



U.S. Department
of Transportation
**Federal Highway
Administration**

Office of the Administrator

1200 New Jersey Ave., SE
Washington, D.C. 20590

February 1, 2018

Paul A. Karas
Acting Commissioner
New York State Department of Transportation
50 Wolf Road
Albany, NY 12232

Matthew J. Driscoll
Acting Executive Director
New York State Thruway Authority
200 Southern Boulevard
Albany, NY 12209

Dear Acting Commissioner Karas and Acting Executive Director Driscoll:

Motorist safety is always our primary objective. One of the Federal Highway Administration's (FHWA) responsibilities in this area is to ensure safety by requiring consistent sign information across the country. Since the summer of 2016, FHWA staff have been in discussions with your staff regarding more than 500 signs that have been erected across the State, including at the State gateways, ferries, and airport terminals. These signs include a main sign installation with four logos ("I ♥ NY", Taste NY, Parks, and Path through History), followed closely by individual sign installations with one logo per sign for each of the four logos included in the main sign installation.

As has been previously communicated, these signs are not in compliance with the National Manual on Uniform Traffic Control Devices (MUTCD) or New York State's Vehicle and Traffic Law, including Sections 1A.01 and 2A.06 of the MUTCD; 23 CFR 655.603; and New York State Vehicle and Traffic Law Section 1680.

In addition to the non-compliance issues identified above, each of these signs is on large supports and structures which create obstructions within the roadside environment that could pose safety risks.

Over the last year our staff discussed your interest in submitting a request to conduct an experiment related to a subset of these signs following procedures outlined in the MUTCD. On December 8, 2017, staff reiterated our expectations for what needs to be submitted for our review and approval prior to our stated deadline of January 31, 2018. We received your submittal on January 29, 2018. While we acknowledge your progress made with some of the necessary information, the request did not include all the information needed to approve an experimental plan. Thus, we are unable to approve the plan as is. However, should you desire to continue developing the details of an experimentation request, we stand ready to work with your staff.

In accordance with 23 CFR 1.36, FHWA may take action, including withholding funds, if a State fails to comply with Federal requirements. Because of the installation of more than 500 non-compliant signs and repeated notification to remove these installations, the FHWA will assess initial penalties for non-compliance effective immediately. The assessed penalties will be an initial reduction of 1 percent of fiscal year 2018 National Highway Performance Program and Surface Transportation Block Grant Program funding (estimated total penalty of \$14 million). If the State comes into compliance with the requirements mentioned above prior to September 30, 2018, FHWA will reinstate the funds.

Sincerely,



Brandye L. Hendrickson
Acting Administrator