

CDOT GUIDELINES ON VARIABLE MESSAGE SIGNS (VMS)

Colorado Department of Transportation

ATTN: Person(s) Responsible for Variable Message Sign Announcements.

Organization: Colorado Department of Transportation, Transportation Commission.

Notice to Agent is Notice to Principal; Notice to Principal is Notice to Agent.

To whom it may concern,

I, Lawrence Robert Cappetto, a resident of Mesa County, Colorado, formally request that the Transportation Commission immediately cease and remove any announcements related to COVID-19, the wearing of masks, social distancing, or other similar related announcements. I base my request on the following reasons and Federal and State policy and procedures that specifically limits how these signs can and should be used, and what type of announcements can be made on them, to wit:

In the Manual on Uniform Traffic Control Devices (MUTCD) it notes what type of messages should be displayed in the VMS network:

OVERVIEW

The purpose of these guidelines is to ensure that Variable Message Sign (VMS) messages are used to inform and direct motorists of variable situations in a consistent and orderly manner. **The messages are for the purpose of traffic control, management and timely traveler information.**

INTRODUCTION

Variable Message Signs (VMS), also known as Dynamic Message Signs (DMS), Variable Message Boards (VMB), or **Changeable Message Signs (CMS)**, are a **valuable and effective traffic control tool available for construction, incident management, traveler information and maintenance activities today. In addition, they can be effective for large special events that significantly affect traffic flow. Care must be taken, however, that the VMS not be used for advertising. Used effectively, the VMS will provide changing – but specific information to the driver.**

For example:

A roadway problem - LEFT LANE CLOSED AHEAD

The approximate location - 1 MILE AHEAD

The instruction to the motorist - MERGE RIGHT

There are several possible roadway elements that a VMS can be utilized to notify the traveling public about. These include:

Construction

Incident Management

Traveler Information

Maintenance Activities

Weather Alerts

Specialty messages such as AMBER, Silver and Blue alerts

As with other traffic control devices, **credibility of the message is critical.**

Without credibility, even the best message will go unheeded. Care must be taken not to display a message that motorists will disregard or will discover to be incorrect. Signs are a primary channel of communication to the motorist.

PRINCIPLES

This guideline sets forth the basic principles governing the use of VMS messages. As stated in the MUTCD, Section 1A.02, to be effective, the VMS message should meet the following requirements:

- Fulfill a need
- Command attention
- Convey a clear, simple meaning
- Command respect of road users
- Give adequate time for proper response

Each VMS message shall be displayed for a specific purpose such as those provided in this guideline. VMS messages requested for roadway conditions or restrictions should be removed immediately when those conditions cease to exist or the restrictions are withdrawn. Identical conditions should always be given the same VMS message irrespective of where the conditions occur.

WHEN TO USE A VMS

It is CDOT policy that the Colorado Traffic Management Center (CTMC), Eisenhower Tunnel Traffic Management Center (EJMT-TMC) and Hanging Lakes Tunnel Traffic Management Center (HLT-TMC) shall have the authority to place messages on VMS in their respective areas of responsibility, as determined by Operations staff, or when message activation is requested from a verifiable and credible source (e.g., CDOT, Colorado State Patrol). Each TMC will be responsible for removal of said messages when applicable. The individual CDOT Regions, however, will have override authority for the VMS boards in their

Region when requested through the respective TMC. **Messages dealing with traveler safety and road conditions shall take precedence over informational messages.** As stated in the 2009 MUTCD, Section 2L.02: **“Changeable message signs shall display only traffic, operational, regulatory, warning and guidance information. Advertising messages shall not be displayed on changeable message signs or its supports or other equipment.”**

With these facts in mind, the following are examples of when to use a VMS.

Incidents

1.) Accidents/Crashes

A crash located on a shoulder or with a minimum of blockage and short time duration may not require a VMS warning. In rural areas, the distance between the crash site and the closest VMS should also be considered.

Incidents that block lanes for substantial periods of time are ideal for getting information to the traveling public. Messages near the incident can inform motorists of the problem and move cars into open lanes. Signs farther away from the incident can suggest alternate routes.

2.) Traffic Diversion

Messages directing traffic to other routes, such as when a road or pass is closed due to weather.

3.) Incident Management Plan (IMP)

Use VMS signs per the traffic management strategies outlined in existing IMP. Regional, corridor-wide or project-wide incident management plans have been developed to facilitate response to incidents and help mitigate traffic congestion. VMS may be activated at the request of Corridor Managers, Incident managers or at the discretion of Operations staff as outlined in existing Incident Management Plans.

4.) Notice of Roadwork

This warns motorists of upcoming construction activities that will impact traffic flow. This may include lane closures, lane shifts, two-way traffic, shoulder work, and construction traffic entering the highway, detours, etc. This may supplement normal roadwork signing as required by the MUTCD.

5.) Regulatory

VMS are currently allowed by Colorado law to be used for regulatory purposes in two situations: during the use of High Occupancy Vehicle (HOV) lanes, and to inform drivers when chain/traction laws are in effect. VMS can be used to supplement regulatory signs.

6.) Adverse Weather and Roadway Conditions

Messages will be used to display current or expected adverse weather or roadway conditions that may impact the drivers' visibility or safety. These conditions may include snow, ice, fog, dust storms, falling rocks, high winds, storm warnings etc.

7.) Operation With Lane Control Signs (LUS)

Typically used in the tunnels and managed lanes, these signs have a red 'X' in the closed lane and a green arrow in the open lane and yellow chevrons to direct traffic.

Traveler Information

1.) Display of Future Roadwork

Motorists will be warned of road construction activities in the near future (within a week) that will adversely affect traffic. These messages will give the regular traveler a chance to change routes or travel times.

2.) Display Information for Other States

Adjacent states may have incidents or weather that forces the closure of a major highway. Messages on the same corridor or connecting corridor can inform interstate travelers of the incident, event or closure. or to direct travel.

3.) Trip Travel Time

Trip Travel Time (TTT) Estimations have been established along several main corridors. TTT should be maintained whenever possible as a second panel of a message set and should be omitted or disabled if message content extends to 3 panels or if the roadway is closed.

4.) Special Events that Impact Traffic Flow

These messages display information about future events that are expected to impact traffic flow and/or roadway safety. Bicycle events, motorcycle events, Fairs, public gatherings are the most common. The messages should be displayed within a week of the event and should outline exact dates. Messaging must not be used to advertise for the event, but only to warn of traffic impacts or to direct travel.

5.) Chain Station Information

According to Colorado Revised Statute 42-4-106 VMS may be used to convey chain station information to commercial transportation. Information may include parking availability, station location or other pertinent safety information.

Public Service Announcements

1.) General Public Service Messages

Public service announcements (PSA) may be displayed on a limited, short-term basis, so that the primary purpose of the signs will not be degraded. PSA messages should be used sparingly in urban areas during peak traffic periods. PSA messages, such as notices for public meetings, job fairs and political information are not permitted by FHWA and the MUTCD. Care should be taken to avoid PSA messages running for long periods of time. When possible, messages should be rotated for campaigns lasting more than one week.

2.) Amber Alert/Silver Alert/Blue Alert/Hit and Run (Medina) Alerts

CDOT in partnership with the Colorado Bureau of Investigation (CBI) have established an AMBER Alert Policy in the event of child abduction. VMS procedure is detailed in that policy. CDOT will comply with VMS messaging as requested for other Alert types through CBI to the extent that viable and credible information is available. Message duration will be set at 3 hours unless directed otherwise from CBI.

3.) Fire Danger

Due to the nature of travel across Colorado, messages such as controlled burn, forest fire and fire ban information are considered appropriate messages. The U.S. Forest Service will notify CDOT in the event of a high or extreme fire danger or bans requiring public notice.

4.) Driver Safety Campaigns

Messages related to driver safety campaigns will be allowed and should follow the same guidelines as other PSA message types.

5). CDOT Public Education

Messages informing travelers about information sources such as 511, COTrip.org and the availability of wireless alerts can be rotated in as with PSA messages. This includes programs such as trucker education similar to: “Truckers Winter is coming, Got Chains?” and “Trucks must carry chains west of Denver”.

6). Web Addresses/URL information

VMS may be used to show “URL” info only when it is directed to a CDOT or Government site. Such sites should only be used for traveler information or other important data. Use of web addresses on VMS should be posted on a limited basis and shall not be used to advertise for projects or services. Addresses should be short and easily read at highway speeds and should refrain from using the HTTP:// and “WWW” prefixes. Messages falling outside these restrictions will require review by CDOT Public Information or the Chief Engineers office.

As can be seen by this listing, the primary reason for these signs is to advise motorists of matters related to traffic as well as other limited uses.

These signs have recently broadcasted COVID-19-related messages, some messages displayed for up to two weeks, presently with a focus on “Stay Home, Stay Safe,” “Save a Life,” “Wear A Mask,” etc. This is an improper use of the VMS system and limits the traffic-related information that is the main purpose of these signs and what highway travelers expect to see on the road. This practice must stop immediately, as it is unjustified and unauthorized.

“VMS shall not: ... Provide information that is already obvious to the motorist.” If we apply the directive above to the current COVID-19 emergency, it is obvious that there is not a single resident or visitor in the state that is not aware of this, as COVID-19 messages play continuously on all TV and radio stations, so any person with a TV or a home and/or automobile radio, would be well informed both on the COVID-19 situation as well as the precautions one is supposed to follow to stop the spread.

There is no need for the VMS messages on COVID-19 because everyone was aware of them and are consistently bombarded with such information.

The primary reason for my request that the COVID-19 messages cease is because I see motorists in their vehicles with masks on, in some cases using highly air-restrictive masks like N19, with their windows up, and considering that a study of the University of Washington Institute for Health estimated that in 2015 nearly 7% of all deaths in the United States were due to chronic respiratory illness, imagine how many people have respiratory problems in general, children and adult. These people should not be wearing masks because of their medical condition, as noted in the Public Health guidelines on facial coverings, which is reflected in our county and city orders across the state.

The problem is, the CMS messages are not telling people that there are medical and other exemptions that apply regarding wearing masks, which is something we never hear our health authorities mention in their press conferences or in general on TV and radio commercials, even though it is in their own orders, putting these sick persons' health and lives on the line, as well as the lives of drivers in their cars around them in traffic situations. The VMS text message may say to "wear a mask", but the implied message is "wear your mask ALWAYS, REGARDLESS."

The improper use of the VMS messages on COVID-19 for prolonged or continued messaging on mask and other related slogans are further depriving drivers from important traffic information that affects their daily commute, all contrary to the intent of the VMS program, including information on travel times, warning situations, weather and destination guidance, among other things.

Therefore, based on the above, I request the following:

- (a) That the Transportation Commission contact me by phone or email to confirm receipt of this formal request for COVID-19-related messages to be removed from the VMS system and future ones cancelled.
- (b) That the Transportation Commission and any other involved agencies, state or federal, immediately stop announcing any COVID-19-related messages.
- (c) That the Transportation Commission respond in writing to this formal request. If Transportation Commission will stop all further transmissions of COVID-19-related message, please advise when that will begin. If the Transportation Commission refuses to remove such COVID-19 messages, the Transportation Commission will provide findings of fact and conclusions of law

for such actions, which would appear to be arbitrary and capricious, and an abuse of discretion and authority.

(d) In the alternative, if Transportation Commission continues to make COVID-19-related messages, FOR PUBLIC HEALTH REASONS, that Transportation Commission includes messages in the VMS system advising the public of the exemptions available to them as regards wearing a mask.

(e) If my request is denied, that Transportation Commission provide me all necessary information regarding requests for reconsideration and/or appeal procedures to challenge such a decision.

There is no need for people to be further bombarded on highways, roadways and streets with messages that result in fear, anguish, desperation and nervousness, which is affecting the driver's health and his ability to be concentrating on the road and driving safety from point A to point B.

Sincerely,
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