



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

**Division of Highways**

1900 Kanawha Boulevard East • Building Five • Room 110  
Charleston, West Virginia 25305-0430 • 304/558-3505

Joe Manchin III  
Governor

October 30, 2008

Mr. Dan Boroff  
City Manager  
City of Morgantown  
389 Spruce Street  
Morgantown, West Virginia 26505

Dear Mr. Boroff:

This is in reference to our letter, dated May 22, 2008, regarding the City of Morgantown's proposed use of "Shared Lane Marking" and BICYCLES MAY USE FULL LANE signs, both of which are proposed for inclusion in the next edition of the MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, (MUTCD).

The MUTCD is published by the Federal Highway Administration (FHWA) and serves as the national standard for the design and application of traffic control devices. Federal statutes and the "Code of Federal Regulations" require that the various State highway and transportation agencies adopt the MUTCD, or a system of traffic control devices in conformity with it. The West Virginia Division of Highways (WVDOH) adopts the MUTCD for State owned roads and streets under the West Virginia Code, §17C-3-1, and, once adopted, it is applicable to municipal streets under §17C-3-3 of the Code.

The FHWA periodically updates the MUTCD. The current Edition is dated 2003. On January 2, 2008, the FHWA issued a Notice of Proposed Amendments to the MUTCD in the Federal Register. After a review period, which officially ended on July 31, 2008, and time for review, consideration, and analysis of the comments received, the FHWA plans to publish a 2009 Edition of the MUTCD late next year. Once the FHWA acts, the WVDOH will act to review and adopt the new edition of the MUTCD for use in West Virginia. This process will take another six to twelve months.

These proposed amendments included the addition of the BICYCLES MAY USE FULL LANE sign, in a proposed new Section 9B-06 and the addition of the "Shared Lane Marking" in a new Section 9C-07.

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The WVDOH has given further consideration to the proposed use of these devices by the City of Morgantown. We believe that the BICYCLES MAY USE FULL LANE sign is redundant, and thus unnecessary, in light of Section 17C-11-2 of the West Virginia Code, which reads as follows:

**§17C-11-2. Traffic laws apply to persons riding bicycles.**

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except as to special regulations in this article and except as to those provisions of this chapter which by their nature can have no application.

It appears that the use of the "Shared Lane Marking" would require that Section 17C-11-5.(a) of the West Virginia Code be amended. This currently reads:

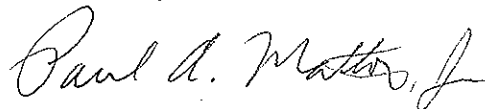
**§17C-11-5. Riding on roadways and bicycle paths.**

- (a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

Finally, while both of these traffic control devices are proposed for inclusion in the next edition of the MUTCD, there is no guarantee that either will be adopted; and, if they are included, their approval would require a change to the West Virginia Code and the adoption of the new MUTCD by the WVDOH, which will not occur until at least two years from now.

Thank you for your interest and cooperation in this matter. I appreciate your continued support of our highway programs. Should you have any further questions regarding this matter, please contact Mrs. Cindy Cramer, Acting Director of our Traffic Engineering Division, at (304) 558-3063.

Sincerely,



Paul A. Mattox, Jr., P. E.  
Secretary of Transportation/  
Commissioner of Highways

PAM:Cw