

Administrative Rules of Practice and Procedure for the Rhode Island State Traffic Commission

1.0 Authority and Purpose

- 1.1 These Rules of Practice and Procedure are promulgated pursuant to Section 31-13-1 of the Rhode Island General Laws of 1956, as amended, which establishes a State Traffic Commission within the State of Rhode Island, and in accordance with Section 42-35-1 *et seq.* of the Administrative Procedures Act.
- 1.2 The purpose of these Rules of Practice and Procedure is to describe the State Traffic Commission, the nature and requirements of all formal and informal procedures of the State Traffic Commission, and all forms and instructions used by the State Traffic Commission.

2.0 State Traffic Commission – The State Traffic Commission is a public body comprised of five members: the Superintendent of State Police or his or her designee from within the Department of State Police; the Director of the Department of Revenue or his or her designee from within the Division of Motor vehicles; the Director of Transportation or his or her designee from within the Department of Transportation; the Governor’s representative to the National Highway Traffic Safety Administration; and a member of the public, appointed by the Governor with the advice and consent of the senate.

- 2.1 **Duties** – The State Traffic Commission is charged with the following responsibilities:
 - a) Adopting a manual of regulations and specifications that establishes a uniform system of traffic control signals, devices, signs, and markings for use upon public highways within the State of Rhode Island.
 - (1) The State Traffic Commission has adopted the Manual on Uniform Traffic Control Devices (MUTCD), including its latest revisions and addenda, as its manual of regulations and specifications establishing a uniform system of traffic control within the State of Rhode Island. The MUTCD is the official publication of the Federal Highway Administration that contains all national design, application, and placement standards for traffic control devices.
 - b) Establishing traffic regulations under Chapters 12 through 27 of Title 31 of the Rhode Island General Laws.

- c) Approving the placement and maintenance of any traffic control devices upon any state highways necessary to indicate and to carry out the provisions of Chapters 12 through 27 of Title 31 of the Rhode Island General Laws, or to regulate, warn, or guide traffic.
- d) Approving and submitting an annual report describing State Traffic Commission activities for each fiscal year.
 - (1) The State Traffic Commission shall approve and submit its annual report to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the Secretary of State within ninety (90) days after the end of each fiscal year.
 - (2) The annual report shall provide an operating statement summarizing meetings or hearings held, including meetings minutes, subjects addressed, decisions rendered, applications considered and their disposition, rules or regulations promulgated, studies conducted, policies and plans developed, approved or modified, and programs administered or initiated; a consolidated financial statement of all funds received and expended including the source of the funds, a listing of any staff supported by these funds, and a summary of any clerical, administrative or technical support received; a summary of performance during the previous fiscal year including accomplishments, shortcomings and remedies; a synopsis of hearings, complaints, suspensions, or other legal matters related to the authority of the counsel; a summary of any training courses held pursuant to the provisions of Chapter 31-13 of the Rhode Island General Laws; a briefing on anticipated activities in the upcoming fiscal year, and findings and recommendations for improvements.
- e) Approving and conducting a training course for newly appointed and qualified State Traffic Commission members within six (6) months of their qualification or designation.
 - (1) The training course includes instruction on the provisions of Chapters 42-46, 36-14 and 38-2 of the Rhode Island General Laws, as well as the State Traffic Commission rules and regulations.

2.2 Organization

- a) The State Traffic Commission members elect a chairperson from among the members of the State Traffic Commission. The

chairperson shall conduct all State Traffic Commission meetings; however, in the chairperson's absence, the most senior member present shall conduct meetings.

- (1) Elections shall take place biennially at the first meeting of the calendar year.
 - (2) The State Traffic Commission members may elect such other officers as it deems necessary.
- b) The Department of Transportation provides support services to the State Traffic Commission, including receiving, acknowledging, and responding to requests concerning traffic regulations and/or traffic control devices upon state highways; receiving and processing applications for permission to use state highways for parades and road races; receiving and processing applications to erect and maintain Specific Service Logo signs within state highway rights-of-way; conducting and/or overseeing various engineering evaluations required for State Traffic Commission decision-making; recommending decisions for State Traffic Commission consideration; and implementing State Traffic Commission decisions by preparing work orders, supervising design projects, and preparing contract documents, plans and specifications for low-bid construction contract work.

2.3 Meetings – The State Traffic Commission meets regularly on the second Wednesday of every month at 10 a.m. in Room 203 of the Rhode Island State House, and/or at such other times and dates as the chairperson, a majority of the State Traffic Commission, or the Superintendent of the State Police or his or her designee shall determine. A quorum for State Traffic Commission meetings shall be three members. Unless otherwise provided by law, approval of any action shall be by simple majority of those members present and voting. The State Traffic Commission shall conduct its meetings in accordance with Section 42-46-1 *et seq.* of the Open Meetings Act.

2.4 Agenda and Minutes – The State Traffic Engineer, who is the managing engineer of the traffic engineering section at the Department of Transportation, prepares the agenda for each State Traffic Commission meeting and records meeting minutes pursuant to Section 42-46-1 *et seq.* of the Open Meetings Act.

- a) The State Traffic Engineer shall place on the agenda requests concerning traffic regulations and/or traffic control devices upon state highways submitted by a Rhode Island municipal official; the Department of State Police; any member of the Rhode Island

General Assembly; any member of the Rhode Island delegation to the United States Congress; and the Director of the Department of Transportation.

2.5 Public Access

- a) State Traffic Commission meetings are open to members of the public, who may speak on any agenda item after completing a Request to the State Traffic Commission to be Heard form.
- b) The State Traffic Engineer shall post electronically the annual report of the State Traffic Commission on the websites of the general assembly and the Secretary of State pursuant to Sections 31-13-1(c) and 42-20-8.2 of the Rhode Island General Laws.
- c) The State Traffic Engineer shall give written notice of all meetings and file a copy of all meeting minutes pursuant to Section 42-46-1 *et seq.* of the Open Meetings Act.

3.0 Procedures

3.1 Requests Concerning Traffic Regulations and/or Traffic Control Devices upon State Highways – The State Traffic Commission acts upon requests for installation and/or removal of traffic control devices, defined as all signs, signals, markings, and other devices used to regulate, warn, or guide traffic, placed on, over, or adjacent to a state highway.

- a) The following public officials or entities may initiate requests concerning traffic regulations and/or traffic control devices upon state highways: Rhode Island municipal officials and police departments; the Department of State Police; any member of the Rhode Island General Assembly; any member of the Rhode Island delegation to the United States Congress; and the Director of the Department of Transportation. Members of the general public should submit requests via one of the aforementioned public officials or entities.

- (1) Written requests concerning traffic regulations and/or traffic control devices upon state highways shall be submitted to:

Rhode Island Department of Transportation
Office of the Managing Engineer for Traffic Design
2 Capitol Hill
Providence, RI 02903

- (2) Upon receipt of a written request concerning traffic regulations and/or traffic control devices upon state highways, the State Traffic Engineer shall place the request on the agenda for the next scheduled meeting of the State Traffic Commission and notify the appropriate municipal governing body and police department.
- b) Requests concerning traffic regulations and/or traffic control devices upon state highways are subject to evaluation prior to State Traffic Commission decision-making. However, the State Traffic Commission may, in its discretion, deny a request without a formal engineering study.
 - (1) The Department of Transportation conducts and/or oversees the following engineering studies when required for State Traffic Commission decision-making: traffic signal warrant analysis; multi-way stop sign warrant analysis; mid-block pedestrian crosswalk analysis; traffic calming studies; twelve-hour turning movement traffic counts; a.m. and p.m. peak hour turning movement traffic counts; twelve-hour pedestrian counts; a.m. and p.m. peak hour pedestrian counts; three-year accident analyses; capacity analyses (intersections); radar speed studies; delay studies; and other required field evaluations.
 - (2) Residential, commercial, and industrial complexes along state highways that request traffic signals through the Physical Alteration Permit process must prepare a traffic impact study and submit it to the Department of Transportation as a preliminary physical alteration permit. If the study indicates that the traffic signal is warranted, the State Traffic Commission will act on a request for a traffic signal. The owner is financially responsible for the design, installation, and assessed Physical Alteration Permit fees.
 - (3) Fire districts, school districts, and municipalities that seek to install fire station and/or school zone signals shall pay the design, installation, and monthly electrical costs of the approved signals. Municipalities requesting permission to use In-Street Pedestrian Crossing signs shall pay all costs associated with acquiring, mounting and maintaining the approved signs, and shall indemnify the State of Rhode Island for claims arising from use of the approved signs.
 - (4) Engineering studies will be conducted in accordance with the current edition of the MUTCD.

- c) The decision of the State Traffic Commission granting or denying a request concerning traffic regulations and/or traffic control devices upon a state highway shall be the final agency decision. Furthermore, the State Traffic Commission will not consider or reconsider a request concerning traffic regulations and/or traffic control devices upon state highways where it has acted upon a substantially similar request within the previous twelve (12) months, unless conditions change, or new or additional relevant information exists.
- d) The Department of Transportation implements State Traffic Commission decisions by preparing work orders, supervising design projects, and preparing contract documents, plans and specifications for low-bid construction contract work.

3.2 Permission to use state highways for parades, road races, and other organized events – Individuals and entities who seek to use state highways for parades, road races, and other organized events must obtain State Traffic Commission approval according to the procedure delineated below.

- a) At least seven days prior to the planned event, interested individuals and entities must submit a completed Parade/Road Race permit application to:
 - Rhode Island Department of Transportation
 - Office of the Managing Engineer for Traffic Design
 - 2 Capitol Hill
 - Providence, RI 02903
- (1) Applicants shall agree to defend, indemnify, and hold forever harmless the State of Rhode Island against any and all claims, causes of action, suits, losses, damages, liability and expenses (including reasonable attorney fees and court costs) arising from or incidental to or in connection with the use of the state highway for a parade or road race. Applicants shall also agree to furnish, install and remove necessary traffic control signs in accordance with state and federal specifications.
- (2) Applicants must coordinate with local authorities, who are empowered to regulate processions and/or assemblages on streets and highways within their jurisdictional limits, as well as to enforce applicable traffic regulations within the reasonable exercise of police power.

- b) The decision of the Department of Transportation, as indicated by the granting or denial of a Parade/Road Race permit in writing, shall be the final agency decision.

3.3 Permission to erect and maintain Specific Service Logo signs within state highway rights-of-way – Specific Service Logo signs are guide signs within state highway rights-of-way that act primarily to provide motorists with business identification and directional information for the following categories of essential motorist services: gas, food, lodging, camping, and 24-hour pharmacy. Businesses that seek to participate in the State of Rhode Island Specific Service Logo Program must obtain approval from the State Traffic Commission and the Department of Transportation according to the procedure delineated below.

- a) Interested businesses must complete and return the logo signing application and application fee to:
Rhode Island Department of Transportation
Office of the Managing Engineer for Traffic Design
2 Capitol Hill
Providence, RI 02903
- b) The Department of Transportation will review the logo signing application and determine whether the proposed location qualifies for the type of service logo sign requested. Upon approval of the proposed location, the Department of Transportation will direct the interested business to submit two copies of the proposed logo plaque design.
 - (1) Logo plaque designs shall be scaled graphic representations of the proposed plaque and indicate color scheme and layout details, including the location of holes and borders and the spacing of lettering and symbols. The maximum scale shall be $\frac{1}{4}$ inch = 1 inch. The Department of Transportation will not accept freehand drawings.
 - (2) Logo plaques designs shall convey a clear message and shall not contain an excessive amount of legend. A logo plaque may display business identification and directional information about only one category of essential motorist service. The Department of Transportation will not approve logo plaques that include descriptive words, phrases, slogans, or any advertising legend other than business name or symbol.
 - (3) A logo plaque may display one of the following supplemental messages: “DIESEL”, “24 HOURS”, “ALTERNATIVE

FUEL”, or “RV ACCESS”. The supplemental message shall appear horizontally along the bottom of the logo sign plaque and in a color to contrast effectively with the background of the logo plaque. The supplemental message shall also be separated from the primary text or symbols by a $\frac{3}{4}$ - inch-wide divider bar for mainline logo plaques (as that term is defined by the MUTCD), or a $\frac{3}{8}$ -inch-wide divider bar for ramp and trailblazer logo plaques (as those terms are defined by the MUTCD), with the divider bar spanning across the plaque from border to border. The text for the supplemental message shall be a minimum 4-inch height for mainline logo plaques and minimum 2-inch height for ramp and trailblazer logo plaques.

- (4) Franchise businesses shall use consistent logo plaque designs throughout the State of Rhode Island.
- c) The Department of Transportation will evaluate logo signing applications and logo plaque designs in the best interest of motorists and according to the MUTCD and accepted engineering standards.
- d) In cases where an interested business seeks approval to install the first logo plaque on a new sign structure, the interested business must also obtain a physical alteration permit pursuant to the Department of Transportation’s Rules and Regulations Concerning Permission for Use of State Highway Rights-of-Way. New sign structures shall become the property of the Department of Transportation.
- e) Annual logo sign fees are due on or before July 1 of each calendar year. Checks shall be made payable to the Rhode Island Department of Transportation.
- (1) Upon notification of approval of a logo signing application, logo plaque design, and physical alteration permit application, if applicable, interested businesses shall pay an annual fee of \$1200.00 per each mainline and ramp logo plaque, and \$250.00 per each trailblazer plaque.
- (2) Annual logo sign fees are prorated for the first year of participation in the Specific Logo Sign Program, based on the month when the Department of Transportation approves all required submissions. After the first year, annual fees for all participants are not prorated and are due on July 1.

(3) Failure to pay required annual fees will result in the removal of logo plaques.

- f) The decision of the Department of Transportation, as indicated by the denial of a logo signing application, rejection of a logo plaque design, or by written notification of the removal of a logo plaque, shall be the final agency decision.

3.4 Requests to be Heard – State Traffic Commission meetings are open to members of the public, who may speak on any agenda item after completing a Request to the State Traffic Commission to be Heard form.

4.0 Forms and Instructions

In accordance with Section 31-13-1(b) of the Rhode Island General Laws, the State Traffic Commission has adopted the Manual on Uniform Traffic Control Devices, published by the Federal Highway Administration under 23 C.F.R. Part 655, Subpart F, as its manual of regulations and specifications establishing a uniform system of traffic control within the State of Rhode Island.

9.0 Severability – If a court of competent jurisdiction finds any provision of these Rules and Regulations or their application to any person, municipality, entity or circumstance to be invalid, the remainder of these Rules and Regulations shall not be affected thereby.

10.0 Application – These Rules and Regulations will take effect twenty (20) days after filing with the Secretary of State.

CERTIFICATION

I hereby attest that the above Administrative Rules of Practice and Procedure for the Rhode Island State Traffic Commission have been adopted by the Rhode Island State Traffic Commission.

Superintendent
Rhode Island Department of State Police

Director
Rhode Island Department of Revenue

Director
Rhode Island Department of Transportation

Administrator for Highway Safety
National Highway Traffic Safety Administration

Public Member