has been committed in connection with any highway project requiring Bureau approval or concurrence with or without failure of substantial conformity with project plans and specifications.

(2) *Administrative action.* (1) Bureau personnel at fault shall be subject to removal and disqualification for employment on any highway project requiring Bureau approval or concurrence.

(ii) State personnel at fault shall be unacceptable for employment on any highway project requiring Bureau approval or concurrence for a period of six months to three years.

(iii) The contractor, contractor organization or personnel thereof, or other person or organization performing services for the Bureau or State highway department on a fee or contract basis who are at fault shall be unacceptable for employment on any future highway project requiring Bureau approval or concurrence for a period of six months to three years.

(iv) Federal-aid reimbursement payments to the State for project costs of affected items shall be withheld until the work is performed in conformity with project plans and specifications, and Federal funds shall not participate in the costs of correction.

(c) *Situation No. 3—(1) Irregularity.* Substantial evidence of a conflict of interest under § 1.33 of this chapter, effective May 11, 1960; or the establishment by admission, or conviction, or judgment of a court of competent jurisdiction of a violation of any law, regulation, or directive of Federal or State government relating to conflict of interest prohibitions in connection with the administration or execution of any highway project requiring Bureau approval or concurrence.

(2) *Administrative action.* To the extent that conflicts of interest result in circumstances similar to those described in paragraphs (a) and (b) respectively, of this section, or involve violation of any law, regulation, or directive of Federal or State government appropriate action shall be taken that is consistent with the remedial measures applicable to such situations.

§ 2.5 Other instances of irregularities.

With respect to irregularities not described in § 2.4, the Administrator shall

consider the individual circumstances thereof and remedial action shall conform as far as practicable to the administrative action prescribed in § 2.4.

§ 2.6 Notice of proposed administrative action.

(a) *Pending completion of investigations.* The individual, or contractor organization or other person or organization performing services for the Bureau or State highway department on a fee or contract basis who are involved shall be furnished a written notice of unacceptability for employment stating the general reasons therefor and that it is for a temporary period pending the completion of investigations and such legal proceedings as may ensue. A copy of such notice shall be furnished the appropriate State highway department organization.

(b) *After completion of investigations.* The individual, or contractor organization or other person or organization performing services for the Bureau or State highway department on a fee or contract basis shall be furnished a written notice by registered mail (return receipt requested) setting forth the reasons for the proposed administrative action. Such notice shall advise that unless a written request for a hearing is received within 10 days from the date of receipt of such notice, that appropriate administrative action shall be instituted without further notice.

§ 2.7 Hearings.

(a) *Pending completion of investigations.* Hearings shall not be conducted pending the completion of investigations by the Bureau; or without approval of the Department of Justice when the matter is under investigation by that Department; or after notice of and during such court proceedings as may ensue.

(b) *Judgment of a court of competent jurisdiction.* Hearings shall not be conducted when administrative action is based on conviction or judgment by a court of competent jurisdiction.

(c) *After completion of investigations.* Hearings requested in connection with proposed administrative action shall be conducted before a Hearing Board, the members of which shall be designated by the Administrator. Reasonable opportunity shall be afforded the contractor, contractor organization or other affected persons or organizations to appear with witnesses and counsel to pre-

sent facts or circumstances showing cause why administrative action should not be instituted. Hearings shall be nonadversary in nature and the provisions of section 7 of the Administrative Procedure Act (the Act of June 11, 1946, 60 Stat. 241; 5 U.S.C. 1006), shall not apply.

(d) *Notice and time of hearings.* Adequate written notice of the time, place, and date of hearing shall be given to the individual or organization concerned and such hearing shall be conducted within 20 days after receipt of request for a hearing unless the board determines that, for good cause shown, additional time should be granted.

(e) *Administrative findings.* In all hearings conducted under this section, the board shall find the facts specially and shall submit such findings to the Administrator for his review and final action.

[27 F.R. 8448, Aug. 23, 1962, as amended at 28 F.R. 5206, May 24, 1963]

§ 2.8 Determination and notice of administrative action.

(a) Based upon the findings of fact required by § 2.7(e), the Administrator shall determine the administrative action to be taken with respect to any indicated irregularity.

(b) Administrative action as determined by the Administrator shall be final, except that the periods of time during which an individual or organization shall be unacceptable to the Bureau on direct-Federal or Federal-aid projects may be increased or decreased in individual cases at any time, if, in the judgment of the Administrator, compelling reasons warrant such action.

(c) The Administrator shall notify the individual or organization of his determination setting forth the period of time during which such individual or organization shall be unacceptable for employment on highway projects requiring Bureau approval or concurrence. Copies of such notification shall be forwarded to the appropriate state highway organizations.

PART 15—REGULATIONS FOR ADMINISTERING FOREST HIGHWAYS

Sec.	
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 15.5 Cooperative agreements and project agreements.
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 15.9 Records and accounting.
 15.10 Administrator's report.
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AUTHORITY: The provisions of this Part 15 issued under sec. 204, 72 Stat. 907; 23 U.S.C. 204.

SOURCE: The provisions of this Part 15 appear at 26 F.R. 4808, May 26, 1961, unless otherwise noted.

§ 15.1 Definitions.

(a) *Administrator.* The Federal Highway Administrator.

(b) *Chief.* The Chief of the Forest Service, Department of Agriculture.

(c) *State.* Any State or insular possession eligible to receive forest highway funds.

(d) *State Highway Department.* That department, commission, board, or officials of any State charged by its law with the responsibility of highway construction.

(e) *County.* Any local government unit vested with jurisdiction over local highways including corresponding units of government under any other name in States which do not have county organizations.

(f) *Cooperator.* The State highway department or county as previously defined.

(g) *Regional engineer.* The regional engineer of the Bureau of Public Roads.

(h) *Division engineer.* The division engineer of the Bureau of Public Roads.

(i) *Regional forester.* The regional forester of the Forest Service.

(j) *Forest roads.* Roads wholly or partly within, adjoining, or adjacent to and serving the national forest.

(k) *Forest highways.* Those forest roads of primary importance to the States, counties, or communities which are selected, and designated by the Administrator and the Chief as constituent parts of a forest highway system.

(l) *Forest highway fund.* Any authorization or appropriation Federal funds for forest highways.

(m) *Forest highway program.* Those forest highway projects for surveys, right-of-way acquisition, construction, and maintenance scheduled to be accomplished within the limit of available authorizations and formally approved by

the Administrator and the Chief or their duly authorized representatives.

(n) *Construction.* The supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the Coast and Geodetic Survey in the Department of Commerce), costs of rights-of-way, elimination of hazards of railway-grade crossing, adjacent vehicular parking areas, and sanitary, water, and fire control facilities.

(o) *Highway planning survey.* The engineering and economic investigations of highways and highway transportation conducted by the highway departments of the States and the Bureau of Public Roads.

(p) *Maintenance.* The preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic control devices as are necessary for its safe and efficient utilization, and of adjacent vehicular parking areas and sanitary, water, and fire control facilities.

§ 15.2 Apportionment.

(a) (1) On or before January 1, of each year, the Secretary of Commerce shall apportion among the States the forest highway funds authorized for the next succeeding fiscal year as follows:

(2) In the same percentage as the amounts apportioned for forest highways for the fiscal year ending June 30, 1958, which percentage is based upon a determination of the area and value of the land owned by the United States within the national forests, as certified to the Secretary of Commerce by the Secretary of Agriculture as of June 30, 1955.

(b) Ten percent of the amount so apportioned to each State shall be placed in a reserve and the balance shall be made available, immediately after apportionment, for the forest highway program. Reductions will be made from the reserve to cover administrative requirements of the Bureau of Public Roads including purchase of equipment, administration by the Forest Service and, in special cases, to provide additional funds for programmed projects. Any balances in the reserve will be released for programming not later than the date of the apportionment of the succeeding fiscal year authorization.

§ 15.3 The forest highway system.

(a) The forest highway system shall comprise those roads defined under § 15.1(k).

(b) Forest highways shall be classified as follows:

Class 1—On the Federal-aid primary system.

Class 2—On the Federal-aid secondary system.

Class 3—Other forest highways.

(c) Proposed modifications, when jointly agreed upon and recommended by the State highway department, regional forester, division engineer and regional engineer, shall be forwarded, together with necessary supporting data including revised sketch maps and route descriptions to the Administrator and the Chief for approval.

§ 15.4 The forest highway program.

(a) For each apportionment of funds authorized by Congress for forest highways, the division engineer shall request the State highway department to submit a list of forest highway projects proposed for financing with such funds, supported by a map showing the location of such projects. Included therein shall be those projects proposed by counties, other political subdivisions, or agencies together with the State highway department's recommendation thereon, also supported by a map showing the location of those projects. Copies of these data shall be furnished the regional engineer who shall furnish a copy to the regional forester. The regional engineer shall make any investigations necessary to obtain further information on any projects proposed for financing with each annual apportionment.

(b) Following receipt of the maps, list of projects and recommendations required by paragraph (a) of this section the regional engineer shall arrange for a joint conference with the State highway department, the regional forester and the division engineer for final consideration of projects to be included in the program to be financed with funds currently authorized, and for consideration of a planning program of other projects in priority order to be included in one or more subsequent annual programs. For those States where the annual apportionment of forest highway funds is less than \$250,000 the consideration of projects to be included in a program may be accomplished by corre-

spondence if such procedure is agreed upon by the above parties. Projects included in the forest highway program shall be based upon the following considerations:

(1) Provision for the maintenance of forest highways existing or under construction.

(2) The completion of necessary surveys.

(3) Findings of the highway planning survey.

(4) Benefit to protection, development, management, and multiple use of the national forest.

(5) Construction correlation with military requirements and with adjacent Federal and State road programs.

(6) The economy of continuity of operations.

(7) Ability of cooperators to adequately maintain the improvement.

(c) A joint report of the conference, or conclusion reached by correspondence, and a recommended program of projects to be financed with currently available funds shall be prepared and submitted to the Administrator and the Chief or their duly authorized representatives for approval. The report of the planning program as agreed upon shall be submitted for record purposes.

(d) The program amount for any project may be increased by the Administrator or his duly authorized representative by an amount not to exceed 25 percent. The additional funds required in connection with cost increases shall be obtained from the unprogramed balance or in special cases, from the reserve. A construction project substantially deviating from the project as approved in the program or for which the cost will exceed by more than 25 percent the amount as authorized therein, shall constitute a major program revision to be approved by the Administrator and Chief or their duly authorized representatives.

§ 15.5 Cooperative agreements and project agreements.

(a) A cooperative agreement, statewide, route or project type shall be entered into between the Bureau of Public Roads and each State highway department or county having jurisdiction. Such agreement shall be entered into prior to advertising, authorization to advertise or authorization to proceed by force account. Negotiations for cooperative agreements shall be conducted by

the regional engineer or his duly authorized representative. Approval of the cooperative agreement shall be by the Administrator or his duly authorized representative.

(b) A project agreement implementing the cooperative agreement shall be entered into under the following conditions:

(1) Cooperator's funds are to be made available to the Bureau of Public Roads for the work.

(2) Federal funds are to be made available on a reimbursable basis to the cooperator for the work.

(3) Special circumstances exist which make a project agreement necessary for other payment purposes or to clarify any aspect of the approved program.

The implementing project agreement required for those projects supervised by the State shall be entered into as soon as practicable following approval of the plans, specifications and estimate. The division engineer shall conduct negotiations for and approve such project agreements. Negotiations for and approval of project agreements for projects under Public Roads supervision shall be in accordance with delegated authority. Payment of the reimbursable Federal share of funds shall not be made in the absence of an executed project agreement.

§ 15.6 Surveys.

(a) Surveys, and the preparation of construction plans, specifications and cost estimates, may be made for any improvement that is to be considered for inclusion in a future forest highway program. Such surveys may be made on routes that ultimately may become a part of the forest highway system as well as present forest highway routes.

(b) Before the completion of a survey, the regional forester shall be notified in writing so that he shall have opportunity to examine the surveyed line or the location map and to indicate any details of location desirable for the protection, development or multiple use of the national forest.

(c) Before the completion of a survey undertaken by the Bureau of Public Roads for a project to be constructed under its supervision the cooperator shall be notified in writing and shall have opportunity to examine the surveyed line or the location map to indicate any details of location desirable from the

standpoint of the operation and maintenance of the highway. Opportunity also shall be provided the cooperator to examine the plans, specifications and estimate before the project is advertised for bids.

§ 15.7 Construction.

(a) No Construction shall be undertaken upon any designated part of the forest highway system by any Federal agency until a survey and cost estimate have been approved by the regional engineer and the State highway department, unless specifically authorized by the Administrator. The Forest Service may, however, at its expense make temporary repairs on forest highways or construct utilization roads on the forest highway system. Such temporary repairs and construction of utilization roads shall follow as closely as practicable surveys made or authorized by the Bureau of Public Roads at the request of the Forest Service.

(b) Approval of plans, specifications and estimates shall be by the regional engineer.

(c) Upon fulfillment of the requirements set forth in these regulations, projects included in the approved forest highway program may be advertised for bids if within the limit of funds available for obligation.

(d) The construction of forest highways will be performed by the contract method unless, as prescribed in 23 U.S.C. 204(c), the estimated cost exclusive of bridges is less than \$5,000 per mile or after proper advertising no acceptable bid is received or the bids are deemed excessive in which event the Administrator may construct on his own account.

(e) Construction work on any project shall not be considered as completed until the project has been inspected and approved by the cooperating agency and the regional engineer or his duly authorized representative, nor until the regional forester has approved the clearing and disposal of refuse.

§ 15.8 Maintenance.

Maintenance of completed forest highway projects shall be the responsibility of the cooperating agency unless otherwise provided in a formally approved cooperative agreement.

§ 15.9 Records and accounting.

(a) The Administrator shall keep all forest highway records which he deems

necessary of survey, right-of-way acquisition, construction, and maintenance costs for projects under his supervision.

(b) Records for forest highway projects constructed under State supervision shall be maintained by the State in the same manner as those required for Federal-aid projects by the regulations for the administration of Federal-aid for highways.

(c) Equipment depots under the jurisdiction of the Bureau of Public Roads shall be operated on a self-sustaining basis. Work done in equipment depots will be charged on an actual cost basis, including overhead. Projects on which equipment is used will be charged with the cost of such equipment on a depreciation or appropriate rental basis.

(d) Cooperative funds provided by any cooperator in advance shall be deposited in the Treasury of the United States to the credit of "Cooperative Work, Forest Highways, Bureau of Public Roads." If cooperative funds are to be made available on a reimbursable basis, the Bureau of Public Roads will bill the cooperator either on completion of the project or as the work progresses, in accordance with the terms of the project agreement.

§ 15.10 Administrator's report.

Not later than December 15 of each year, the Administrator shall submit to the Secretary of Commerce and to the Secretary of Agriculture a report covering the operations on the forest highway system for the preceding fiscal year, including the current status of surveys, construction and maintenance, and with such recommendations as he shall consider desirable.

§ 15.11 Application of regulations.

The regulations in this part shall take effect upon publication in the **FEDERAL REGISTER** and shall supersede all prior rules and regulations heretofore in effect for administering forest highways.

PART 20—NATIONAL STANDARDS FOR REGULATION BY STATES OF OUTDOOR ADVERTISING SIGNS, DISPLAYS AND DEVICES ADJACENT TO THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS

Sec.	
20.1	Purpose.
20.2	Definitions.

Sec.	
20.3	Measurements of distance.
20.4	Signs that may not be permitted in protected areas.
20.5	Signs that may be permitted in protected areas.
20.6	Class 3 and 4 signs within informational sites.
20.7	Class 3 and 4 signs outside informational sites.
20.8	General provisions.
20.9	Exclusions.
20.10	State regulations.

AUTHORITY: The provisions of this Part 20 issued under sec. 131, 72 Stat. 904; 23 U.S.C. 131.

SOURCE: The provisions of this Part 20 appear at 23 F.R. 8793, Nov. 13, 1958, unless otherwise noted.

§ 20.1 Purpose.

(a) In Title 23, United States Code, section 131, hereinafter called the "act", the Congress has declared that:

(1) To promote the safety, convenience, and enjoyment of public travel and the free flow of interstate commerce and to protect the public investment in the National System of Interstate and Defense Highways, hereinafter called the "Interstate System", it is in the public interest to encourage and assist the States to control the use of and to improve areas adjacent to such system by controlling the erection and maintenance of outdoor advertising signs, displays and devices adjacent to that system.

(2) It is a national policy that the erection and maintenance of outdoor advertising signs, displays, or devices within six hundred and sixty feet of the edge of the right-of-way and visible from the main-traveled way of all portions of the Interstate System constructed upon any part of right-of-way, the entire width of which is acquired subsequent to July 1, 1956, should be regulated, consistent with national standards to be prepared and promulgated by the Secretary of Commerce.

(b) The standards in this part are hereby promulgated as provided in the act.

§ 20.2 Definitions.

The following terms when used in the standards in this part have the following meanings:

(a) "Acquired for right-of-way" means acquired for right-of-way for any public road by the Federal Government, a State, or a county, city or other politi-

cal subdivision of a State, by donation, dedication, purchase, condemnation, use, or otherwise. The date of acquisition shall be the date upon which title (whether fee title or a lesser interest) vested in the public for right-of-way purposes under applicable Federal or State law.

(b) "Centerline of the highway" means a line equidistant from the edges of the median separating the main-traveled ways of a divided Interstate highway, or the centerline of the main-traveled way of a non-divided Interstate highway.

(c) "Controlled portion of the Interstate System" means any portion which

(1) Is constructed upon any part of right-of-way, the entire width of which is acquired for right-of-way subsequent to July 1, 1956 (a portion shall be deemed so constructed if, within such portion, no line normal or perpendicular to the centerline of the highway and extending to both edges of the right-of-way will intersect any right-of-way acquired for right-of-way on or before July 1, 1956);

(2) Lies within a State, the highway department of which has entered into an agreement with the Secretary of Commerce as provided in the act; and

(3) Is not excluded under the terms of the act which provide that agreements entered into between the Secretary of Commerce and the State highway department shall not apply to those segments of the Interstate System which traverse commercial or industrial zones within the boundaries of incorporated municipalities, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, or which traverse other areas where the land use as of September 21, 1959, was clearly established by State law as industrial or commercial.

(d) "Entrance roadway" means any public road or turning roadway, including acceleration lanes, by which traffic may enter the main-traveled way of an Interstate highway from the general road system within a State, irrespective of whether traffic may also leave the main-traveled way by such road or turning roadway.

(e) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being or establish.

(f) "Exit roadway" means any public road or turning roadway including

deceleration lanes, by which traffic may leave the main-traveled way of an Interstate highway to reach the general road system within a State, irrespective of whether traffic may also enter the main-traveled way by such road or turning roadway.

(g) "Informational site" means an area or site established and maintained within or adjacent to the right-of-way of a highway on the Interstate System by or under the supervision or control of a State highway department, wherein panels for the display of advertising and informational signs may be erected and maintained.

(h) "Legible" means capable of being read without visual aid by a person of normal visual acuity.

(i) "Maintain" means to allow to exist.

(j) "Main-traveled way" means the traveled way of an Interstate highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas.

(k) "Protected areas" means all areas inside the boundaries of a State which are adjacent to and within six hundred and sixty feet of the edge of the right-of-way of all controlled portions of the Interstate System within that State. Where a controlled portion of the Interstate System terminates at a State boundary which is not perpendicular or normal to the centerline of the highway, "protected areas" also means all areas inside the boundary of such State which are within six hundred and sixty feet of the edge of the right-of-way of the Interstate highway in the adjoining State.

(l) "Scenic area" means any public park or area of particular scenic beauty or historical significance designated by or pursuant to State law as a scenic area.

(m) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of a controlled portion of the Interstate System.

(n) "State" means the District of Columbia and any State of the United States within the boundaries of which

a portion of the Interstate System is located.

(o) "State law" means a State constitutional provision or statute, or an ordinance, rule, or regulation enacted or adopted by a State agency or political subdivision of a State pursuant to State constitution or statute.

(p) "Trade name" shall include brand name, trademark, distinctive symbol, or other similar device or thing used to identify particular products or services.

(q) "Traveled way" means the portion of a roadway for the movement of vehicles, exclusive of shoulders.

(r) "Turning roadway" means a connecting roadway for traffic turning between two intersection legs of an interchange.

(s) "Visible" means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

[23 F.R. 8793, Nov. 13, 1958, as amended at 25 F.R. 218, Jan. 12, 1960]

§ 20.3 Measurements of distance.

(a) Distance from the edge of a right-of-way shall be measured horizontally along a line normal or perpendicular to the centerline of the highway.

(b) All distances under § 20.7 (a) (2) and (b) shall be measured along the centerline of the highway between two vertical planes which are normal or perpendicular to and intersect the centerline of the highway, and which pass through the termini of the measured distance.

§ 20.4 Signs that may not be permitted in protected areas.

Erection or maintenance of the following signs may not be permitted in protected areas:

(a) Signs advertising activities that are illegal under State or Federal laws or regulations in effect at the location of such signs or at the location of such activities,

(b) Obsolete signs,

(c) Signs that are not clean and in good repair,

(d) Signs that are not securely affixed to a substantial structure, and

(e) Signs that are not consistent with the standards in this part.

§ 20.5 Signs that may be permitted in protected areas.

(a) Erection or maintenance of the following signs may be permitted in protected areas:

Class 1—Official signs. Directional or other official signs or notices erected and maintained by public officers or agencies pursuant to and in accordance with direction or authorization contained in State or Federal law, for the purpose of carrying out an official duty or responsibility.

Class 2—On premise signs. Signs not prohibited by State law which are consistent with the applicable provisions of this section and § 20.8 and which advertise the sale or lease of, or activities being conducted upon, the real property where the signs are located.

Not more than one such sign advertising the sale or lease of the same property may be permitted under this class in such manner as to be visible to traffic proceeding in any one direction on any one Interstate highway.

Not more than one such sign, visible to traffic proceeding in any one direction on any one Interstate highway and advertising activities being conducted upon the real property where the sign is located, may be permitted under this Class more than 50 feet from the advertised activity.

Class 3—Signs within 12 miles of advertised activities. Signs not prohibited by State law which are consistent with the applicable provisions of this section and §§ 20.6, 20.7 and 20.8 and which advertise activities being conducted within 12 air miles of such signs.

Class 4—Signs in the specific interest of the traveling public. Signs authorized to be erected or maintained by State law which are consistent with the applicable provisions of this section and §§ 20.6, 20.7 and 20.8 and which are designed to give information in the specific interest of the traveling public.

(b) A Class 2 or 3 sign, except a Class 2 sign not more than 50 feet from the advertised activity, that displays any trade name which refers to or identifies any service rendered or product sold, used or otherwise handled more than 12 air miles from such sign may not be permitted unless the name of the advertised activity which is within 12 air miles of such sign is displayed as conspicuously as such trade name.

(c) Only information about public places operated by Federal, State or local governments, natural phenomena, historic sites, areas of natural scenic beauty or naturally suited for outdoor recreation and places for camping, lodging, eating and vehicle service and repair is deemed to be in the specific interest of the traveling public. For the purposes of the standards in this part, a trade name is deemed to be information in the specific interest of the traveling public only if it identifies or characterizes such a place or identifies vehicle service, equipment, parts, accessories, fuels, oils or lubricants being offered for sale at

such a place. Signs displaying any other trade name may not be permitted under Class 4.

(d) Notwithstanding the provisions of paragraph (b) of this section, Class 2 or Class 3 signs which also qualify as Class 4 signs may display trade names in accordance with the provisions of paragraph (c) of this section.

§ 20.6 Class 3 and 4 signs within informational sites.

(a) Informational sites for the erection and maintenance of Class 3 and 4 advertising and informational signs may be established in accordance with the Regulations for the Administration of Federal-Aid for Highways. The location and frequency of such sites shall be as determined by agreements between the Secretary of Commerce and the State highway departments.

(b) Class 3 and 4 signs may be permitted within such informational sites in protected areas in a manner consistent with the following provisions:

(1) No sign may be permitted which is not placed upon a panel.

(2) No panel may be permitted to exceed 13 feet in height or 25 feet in length, including border and trim, but excluding supports.

(3) No sign may be permitted to exceed 12 square feet in area, and nothing on such sign may be permitted to be legible from any place on the main-traveled way or a turning roadway.

(4) Not more than one sign concerning a single activity or place may be permitted within any one informational site.

(5) Signs concerning a single activity or place may be permitted within more than one informational site, but no Class 3 sign which does not also qualify as a Class 4 sign may be permitted within any informational site more than 12 air miles from the advertised activity.

(6) No sign may be permitted which moves or has any animated or moving parts.

(7) Illumination of panels by other than white lights may not be permitted, and no sign placed on any panel may be permitted to contain, include, or be illuminated by any other lights, or any flashing, intermittent, or moving lights.

(8) No lighting may be permitted to be used in any way in connection with any panel unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main-traveled way of the Inter-

state System, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.

§ 20.7 Class 3 and 4 signs outside informational sites.

(a) The erection or maintenance of the following signs may be permitted within protected areas, outside informational sites:

(1) Class 3 signs which are visible only to Interstate highway traffic not served by an informational site within 12 air miles of the advertised activity;

(2) Class 4 signs which are more than 12 miles from the nearest panel within an informational site serving Interstate highway traffic to which such signs are visible.

(3) Signs that qualify both as Class 3 and 4 signs may be permitted in accordance with either subparagraph (1) or (2) of this paragraph.

(b) The erection or maintenance of signs permitted under paragraph (a) of this section may not be permitted in any manner inconsistent with the following:

(1) In protected areas in advance of an intersection of the main-traveled way of an Interstate highway and an exit roadway, such signs visible to Interstate highway traffic approaching such intersection may not be permitted to exceed the following number:

Distance from intersection:	<i>Number of signs</i>
0-2 miles.....	0.
2-5 miles.....	6.
More than 5 miles.....	Average of one sign per mile.

The specified distances shall be measured to the nearest point of the intersection of the traveled way of the exit roadway and the main-traveled way of the Interstate highway.

(2) Subject to the other provisions of this paragraph, not more than two such signs may be permitted within any mile distance measured from any point, and no such signs may be permitted to be less than 1,000 feet apart.

(3) Such signs may not be permitted in protected areas adjacent to any Interstate highway right-of-way upon any part of the width of which is constructed an entrance or exit roadway.

(4) Such signs visible to Interstate highway traffic which is approaching or has passed an entrance roadway may

not be permitted in protected areas for 1,000 feet beyond the furthest point of the intersection between the traveled way of such entrance roadway and the main-traveled way of the Interstate highway.

(5) No such signs may be permitted in scenic areas.

(6) Not more than one such sign advertising activities being conducted as a single enterprise or giving information about a single place may be permitted to be erected or maintained in such manner as to be visible to traffic moving in any one direction on any one Interstate highway.

(c) No Class 3 or 4 signs other than those permitted by this section may be permitted to be erected or maintained within protected areas, outside informational sites.

§ 20.8 General provisions.

No Class 3 or 4 signs may be permitted to be erected or maintained pursuant to § 20.7, and no Class 2 sign may be permitted to be erected or maintained, in any manner inconsistent with the following:

(a) No sign may be permitted which attempts or appears to attempt to direct the movement of traffic or which interferes with, imitates or resembles any official traffic sign, signal or device.

(b) No sign may be permitted which prevents the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic.

(c) No sign may be permitted which contains, includes, or is illuminated by any flashing, intermittent or moving light or lights.

(d) No lighting may be permitted to be used in any way in connection with any sign unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main-traveled way of the Interstate System, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.

(e) No sign may be permitted which moves or has any animated or moving parts.

(f) No sign may be permitted to be erected or maintained upon trees or painted or drawn upon rocks or other natural features.

(g) No sign may be permitted to exceed 20 feet in length, width or height, or 150 square feet in area, including border and trim but excluding supports, except Class 2 signs not more than 50 feet from, and advertising activities being conducted upon, the real property where the sign is located.

§ 20.9 Exclusions.

The standards in this part shall not apply to markers, signs and plaques in appreciation of sites of historical significance for the erection of which provisions are made in an agreement between a State and the Secretary of Commerce, as provided in the Act, unless such agreement expressly makes all or any part of the standards applicable.

[23 F.R. 8798, Nov. 13, 1958, as amended at 25 F.R. 2575, Mar. 26, 1960]

§ 20.10 State regulations.

A State may elect to prohibit signs permissible under the standards in this part without forfeiting its rights to any benefits provided for in the act.

PART 21—NATIONAL STANDARDS FOR DIRECTIONAL AND OTHER OFFICIAL SIGNS

Sec.

21.1 Purpose.

21.2 Application.

21.3 Definitions.

21.4 Standards for directional signs.

21.5 State standards.

AUTHORITY: The provisions of this Part 21 issued under secs. 131, 315, 72 Stat. 904, 915; 23 U.S.C. 131, 315; sec. 6, 80 Stat. 931; 49 U.S.C. 1651; delegation of authority to 49 CFR 1.4(c).

SOURCE: The provisions of this Part 21 appear at 34 F.R. 1014, Jan. 23, 1969, unless otherwise noted.

§ 21.1 Purpose.

(a) In section 131 of title 23, United States Code, Congress has declared that:

(1) The erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System and the primary system should be controlled in order to protect the public investment in such highways, to promote safety and recreational value of public travel, and to preserve natural beauty.

(2) Directional and other official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders,

scenic and historical attractions, which are required or authorized by law, shall conform to national standards authorized to be promulgated by the Secretary, which standards shall contain provisions concerning the lighting, size, number and spacing of signs, and such other requirements as may be appropriate to implement the section.

(b) The standards in this part are issued as provided in section 131 of title 23, United States Code.

§ 21.2 Application.

The following standards apply to directional and other official signs and notices which are erected and maintained within 660 feet of the nearest edge of the right-of-way of the Interstate and Federal-aid primary system, and which are visible from the main traveled way of the system. These standards do not apply to directional and other official signs erected on the highway right-of-way.

§ 21.3 Definitions.

For the purpose of this part—

(a) "Sign" means an outdoor sign, light, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main traveled way of the Interstate or Federal-aid primary highway.

(b) "Main traveled way" means the through traffic lanes of the highway, exclusive of frontage roads, auxiliary lanes, and ramps.

(c) "Interstate system" means the National System of Interstate and Defense Highways described in section 103(d) of title 23, United States Code.

(d) "Primary system" means the Federal-aid highway system described in section 103(b) of title 23, United States Code.

(e) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(f) "Maintain" means to allow to exist.

(g) "Scenic area" means any area of particular scenic beauty or historical significance as determined by the Federal, State, or local officials having jurisdiction thereof, and includes interests

in land which have been acquired for the restoration, preservation, and enhancement of scenic beauty.

(h) "Parkland" means any publicly owned land which is designated or used as a public park, recreation area, wildlife or waterfowl refuge or historic site.

(i) "Federal or State law" means a Federal or State constitutional provision or statute, or an ordinance, rule, or regulation enacted or adopted by a State or Federal agency or a political subdivision of a State pursuant to a Federal or State constitution or statute.

(j) "Visible" means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

(k) "Freeway" means a divided arterial highway for through traffic with full control of access.

(l) "Rest area" means an area or site established and maintained within or adjacent to the highway right-of-way by or under public supervision or control for the convenience of the traveling public.

(m) "Directional and other official signs and notices" includes only official signs and notices, public utility signs, service club and religious notices, public service signs, and directional signs.

(n) "Official signs and notices" means signs and notices erected and maintained by public officers or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in Federal, State, or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by State law and erected by State or local government agencies or nonprofit historical societies may be considered official signs.

(o) "Public utility signs" means warning signs, informational signs, notices, or markers which are customarily erected and maintained by publicly or privately owned public utilities, as essential to their operations.

(p) "Service club and religious notices" means signs and notices, whose erection is authorized by law, relating to meetings of nonprofit service clubs or charitable associations, or religious services, which signs do not exceed 8 square feet in area.

(q) "Public service signs" means signs located on school bus stop shelters, which signs—

(1) Identify the donor, sponsor, or contributor of said shelters;

(2) Contain safety slogans or messages, which shall occupy not less than 60 percent of the area of the sign;

(3) Contain no other message;

(4) Are located on school bus shelters which are authorized or approved by city, county, or State law, regulation, or ordinance, and at places approved by the city, county, or State agency controlling the highway involved; and

(5) May not exceed 32 square feet in area. Not more than one sign on each shelter shall face in any one direction.

(r) "Directional signs" means signs containing directional information about public places owned or operated by Federal, State, or local governments or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.

(s) "State" means any one of the 50 States, the District of Columbia, or Puerto Rico.

§ 21.4 Standards for directional signs.

The following apply only to directional signs:

(a) *General.* The following signs are prohibited:

(1) Signs advertising activities that are illegal under Federal or State laws or regulations in effect at the location of those signs or at the location of those activities.

(2) Signs located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic.

(3) Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.

(4) Obsolete signs.

(5) Signs which are structurally unsafe or in disrepair.

(6) Signs which move or have any animated or moving parts.

(7) Signs located in rest areas, parklands or scenic areas.

(b) *Size.* (1) No sign shall exceed the following limits:

(i) Maximum area—150 square feet.

(ii) Maximum height—20 feet.

(iii) Maximum length—20 feet.

(2) All dimensions include border and trim, but exclude supports.

(c) *Lighting.* Signs may be illuminated, subject to the following:

(1) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited.

(2) Signs which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of an Interstate or primary highway or which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.

(3) No sign may be so illuminated as to interfere with the effectiveness of or obscure an official traffic sign, device, or signal.

(d) *Spacing.* (1) Each location of a directional sign must be approved by the State highway department.

(2) No directional sign may be located within 2,000 feet of an interchange, or intersection at grade along the Interstate System or other freeways (measured along the Interstate or freeway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way).

(3) No directional sign may be located within 2,000 feet of a rest area, parkland, or scenic area.

(4) (i) No two directional signs facing the same direction of travel shall be spaced less than 1 mile apart;

(ii) Not more than three directional signs pertaining to the same activity and facing the same direction of travel may be erected along a single route approaching the activity;

(iii) Signs located adjacent to the Interstate System shall be within 75 air miles of the activity; and

(iv) Signs located adjacent to the Primary System shall be within 50 air miles of the activity.

(e) *Message content.* The message on directional signs shall be limited to the identification of the attraction or activity and directional information useful to the traveler in locating the attraction, such as mileage, route numbers, or exit numbers. Descriptive words or phrases, and pictorial or photographic representations of the activity or its environs are prohibited.

(f) *Selection methods and criteria.* (1) Privately owned activities or at-

tractions eligible for directional signing are limited to the following: natural phenomena; scenic attractions; historic, educational, cultural, scientific, and religious sites; and outdoor recreational areas.

(2) To be eligible, privately owned attractions or activities must be nationally or regionally known, and of outstanding interest to the traveling public.

(3) Each State shall develop specific selection methods and criteria to be used in determining whether or not an activity qualifies for this type of signing. A statement as to selection methods and criteria shall be furnished to the Secretary of Transportation before the State permits the erection of any such signs under section 131(c) of title 23, United States Code, and this part.

§ 21.5 State standards.

This part does not prohibit a State from establishing and maintaining standards which are more restrictive with respect to directional and other official signs and notices along the Federal-aid highway systems than these national standards.

PART 22—NATIONAL STANDARDS AND CRITERIA FOR OFFICIAL HIGHWAY SIGNS WITHIN INTERSTATE RIGHTS-OF-WAY GIVING SPECIFIC SERVICE INFORMATION FOR THE TRAVELING PUBLIC

Sec.	
22.1	Purpose.
22.2	Definitions.
22.3	Location.
22.4	Criteria to determine specific information permitted.
22.5	Composition.
22.6	Size.
22.7	Color, reflectorization and illumination.
22.8	Structural design and transverse location of signs and sign supports.
22.9	Inclusiveness of use.
22.10	Procedures to be followed by States.

AUTHORITY: The provisions of this Part 22 issued under secs. 131, 315, 72 Stat. 904, 915; 23 U.S.C. 131, 315; sec. 6, 80 Stat. 931; 49 U.S.C. 1651; delegation of authority to 49 CFR 1.4(c).

SOURCE: The provisions of this Part 22 appear at 34 F.R. 1016, Jan. 23, 1969, unless otherwise noted.

§ 22.1 Purpose.

The purpose of this part is to establish standards for the erection of signs and

displays within the rights-of-way of the Interstate highway system to give the traveling public specific information as to gas, food, or lodging available on the crossroad at or near an interchange.

§ 22.2 Definitions.

As used in this part—

(a) "Specific information panel" means a panel, rectangular in shape, located in the same manner as other official traffic signs readable from the main traveled ways, and consisting of—

(1) The words "GAS," "FOOD," or "LODGING" and directional information; and

(2) One or more individual business signs mounted on the panel.

(b) "Roadside area information panel or display" means a panel or display, located so as not to be readable from the main traveled way, erected in a safety rest area, scenic overlook, or similar roadside area, for providing motorists with specific services information.

(c) "Business sign" means a separately attached sign mounted on the specific information panel or roadside area information panel to show the brand or trademark and name, or both, of the motorist services available on the crossroad at or near the interchange. Nationally, regionally, or locally known commercial symbols or trademarks for service stations, restaurants and motels shall be used when applicable. The brand or trademark identification symbol used on the business sign shall be reproduced with the colors and general shape consistent with customary use. Any messages, trademarks, or brand symbols which interfere with, imitate, or resemble any official warning or regulatory traffic sign, signal or device are prohibited.

(d) "State" means any one of the 50 States, the District of Columbia, or Puerto Rico.

§ 22.3 Location.

(a) The specific information panels are designed for application at rural interchanges where a number of motorist services normally are not available. Specific information panels may not be installed within suburban or urban areas, except on circumferential, bypass, or beltway-type routes where existing roadside development is not urban in character.

(b) A separate specific information panel shall be provided on the interchange approach for each qualified type

of motorist service. Where a qualified type of motorist service is not available at an interchange, the specific information panel may not be erected.

(c) The specific information panels shall be erected between the previous interchange and in advance of the first advance guide sign for the approaching interchange. These panels shall be located in the same general manner as other official traffic signs in advance of the interchange, readable from the main traveled way. The panels shall be erected in advance of the first advance guide sign and no panel shall be closer than 1,500 feet to any major guide signs, with at least an 800-foot spacing between the information panels. In the direction of traffic, the successive panels shall be those for "LODGING," "FOOD," "GAS," in that order.

(d) The specific information panel may not be erected at an interchange at which an exit from the Interstate highway is provided, but at which no entrance ramp exists at that interchange or at another reasonably convenient location that would permit a motorist to proceed in the desired direction of travel without undue indirection or use of poor connection roads.

(e) The motorist services information, shown on the specific information panels, shall be repeated on the signs located along the interchange ramp or at the ramp terminal where the service installations are not visible from the ramp terminal. In addition, appropriate trail blazer assemblies or direction information panels, described below, may also be provided along the crossroad, as required, to adequately direct motorists to the respective service facilities. The signs shall be the same in shape, color, and message as those shown on the specific information panels, together with an arrow showing the directions for the different services and, where needed, the mileage to the service installation. Normally, this signing will not be necessary at double-exit interchanges. These sign legends or symbols shall be smaller (minimum 4-inch letter height, except that any legend on a symbol shall be in proportion to the size of the symbol) than those shown on the specific information panels.

(f) As a confirmation to the specific information panels, a sign carrying the legend "GAS-FOOD-LODGING" and, where applicable, "PHONE" and "HOSPITAL" shall be erected below the ground

mounted exit direction sign, or may be a separate sign with appropriate directional information erected a minimum of 800 feet following the last advance guide sign. This sign shall have reflectorized white letters and border on a blue background. The legend shall be 10-inch capital letters.

(g) Roadside area information panels and displays for subsequent interchanges shall be located within safety rest areas. Motorist services information may be displayed in one roadside area for all interchanges preceding the next roadside area.

§ 22.4 Criteria to determine specific information permitted.

The following are minimum criteria for permitting business signs to be erected on the specific information panel or the roadside area information panel:

(a) The individual business installation whose name, symbol, or trademark appears on a business sign, shall have given written assurance of its conformity with all applicable laws concerning the provision of public accommodations without regard to race, religion, color, or national origin, and shall not be in continuing breach of that assurance.

(b) The maximum distance that the "GAS," "FOOD," or "LODGING" services can be located from the main traveled way to qualify for a business sign shall be in accordance with State standards, but may not exceed 3 miles in either direction, if within that 3-mile limit one or more of the service types considered is available, or, if not available, continue in 3-mile increments of consideration up to a 15-mile maximum if necessary to find an available service of the type being considered. Services beyond the 15-mile limit do not qualify for signing.

(c) "GAS" and associated services to qualify for erection on a panel shall include—

(1) Vehicle services such as fuel, oil, lubrication, tire repair, and water;

(2) Rest room facilities and drinking water;

(3) Continuous operation at least 16 hours per day, 7 days a week; and

(4) Telephone.

(d) "FOOD" to qualify for erection on a panel shall include—

(1) Where required, licensing or approval by State or political subdivision;

(2) Continuous operation to serve three meals a day, 7 days a week; and

(3) Telephone.

(e) "LODGING" to qualify for erection on a panel shall include—

- (1) Where required, licensing or approval by State or political subdivision;
- (2) Adequate sleeping accommodations; and
- (3) Telephone.

§ 22.5 Composition.

(a) The "GAS" specific information panel shall be limited to six business signs; the "FOOD" and the "LODGING" specific information panels shall be limited to four business signs each. For a single exit interchange, the business signs shall be arranged on the panel, with a maximum of two horizontal rows. When the number of business signs is one-half or less of the maximum permitted, the arrangement shall be in one horizontal row. The maximum in one horizontal row shall be limited to one-half of the maximum permitted on the panel. The signs shall be mounted on the panel in the order of the travel distance measured from the point of the intersection of the main traveled way and the exit traveled way, the closest at the top left, the next closest at the bottom left, and continuing to the end.

(b) In the case of a double-exit interchange, the specific information panels shall consist of two sections where the same type of motorist services are to be signed for each exit. The arrangement of the business signs on each section of the panel shall be in accordance with the requirements for a single-exit specific information panel. For double exit interchanges, the travel distance shall be measured from the intersection of the main traveled way and the first exit traveled way.

(c) In the case of a double-exit interchange, the specific information panel shall display the appropriate business sign or signs and directional information for each exit. The top section of this panel shall display the supplemental signs for the first exit with the directional legend "NEXT RIGHT." The lower section of the panel shall display the business signs for the second exit with the directional legend "SECOND RIGHT." Exit numbering, where used, may be placed on the panels, such as "EXIT 28" in place of the "NEXT RIGHT" or "SECOND RIGHT" message. The number of business signs on this panel (both sections) shall be limited to six for "GAS",

or four each for "FOOD" and "LODGING."

§ 22.6 Size.

(a) The business signs displayed on the "GAS" information panel shall be contained within a 36-inch wide and a 24-inch high rectangular background area, including border. The business signs on the "FOOD" and "LODGING" information panels shall be contained within a 54-inch wide and a 24-inch high rectangular background area, including border.

(b) For the single-exit interchange, the maximum size of the specific information panel shall be 12 feet wide and 8 feet high, including border; the minimum size shall be 12 feet wide and 5 feet high, including border.

(c) For double-exit interchanges, where the same type of motorist services are to be signed for each exit, the specific information panel shall consist of two 12-foot wide and 5-foot high sections, one for each exit. Each section shall be capable of accommodating a maximum of either three gas business signs or two food or lodging business signs. For double-exit interchanges where a type of motorist service is to be signed for only one exit, only one 12-foot wide by 5-foot high specific information panel may be used.

(d) Latitude in design is permitted in provision of roadside area information signs or displays. Design by the State should include considerations of the architectural treatment of the buildings and other structures in the roadside area. Additional considerations are recreational, historic, and other sightseeing attractions in the area. Flexibility in design is expected and desirable. Standard symbols and trademarks, where applicable, can be used for glance recognition.

§ 22.7 Color, reflectorization, and illumination.

(a) The background color of the specific information panel shall be blue with a white reflectorized border. The words "GAS," "FOOD," and "LODGING" and exit direction messages shall be white reflectorized 10-inch capital letters mounted on the blue panel.

(b) The business sign color shall be a white message on a blue background, except that colors consistent with customary use should be used with nationally, regionally, or locally known symbols or trademarks. The principal legend on the

business sign shall be at least 8 inches in height, whether capitals or lower case. However, where the symbol or trademark is used alone for the business sign, any legend on the symbol or trademark shall be in proportion to the size thereof, consistent with customary use. The business signs, symbols, or trademarks shall have a white border.

(c) The specific information panel may be illuminated, but on any interchange approach all panels shall be consistent with the treatment for other guide signs for that approach.

§ 22.8 Structural design and transverse location of signs and sign supports.

Where signs along the roadside cannot be placed at a safe distance away from the line of traffic, or in an otherwise protected site, they shall be designed to minimize the impact forces in

the event of being hit by out-of-control vehicles.

§ 22.9 Inclusiveness of use.

States electing to provide service signing as described in this Part may choose to install—

- (a) Specific information panels only;
- (b) Roadside area information panels or displays only; or

(c) Both specific information panels and roadside area information panels or displays.

§ 22.10 Procedures to be followed by States.

Procedures to be followed by the States in applying for and obtaining approval for the erection of service signing shall be as outlined by the Director, Bureau of Public Roads.

CHAPTER II—NATIONAL HIGHWAY SAFETY BUREAU, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A [RESERVED]

SUBCHAPTER B—STANDARDS

Part

204 Uniform Standards for State Highway Safety Programs.

SUBCHAPTER A [RESERVED]

SUBCHAPTER B—STANDARDS

PART 204—UNIFORM STANDARDS FOR STATE HIGHWAY SAFETY PROGRAMS

Subpart A [Reserved]

Subpart B—Standards

AUTHORITY: The provisions of this Part 204 issued under 23 U.S.C. 315, 401, 402; sec. 6(a) (6) (B) 80 Stat. 937; 49 U.S.C. 1655, unless otherwise noted.

SOURCE: The provisions of this Part 204 appear at 33 F.R. 16337, Nov. 7, 1968 (Standards 14—16); 33 F.R. 16560, Nov. 14, 1968 (Standards 1—13), unless otherwise noted.

§ 204.4 Highway Safety Program Standards.

The Uniform Standards for State Highway Safety Programs are set forth in this subpart.

HIGHWAY SAFETY PROGRAM STANDARD NUMBERS AND TITLES

Sec.	
1	Periodic Motor Vehicle Inspection.
2	Motor Vehicle Registration.
3	Motorcycle Safety.
4	Driver Education.
5	Driver Licensing.
6	Codes and Laws.

Sec.

7	Traffic Courts.
8	Alcohol in Relation to Highway Safety.
9	Identification and Surveillance of Accident Locations.
10	Traffic Records.
11	Emergency Medical Services.
12	Highway Design, Construction and Maintenance.
13	Traffic Control Devices.
14	Pedestrian Safety.
15	Police Traffic Services.
16	Debris Hazard Control and Cleanup.

HIGHWAY SAFETY PROGRAM STANDARD NO. 1

PERIODIC MOTOR VEHICLE INSPECTION

Each State shall have a program for periodic inspection of all registered vehicles or other experimental, pilot, or demonstration program approved by the Secretary, to reduce the number of vehicles with existing or potential conditions which cause or contribute to accidents or increase the severity of accidents which do occur, and shall require the owner to correct such conditions.

I. The program shall provide, as a minimum, that:

A. Every vehicle registered in the State is inspected either at the time of initial registration and at least annually

thereafter, or at such other time as may be designated under an experimental, pilot, or demonstration program approved by the Secretary.

B. The inspection is performed by competent personnel specifically trained to perform their duties and certified by the State.

C. The inspection covers systems, subsystems, and components having substantial relation to safe vehicle performance.

D. The inspection procedures equal or exceed criteria issued or endorsed by the National Highway Safety Bureau.

E. Each inspection station maintains records in a form specified by the State, which include at least the following information:

1. Class of vehicle.
2. Date of inspection.
3. Make of vehicle.
4. Model year.
5. Vehicle identification number.
6. Defects by category.
7. Identification of inspector.
8. Mileage or odometer reading.

F. The State publishes summaries of records of all inspection stations at least annually, including tabulations by make and model of vehicle.

II. The program shall be periodically evaluated by the State and the National Highway Safety Bureau shall be provided with an evaluation summary.

HIGHWAY SAFETY PROGRAM STANDARD
No. 2

MOTOR VEHICLE REGISTRATION

Each State shall have a motor vehicle registration program, which shall provide for rapid identification of each vehicle and its owner; and shall make available pertinent data for accident research and safety program development.

I. The program shall be such that every vehicle operated on public highways is registered and the following information is readily available for each vehicle:

- A. Make.
- B. Model year.
- C. Identification number (rather than motor number).
- D. Type of body.
- E. License plate number.
- F. Name of current owner.
- G. Current address of owner.
- H. Registered gross laden weight of every commercial vehicle.

II. Each program shall have a records system that provides at least the following services:

A. Rapid entry of new data into the records or data system.

B. Controls to eliminate unnecessary or unreasonable delay in obtaining data.

C. Rapid audio or visual response upon receipt at the records station of any priority request for status of vehicle possession authorization.

D. Data available for statistical compilation as needed by authorized sources.

E. Identification and ownership of vehicle sought for enforcement or other operation needs.

III. This program shall be periodically evaluated by the State, and the National Highway Safety Bureau shall be provided with an evaluation summary.

HIGHWAY SAFETY PROGRAM STANDARD No. 3
MOTORCYCLE SAFETY

For the purposes of this standard a motorcycle is defined as any motor-driven vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding tractors and vehicles on which the operator and passengers ride within an enclosed cab.

Each State shall have a motorcycle safety program to insure that only persons physically and mentally qualified will be licensed to operate a motorcycle; that protective safety equipment for drivers and passengers will be worn; and that the motorcycle meets standards for safety equipment.

I. The program shall provide as a minimum that:

A. Each person who operates a motorcycle:

1. Passes an examination or reexamination designed especially for motorcycle operation.
2. Holds a license issued specifically for motorcycle use or a regular license endorsed for each purpose.

B. Each motorcycle operator wears an approved safety helmet and eye protection when he is operating his vehicle on streets and highways.

C. Each motorcycle passenger wears an approved safety helmet, and is provided with a seat and footrest.

D. Each motorcycle is equipped with a rear-view mirror.

E. Each motorcycle is inspected at the time it is initially registered and at least annually thereafter, or in accordance

with the State's inspection requirements.

II. The program shall be periodically evaluated by the State for its effectiveness in terms of reductions in accidents and their end results, and the National Highway Safety Bureau shall be provided with an evaluation summary.

HIGHWAY SAFETY PROGRAM STANDARD No. 4

DRIVER EDUCATION

Each State, in cooperation with its political subdivisions, shall have a driver education and training program. This program shall provide at least that:

I. There is a driver education program available to all youths of licensing age which:

A. Is taught by instructors certified by the State as qualified for these purposes.

B. Provides each student with practice driving and instruction in at least the following:

1. Basic and advanced driving techniques including techniques for handling emergencies.

2. Rules of the road, and other State laws and local motor vehicle laws and ordinances.

3. Critical vehicle systems and subsystems requiring preventive maintenance.

4. The vehicle, highway and community features:

a. That aid the driver in avoiding crashes,

b. That protect him and his passengers in crashes,

c. That maximize the salvage of the injured.

5. Signs, signals, and highway markings, and highway design features which require understanding for safe operation of motor vehicles.

6. Differences in characteristics of urban and rural driving including safe use of modern expressways.

7. Pedestrian safety.

C. Encourages students participating in the program to enroll in first aid training.

II. There is a State research and development program including adequate research, development and procurement of practice driving facilities, simulators, and other similar teaching aids for both school and other driver training use.

III. There is a program for adult driver training and retraining.

IV. Commercial driving schools are licensed and commercial driving instructors are certified in accordance with specific criteria adopted by the State.

V. The program shall be periodically evaluated by the State, and the National Highway Safety Bureau shall be provided with an evaluation summary.

HIGHWAY SAFETY PROGRAM STANDARD No. 5

DRIVER LICENSING

Each State shall have a driver licensing program: (a) To insure that only persons physically and mentally qualified will be licensed to operate a vehicle on the highways of the State, and (b) to prevent needlessly removing the opportunity of the citizen to drive. The program shall provide, as a minimum, that:

I. Each driver holds only one license, which identifies the type(s) of vehicle(s) he is authorized to drive.

II. Each driver submits acceptable proof of date and place of birth in applying for his original license.

III. Each driver:

A. Passes an initial examination demonstrating his:

1. Ability to operate the class(es) of vehicle(s) for which he is licensed.

2. Ability to read and comprehend traffic signs and symbols.

3. Knowledge of laws relating to traffic (rules of the road) safe driving procedures, vehicle and highway safety features, emergency situations that arise in the operation of an automobile, and other driver responsibilities.

4. Visual acuity, which must meet or exceed State standards.

B. Is reexamined at an interval not to exceed 4 years, for at least visual acuity and knowledge of rules of the road.

IV. A record on each driver is maintained which includes positive identification, current address, and driving history. In addition, the record system shall provide the following services:

A. Rapid entry of new data into the system.

B. Controls to eliminate unnecessary or unreasonable delay in obtaining data which is required for the system.

C. Rapid audio or visual response upon receipt at the records station of any priority request for status of driver license validity.

D. Ready availability of data for statistical compilation as needed by authorized sources.

E. Ready identification of drivers sought for enforcement or other operational needs.

V. Each license is issued for a specific term, and must be renewed to remain valid. At time of issuance or renewal each driver's record must be checked.

VI. There is a driver improvement program to identify problem drivers for record review and other appropriate actions designed to reduce the frequency of their involvement in traffic accidents or violations.

VII. There is:

A. A system providing for medical evaluation of persons whom the driver licensing agency has reason to believe have mental or physical conditions which might impair their driving ability.

B. A procedure which will keep the driver license agency informed of all licensed drivers who are currently applying for or receiving any type of tax, welfare or other benefits or exemptions for the blind or nearly blind.

C. A medical advisory board or equivalent allied health professional unit composed of qualified personnel to advise the driver license agency on medical criteria and vision standards.

VIII. The program shall be periodically evaluated by the State and the National Highway Safety Bureau shall be provided with an evaluation summary. The evaluation shall attempt to ascertain the extent to which driving without a license occurs.

HIGHWAY SAFETY PROGRAM STANDARD No. 6

CODES AND LAWS

Each State shall develop and implement a program to achieve uniformity of traffic codes and laws throughout the State. The program shall provide at least that:

I. There is a plan to achieve uniform rules of the road in all of its jurisdictions.

II. There is a plan to make the State's unified rules of the road consistent with similar unified plans of other States. Toward this end, each State shall undertake and maintain continuing comparisons of all State and local laws, statutes and ordinances with the comparable provisions of the Rules of the Road section of the Uniform Vehicle Code.

HIGHWAY SAFETY PROGRAM STANDARD No. 7

TRAFFIC COURTS

Each State in cooperation with its political subdivisions shall have a program to assure that all traffic courts in

it complement and support local and Statewide traffic safety objectives. The program shall provide at least that:

I. All convictions for moving traffic violations shall be reported to the State traffic records system.

II. Program Recommendations

In addition the State should take appropriate steps to meet the following recommended conditions:

A. All individuals charged with moving hazardous traffic violations are required to appear in court.

B. Traffic courts are financially independent of any fee system, fines, costs, or other revenue such as posting or forfeiture of bail or other collateral resulting from processing violations of motor-vehicle laws.

C. Operating procedures, assignment of judges, staff and quarters insure reasonable availability of court services for alleged traffic offenders.

D. There is a uniform accounting system regarding traffic violation notices, collection of fines, fees and costs.

E. There are uniform rules governing court procedures in traffic cases.

F. There are current manuals and guides for administration, court procedures, and accounting.

HIGHWAY SAFETY PROGRAM STANDARD No. 8 ALCOHOL IN RELATION TO HIGHWAY SAFETY

Each State, in cooperation with its political subdivisions, shall develop and implement a program to achieve a reduction in those traffic accidents arising in whole or in part from persons driving under the influence of alcohol. The program shall provide at least that:

I. There is a specification by the State of the following with respect to alcohol related offenses:

A. Chemical test procedures for determining blood-alcohol concentrations.

B. (1) The blood-alcohol concentrations, not higher than .10 percent by weight, which define the terms "intoxicated" or "under the influence of alcohol," and

(2) A provision making it either unlawful, or presumptive evidence of illegality, if the blood-alcohol concentration of a driver equals or exceeds the limit so established.

II. Any person placed under arrest for operating a motor vehicle while intoxicated or under the influence of alcohol is deemed to have given his consent to a

chemical test of his blood, breath, or urine for the purpose of determining the alcohol content of his blood.

III. To the extent practicable, there are quantitative tests for alcohol:

A. On the bodies of all drivers and adult pedestrians who die within 4 hours of a traffic accident.

B. On all surviving drivers in accidents fatal to others.

IV. There are appropriate procedures established by the State for specifying:

A. The qualifications of personnel who administer chemical tests used to determine blood, breath, and other body alcohol concentrations.

B. The methods and related details of specimen selection, collection, handling, and analysis.

C. The reporting and tabulation of the results.

V. The program shall be periodically evaluated by the State, and the National Highway Safety Bureau shall be provided with an evaluation summary.

**HIGHWAY SAFETY PROGRAM STANDARD No. 9
IDENTIFICATION AND SURVEILLANCE OF ACCIDENT LOCATIONS**

Each State, in cooperation with county and other local governments, shall have a program for identifying accident locations and for maintaining surveillance of those locations having high accident rates or losses.

I. The program shall provide, as a minimum, that:

A. There is a procedure for accurate identification of accident locations on all roads and streets.

1. To identify accident experience and losses on any specific sections of the road and street system.

2. To produce an inventory of:

a. High accident locations.

b. Locations where accidents are increasing sharply.

c. Design and operating features with which high accident frequencies or severities are associated.

3. To take appropriate measures for reducing accidents.

4. To evaluate the effectiveness of safety improvements on any specific section of the road and street system.

B. There is a systematically organized program:

1. To maintain continuing surveillance of the roadway network for potentially high accident locations.

2. To develop methods for their correction.

II. The program shall be periodically evaluated by the State and the National Highway Safety Bureau shall be provided with an evaluation summary.

**HIGHWAY SAFETY PROGRAM STANDARD
No. 10**

TRAFFIC RECORDS

Each State, in cooperation with its political subdivisions, shall maintain a traffic records system. The Statewide system (which may consist of compatible subsystems) shall include data for the entire State. Information regarding drivers, vehicles, accidents, and highways shall be compatible for purposes of analysis and correlation. Systems maintained by local governments shall be compatible with, and capable of furnishing data to the State system. The State system shall be capable of providing summaries, tabulations and special analyses to local governments on request.

The record system shall include: (a) Certain basic minimum data and (b) procedures for statistical analyses of these data.

The program shall provide as a minimum that:

I. Information on vehicles and system capabilities includes (conforms to Motor Vehicle Registration standard):

A. Make.

B. Model year.

C. Identification number (rather than motor number).

D. Type of body.

E. License plate number.

F. Name of current owner.

G. Current address of owner.

H. Registered gross laden weight of every commercial vehicle.

I. Rapid entry of new data into the records or data system.

J. Controls to eliminate unnecessary or unreasonable delay in obtaining data.

K. Rapid audio or visual response upon receipt at the records station of any priority request for status of vehicle possession authorization.

L. Data available for statistical compilation as needed by authorized sources.

M. Identification and ownership of vehicles sought for enforcement or other operational needs.

II. Information on drivers and system capabilities includes (conforms to Driver Licensing standard):

A. Positive identification.

B. Current address.

C. Driving history.

D. Rapid entry of new data into the system.

E. Controls to eliminate unnecessary or unreasonable delay in obtaining data which is required for the system.

F. Rapid audio or visual response upon receipt at the records station of any priority request for status of driver license validity.

G. Ready availability of data for statistical compilation as needed by authorized sources.

H. Ready identification of drivers sought for enforcement or other operational needs.

III. Information on types of accidents includes:

A. Identification of location in space and time.

B. Identification of drivers and vehicles involved.

C. Type of accident.

D. Description of injury and property damage.

E. Description of environmental conditions.

F. Causes and contributing factors, including the absence of or failure to use available safety equipment.

IV. There are methods to develop summary listings, cross tabulations, trend analyses and other statistical treatments of all appropriate combinations and aggregations of data items in the basic minimum data record of drivers and accident and accident experience by specified groups.

V. All traffic records relating to accidents collected hereunder shall be open to the public in a manner which does not identify individuals.

VI. The program shall be periodically evaluated by the State and the National Highway Safety Bureau shall be provided with an evaluation summary.

**HIGHWAY SAFETY PROGRAM STANDARD
No. 11**

EMERGENCY MEDICAL SERVICES

Each State, in cooperation with its local political subdivisions, shall have a program to ensure that persons involved in highway accidents receive prompt emergency medical care under the range of emergency conditions encountered. The program shall provide, as a minimum, that:

I. There are training, licensing, and related requirements (as appropriate) for ambulance and rescue vehicle operators, attendants, drivers, and dispatchers.

II. There are requirements for types and number of emergency vehicles including supplies and equipment to be carried.

III. There are requirements for the operation and coordination of ambulances and other emergency care systems.

IV. There are first aid training programs and refresher courses for emergency service personnel, and the general public is encouraged to take first aid courses.

V. There are criteria for the use of two-way communications.

VI. There are procedures for summoning and dispatching aid.

VII. There is an up-to-date, comprehensive plan for emergency medical services, including:

A. Facilities and equipment.

B. Definition of areas of responsibility.

C. Agreements for mutual support.

D. Communications systems.

VIII. This program shall be periodically evaluated by the State and the National Highway Safety Bureau shall be provided with an evaluation summary.

**HIGHWAY SAFETY PROGRAM STANDARD
No. 12**

**HIGHWAY DESIGN, CONSTRUCTION AND
MAINTENANCE**

Every State in cooperation with county and local governments shall have a program of highway design, construction, and maintenance to improve highway safety. Standards applicable to specific programs are those issued or endorsed by the Federal Highway Administrator.

I. The program shall provide, as a minimum that:

A. There are design standards relating to safety features such as sight distance, horizontal and vertical curvature, spacing of decision points, width of lanes, etc., for all new construction or reconstruction, at least on expressways, major streets and highways, and through streets and highways.

B. Street systems are designated to provide a safe traffic environment for pedestrians and motorists when subdivisions and residential areas are developed or redeveloped.

C. Roadway lighting is provided or upgraded on a priority basis at the following locations:

1. Expressways and other major arteries in urbanized areas.

2. Junctions of major highways in rural areas.

3. Locations or sections of streets and highways having high ratios of night-to-day motor vehicle and/or pedestrian accidents.

4. Tunnels and long underpasses.

D. There are standards for pavement design and construction with specific provisions for high skid resistance qualities.

E. There is a program for resurfacing or other surface treatment with emphasis on correction of locations or sections of streets and highways with low skid resistance and high or potentially high accident rates susceptible to reduction by providing improved surfaces.

F. There is guidance, warning and regulation of traffic approaching and traveling over construction or repair sites and detours.

G. There is a systematic identification and tabulation of all rail-highway grade crossings and a program for the elimination of hazards and dangerous crossings.

H. Roadways and the roadsides are maintained consistent with the design standards which are followed in construction, to provide safe and efficient movement of traffic.

I. Hazards within the highway right-of-way are identified and corrected.

J. There are highway design and construction features wherever possible for accident prevention and survivability including at least the following:

1. Roadsides clear of obstacles, with clear distance being determined on the basis of traffic volumes, prevailing speeds, and the nature of development along the street or highway.

2. Supports for traffic control devices and lighting that are designed to yield or break away under impact wherever appropriate.

3. Protective devices that afford maximum protection to the occupants of vehicles wherever fixed objects cannot reasonably be removed or designed to yield.

4. Bridge railings and parapets which are designed to minimize severity of impact, to retain the vehicle, to redirect the vehicle so that it will move parallel to the roadway, and to minimize danger to traffic below.

5. Guardrails, and other design features which protect people from out-of-control vehicles at locations of special hazard such as playgrounds, schoolyards and commercial areas.

K. There is a post-crash program which includes at least the following:

1. Signs at freeway interchanges directing motorists to hospitals having emergency care capabilities.

2. Maintenance personnel trained in procedures for summoning aid, protecting others from hazards at accident sites, and removing debris.

3. Provisions for access and egress for emergency vehicles to freeway sections where this would significantly reduce travel time without reducing the safety benefits of access control.

II. This program shall be periodically evaluated by the State for its effectiveness in terms of reductions in accidents and their end results, and the National Highway Safety Bureau shall be provided with an evaluation summary.

HIGHWAY SAFETY PROGRAM STANDARD No. 13

TRAFFIC CONTROL DEVICES

Each State, in cooperation with its county and local government, shall have a program relating to the use of traffic control devices (signs, markings, signals, etc.) and other traffic engineering measures to reduce traffic accidents.

I. The program shall provide, as a minimum, that:

A. There is a method:

1. To identify needs and deficiencies of traffic control devices.

2. To assist in developing current and projected programs for maintaining, upgrading, and installing traffic control devices.

B. Existing traffic control devices on all streets and highways are upgraded to conform with standards issued or endorsed by the Federal Highway Administrator.

C. New traffic control devices are installed on all streets and highways, based on engineering studies to determine where devices are needed for safety. Such devices conform with standards issued or endorsed by the Federal Highway Administrator.

D. There are programs for preventive maintenance, repair, and daytime and nighttime inspection of all traffic control devices.

E. Fixed or variable speed zones are established, at least on expressways, major streets and highways, and through streets and highways, based on engineering and traffic regulations.

II. This program shall be periodically evaluated by the State and the National Highway Safety Bureau shall be provided with an evaluation summary.

**HIGHWAY SAFETY PROGRAM STANDARD
No. 14**

PEDESTRIAN SAFETY

Every State in cooperation with its political subdivisions shall develop and implement a program to insure the safety of pedestrians of all ages. The program shall provide, as a minimum, that:

I. There is a continuing statewide inventory of pedestrian-motor vehicle accidents, identifying specifically:

A. The locations and times of all such accidents.

B. The age of all of the pedestrians injured or killed.

C. Where feasible, to determine whether the exterior features of the vehicle produced or aggravated an injury.

D. The color and shade of clothing worn by pedestrians when injured or killed, and the visibility conditions which prevailed at the time.

E. The extent to which alcohol is present in the blood of fatally injured pedestrians 16 years of age and older.

F. Where possible, to determine, the extent to which pedestrians involved in accidents have physical or mental disabilities.

II. There are established Statewide operational procedures for improving the protection of pedestrians through reduction of potential conflicts with vehicles:

A. By application of traffic engineering practices including pedestrian signals, signs, markings, parking regulations, and other pedestrian and vehicle traffic control devices.

B. By land-use planning in new and redevelopment areas for safe pedestrian movement.

C. By provision of pedestrian bridges, barriers, sidewalks and other means of physically separating pedestrian and vehicle pathways.

D. By provision of environmental illumination at high pedestrian volume and/or potentially hazardous pedestrian crossings.

III. There is established a Statewide program for familiarizing drivers with the pedestrian problem and with ways to avoid pedestrian collisions.

A. The program content shall include emphasis on:

(1) Behavior characteristics of the the three types of pedestrians most commonly involved in accidents with vehicles: (i) Children; (ii) persons under the influence of alcohol; (iii) the elderly;

(2) Accident avoidance techniques that take into account the hazardous conditions, and behavior characteristics displayed by each of the three high risk pedestrian groups listed in subparagraph (1).

B. Emphasis on this program content shall be included in:

(1) All driver education and training courses;

(2) Driver improvement courses;

(3) Driver license examinations.

IV. There are statewide programs for training and educating all members of the public as to safe pedestrian behavior on or near streets and highways.

A. For children, youths and adults enrolled in schools, beginning at the earliest possible age.

B. For the general population via the public media.

V. There is a statewide program for the protection of children walking to and from school, entering and leaving school buses, and in neighborhood play.

VI. There is a statewide program for establishment and enforcement of traffic regulations designed to achieve orderly pedestrian and vehicle movement and to reduce vehicle-pedestrian conflicts.

VII. This program shall be periodically evaluated by the States, and the National Highway Safety Bureau shall be provided with an evaluation summary.

**HIGHWAY SAFETY PROGRAM STANDARD
No. 15**

POLICE TRAFFIC SERVICES

Every State in cooperation with its political subdivisions shall have a program to insure efficient and effective police services utilizing traffic patrols: To enforce traffic laws; to prevent accidents; to aid the injured; to document the particulars of individual accidents; to supervise accident cleanup and to restore safe and orderly traffic movement.

I. The program shall provide as a minimum that there are:

A. Uniform training procedures in all aspects for police supervision of vehicular and pedestrian traffic related to highway safety, including use of appropriate instructional materials and techniques for recruit, advanced, in-service, and special course training.

B. Periodic in-service training courses for uniformed and other police department employees assigned to traffic duties dealing with:

(1) Administration and management of police, vehicular and pedestrian traffic services.

(2) Analysis, interpretation and use of traffic records data.

(3) Insurance of prompt reliable post-accident response, including skilled aid to the injured.

(4) Accomplishing postaccident responsibilities.

C. Procedures for the selective assignment of trained police personnel to supervise vehicular and pedestrian traffic duties including enforcement patrols in hazardous or congested areas based on: time and location of

- (1) Traffic volume.
- (2) Accident experience.
- (3) Traffic violation frequency.
- (4) Emergency and service needs.

D. Procedures for investigating, recording and reporting accidents pertaining to:

(1) The human, vehicular, and highway causative factors in individual accidents.

(2) The human, vehicular, and highway causative factors of injuries and deaths, including failure to use safety belts.

(3) The efficiency of the postaccident response.

E. Procedures for recognizing and reporting, to the appropriate agencies, hazardous highway defects and conditions, including:

- (1) Condition of drivers;
- (2) Operational condition of motor vehicles;
- (3) Defective signs, signals, controls, construction and maintenance deficiencies.

a. Data listed in (3) above shall be readily available to the public.

F. Appropriate agreements by the State and its political subdivisions regarding primary responsibility and authority for police traffic supervision, and cooperative responsibilities where concurrent jurisdictional boundaries and problems exist, and appropriate participation of each law enforcement agency in the comprehensive highway safety program of the State and its political subdivisions.

II. The programs shall be periodically evaluated by the State, and the National Highway Safety Bureau shall be provided with an evaluation summary.

III. Nothing in this standard shall preclude the use of personnel other than police officers in carrying out the mini-

num requirements in accordance with laws and policies established by State and/or local governments.

HIGHWAY SAFETY PROGRAM STANDARD
No. 16

DEBRIS HAZARD CONTROL AND CLEANUP

Each State in cooperation with its political subdivisions shall have a program which provides for rapid, orderly, and safe removal from the roadway of wreckage, spillage, and debris resulting from motor vehicle accidents, and for otherwise reducing the likelihood of secondary and chain-reaction collisions, and conditions hazardous to the public health and safety.

I. The program shall provide as a minimum that:

A. Operational procedures are established and implemented for:

(1) Enabling rescue and salvage equipment personnel to get to the scene of accidents rapidly and to operate effectively on arrival:

a. On heavily traveled freeways and other limited access roads;

b. In other types of locations where wreckage or spillage of hazardous materials on or adjacent to highways endangers the public health and safety;

(2) Extricating trapped persons from wreckage with reasonable care—both to avoid injury or aggravating existing injuries;

(3) Warning approaching drivers and detouring them with reasonable care past hazardous wreckage or spillage;

(4) Safe handling of spillage or potential spillage of materials that are:

- a. Radioactive
- b. Flammable
- c. Poisonous
- d. Explosive
- e. Otherwise hazardous.

(5) Removing wreckage or spillage from roadways or otherwise causing the resumption of safe, orderly traffic flow.

B. Adequate numbers of rescue and salvage personnel are properly trained and retrained in the latest accident cleanup techniques.

C. A communications system is provided, adequately equipped and manned, to provide coordinated effort in incident detection, and the notification, dispatch, and response of appropriate services.

II. The program shall be periodically evaluated by the State, and the National Highway Safety Bureau shall be provided with an evaluation summary.

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