



METROPOLITAN  
TRANSPORTATION  
COMMISSION

Agenda Item 4a

Joseph P. Bort MetroCenter  
101 Eighth Street  
Oakland, CA 94607-4700  
TEL 510.817.5700  
TDD/TTY 510.817.5769  
FAX 510.817.5848  
E-MAIL [info@mtc.ca.gov](mailto:info@mtc.ca.gov)  
WEB [www.mtc.ca.gov](http://www.mtc.ca.gov)

*Memorandum*

TO: Legislation Committee

DATE: April 6, 2012

FR: Executive Director

W. I. 1131

RE: AB 1722 (Alejo): Changeable Message Signs

**Background**

This bill would require the Department of Transportation to update its policies with respect to changeable message signs to allow local transportation agencies to display the following types of messages:

- Safety messages
- Transportation-related messages
- Reminders to register to vote
- Reminders to vote as elections approach

While the first two bullets list the commonly accepted uses of CMS, usage of these signs as a medium for relaying public information outside the realm of transportation or public safety is entirely new, and contradicts existing state and federal guidance, as noted below.

**Recommendation: Oppose**

**Discussion**

Changeable messages signs (CMS) are a fundamental part of California's transportation management system. In the Bay Area, they are used primarily to alert motorists about unusual and unexpected traffic-related occurrences, to provide motorists with real-time travel times for specific destinations, and to alert motorists to construction activities, lane closures, or provide public safety-related information. There are approximately 100 CMS in our region, with 20 of those used continuously to provide travel times. The remaining 80 are used only when an incident arises near the sign's location or to provide a safety-related message.

The Federal Highway Administration (FHWA) and the California Department of Transportation (Caltrans) both have written policies that control the types of messages that may be transmitted via CMS. Specifically, the FHWA's Manual of Uniform Traffic Control Devices (2009), provides that CMS may *only* be used to display "traffic operational, regulatory, warning, and guidance information. Advertising displays shall not be displayed on changeable message signs or its supports or other information," and "safety messages, transportation-related messages, emergency homeland security messages, and America's Missing: Broadcast Emergency Response (AMBER) Alert messages." In addition, Caltrans has a written Changeable Message Sign policy and set of guidelines which state that "public service messages or advertising should not be displayed."

AB 1722 would allow CMS to be used for a purpose, which — however laudable — is outside the realm of transportation or public safety. Furthermore, the bill could set a precedent resulting in other public interests seeking permission to use changeable messages signs as the medium for conveying their message.

Staff has concerns that widespread use of the signs in this broader manner could cause unnecessary traffic delay as a result of motorists slowing down to read the signs. In addition, there is concern that if motorists are continually exposed to signs that provide information that they perceive as irrelevant to them at that moment, they will tend to ignore future CMS, eroding their value as a means of communicating important transportation and public safety messages. The Caltrans CMS Guidance states that “improper use of a CMS can adversely affect travel on our highways.” While we understand Assembly Member Alejo’s desire to find creative ways to encourage Californians’ to exercise their right to vote, staff finds that the safety risks and potential impact on our region’s highways, not to mention the dangerous precedent that would be set by the bill, warrant an oppose position.

**Known Positions**

**Support**

None

**Oppose**

None



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Steve Heminger