

NOTICE AND AGENDA

COMMISSION ON DIVERSITY AWARENESS
WEDNESDAY
JUNE 26, 2024

[VIRTUAL TEAMS MEETING](#)
211 WEST ASPEN AVENUE
1:30 P.M.

To participate in the meeting virtually use the following link:

[Join the Meeting Online](#)

The public can join the meeting to provide public comment. Please notify Chris Rhode at chris.rhode@flagstaffaz.gov if you need any assistance joining the meeting.

1. Call to Order

2. Roll Call

NOTE: One or more Commission Members may be in attendance telephonically or by other technological means.

CAROLYN KIDD, CHAIR
MANDY GEBLER
TARANG JAIN
MARCELA PINO

ANGELICA SANCHEZ
JEAN TONER
VACANT

3. Mission Statement and Land Acknowledgment

MISSION STATEMENT

A commission to foster support, respect, awareness and appreciation of diversity among all citizens of Flagstaff.

LAND ACKNOWLEDGEMENT

The Commission on Diversity Awareness humbly acknowledges the ancestral homelands of this area's Indigenous nations and original stewards. These lands, still inhabited by Native descendants, border mountains sacred to Indigenous peoples. We honor them, their legacies, their traditions, and their continued contributions. We celebrate their past, present, and future generations who will forever know this place as home.

4. Upcoming Opportunities and Announcements

5. Public Comment

The Commission cannot act upon items presented during the Public Participation portion of the Agenda. Individual Commission members may ask questions of the public but are prohibited by the Open Meeting Law from discussion or considering the item among themselves until the item is officially placed on the Agenda. Each public comment or presentation will be limited to five (5) minutes.

6. Approval of Minutes

A. Approval of Minutes - April 17, 2024 CODA Meeting

B. Approval of Minutes - May 15, 2024 CODA Meeting

7. **Action Items**

A. Fill Vacancy: Vice Chair

B. **Proclamations**

C. Allegations of cultural appropriation at Council Meeting

8. **Reports/Discussion Items**

A. Multicultural Park Sculpture Exhibition

B. Rainbow Sidewalk Initiative

C. Updates from Working Groups

D. Updates from Council Liaison

E. Updates from Staff Liaison

9. **Agenda for Future Meeting(s)**

10. **Adjournment**

CERTIFICATE OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Flagstaff City Hall on _____, at _____ a.m./p.m. This notice has been posted on the City's website and can be downloaded at www.flagstaff.az.gov.

Dated this _____ day of _____, 2024.

Chris Rhode, Management Analyst



Commission on Diversity Awareness

6. A.

From: Chris Rhode, Management Analyst

DATE: 06/26/2024

SUBJECT: Approval of Minutes - April 17, 2024 CODA Meeting

STAFF RECOMMENDED ACTION:

Executive Summary:

Attachments

2024.04.17 - CODA Minutes

NOTICE AND AGENDA

**COMMISSION ON DIVERSITY AWARENESS
WEDNESDAY
APRIL 17, 2024**

**VIRTUAL TEAMS MEETING
211 WEST ASPEN AVENUE
1:30 P.M.**

To participate in the meeting virtually use the following link:

[Join the Meeting Online](#)

The public can join the meeting to provide public comment. Please notify Chris Rhode at chris.rhode@flagstaffaz.gov if you need any assistance joining the meeting.

1. Call to Order

Chair Kidd called the meeting to order at 1:32 PM

2. Roll Call

NOTE: One or more Commission Members may be in attendance telephonically or by other technological means.

Carolyn Kidd, Chair
Sara Jarvis, Vice Chair
Mandy Gebler
Tarang Kumer Jain

Marcela Pino
Angelica Sanchez
Jean Toner

Present	Absent
Caroline Kidd, Chair Sara Jarvis, Vice-Chair Mandy Gebler Tarang Jain Marcella Pino Angelica Sanchez Jean Toner	

3. Mission Statement and Land Acknowledgment

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Chair Kidd Read the Mission Statement.
Marcella Pino read the land acknowledgment.

4. Upcoming Opportunities and Announcements

Staff Liaison Rhode informed the commission that Miss Cleo's Tea Party (the annual fundraiser for the Southside Community Association) would take place on Friday, April 26.

5. Public Comment

The Commission cannot act upon items presented during the Public Participation portion of the Agenda. Individual Commission members may ask questions of the public but are prohibited by the Open Meeting Law from discussion or considering the item among themselves until the item is officially placed on the Agenda. Each public comment or presentation will be limited to five (5) minutes.

Rachel Simukonda introduced herself. She serves on the Commission for Inclusion and Adaptive Living. Kengatta Callen also introduced himself.

6. Approval of Minutes: February 17th, 2024

Commissioner Pino moved to approve the minutes. Commissioner Sanchez seconded. The motion passed 7-0.

7. Action Items

A. Letter of support on behalf of the commission for rainbow cross walk

Commissioner Toner read the draft letter in support of a rainbow-colored crosswalk. Kim Robinson asked how the crosswalk would be funded. Commissioner Toner said that she cannot speak for Flagstaff Pride but believes that they have secured funding through an underwriter.

Mandy Gebler moved to approve the letter. Angelica Sanchez seconded the motion. The motion was approved 7-0.

8. Reports/Discussion Items

A. Updates from Council Liaison

There was no update from the Staff Liaison as Councilwoman House was not present.

B. Updates from Staff Liaison

Staff Liaison Rhode introduced himself to the commission.

C. Update on data for anti-camping ordinance

Commissioner Toner presented the cover letter for the white paper prepared on the topic of the anti-camping ordinance.

Jean Toner moved to approve the letter and recommendations. Mandy Gebler seconded the motion. The motion passed 7-0.

D. Women's commission right group discussion

Jean Toner reported that this initiative began several mayors (Mayor Coral Evans) ago with the intent of creating a new Citizen Commission on women's rights. Chair Kidd asked the staff liaison if CODA is able to recommend creating a new commission. Staff Liaison Rhode advised that such a recommendation would be within the purview of the commission and provided information on the creation of new commissions, sub-committees, and working groups.

Commissioner Gebler stated her support for recommending the creation of a new commission. Commissioner Toner agreed. Tarang Jain stated that he would like more information.

The Commission gave Staff direction to do more research into the idea of creating a subcommittee and bring it back as an action item at the next meeting.

- E. Ideas from commissioners on areas of interest to work on in 2024.

The commission gave staff direction to keep this as an item on the next agenda and provide a structure of existing working groups and projects.

- F. Discussion on collaboration with the city on upcoming heritage history month event

This item was skipped as nobody knew what it referred to. The Commission did instruct staff to add an ongoing "Proclamations" item to future agendas.

- G. Collaboration with the library-update

Commissioner Sanchez shared that she has worked with the Library on a few grant items and they will be looking for future grant opportunities.

- H. Discussion on allegations of cultural appropriation at Council Meeting

Jean Toner gave a short description of the event and the sentiment expressed by Emily Davaols that the use of Hawaiian clothing in a celebratory manner could constitute offensive behavior through mascotting sacred Hawaiian tradition.

Councilwoman House explained her perspective that a member of the public took offense to members of Council wearing floral and tropical patterns and leis. Councilwoman Harris also provided context that Councilmember Sweet does have Hawaiian heritage. She recalled that the same member of the public also commented that a dance done by a member of staff was similarly offensive. Councilwoman House stated that she did not feel a need to respond to the substance of the complaint from this community member.

Staff was given direction to keep this item on the agenda for next month and send out a link to the meeting.

9. Agenda for Future Meeting(s)

Commissioner Gebler asked for a future item on the commission's involvement in the June Pride parade.

10. Adjournment

Chairwoman Kidd adjourned the meeting at 2:47 PM.

CERTIFICATE OF POSTING OF NOTICE

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Dated this _____ day of _____, 2024.

Chris Rhode, Management Analyst



Commission on Diversity Awareness

6. B.

From: Chris Rhode, Management Analyst

DATE: 06/26/2024

SUBJECT: Approval of Minutes - May 15, 2024 CODA Meeting

STAFF RECOMMENDED ACTION:

Executive Summary:

Attachments

2024.05.15 - CODA Minutes

NOTICE AND AGENDA

**COMMISSION ON DIVERSITY AWARENESS
WEDNESDAY
May 15, 2024**

**VIRTUAL TEAMS MEETING
211 WEST ASPEN AVENUE
1:30 P.M.**

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1. Call to Order

Chair Kidd called the meeting to order at 1:44 PM.

2. Roll Call

NOTE: One or more Commission Members may be in attendance telephonically or by other technological means.

MANDY GEBLER
TARANG JAIN
SARA JARVIS

CAROLYN KIDD
MARCELA PINO
ANGELICA SANCHEZ
JEAN TONER

Present	Absent
Caroline Kidd, Chair	
Sara Jarvis, Vice-Chair	
Mandy Gebler	
Tarang Jain	
Marcella Pino	
Angelica Sanchez	
Jean Toner	

3. Mission Statement and Land Acknowledgment

MISSION STATEMENT

A commission to foster support, respect, awareness and appreciation of diversity among all citizens of Flagstaff.

LAND ACKNOWLEDGEMENT

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Commissioner Toner read the mission statement.
Commissioner Jarvis read the land Acknowledgement.

4. **Upcoming Opportunities and Announcements**

Chair Kidd and Council Liaison House acknowledged that it is Commissioner Jarvis's last month on the commission and thanked her for her work. Council Liaison House also highlighted the Juneteenth celebrations that will occur the weekend of June 15-17.

5. **Public Comment**

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Dee Wegwert shared her concern that Target as a nationwide brand will be withdrawing some of its Pride items from its stores due to past protests.

6. **Approval of Minutes**

This item was skipped as while the minutes were available online, they were not sent out to commissioners in the e-mail prior to the meeting.

7. **Proclamations**

a. AANHPI Heritage Month

The commission briefly read the proclamation and voted to approve it to be sent to the City Council.

8. **Action Items**

A. Women's Rights Group

Commissioner Pino asked whether existing projects constitute working groups or something else. Staff Liaison Rhode responded that they would be working groups as there are only 2 subcommittees in use by commissions.

Staff Liaison Rhode gave a summary of the three options available to the commission:

- 1) Create an informal working group
- 2) Create a formal subcommittee
- 3) Make a recommendation to City Council that they create a new commission focusing on Women's Rights

Commissioner Pino inquired about the history of this topic. Chari Kidd explained that this was discussed several Mayors ago but nothing ever came to fruition. Commissioner Toner further explained that Former Mayor Evans and Vice Mayor Wheelan were interested in creating a new commission and came to CODA to seek their support.

Commissioner Toner asked the commission if anybody wants to lead this initiative and expressed support for establishing a working group rather than a subcommittee or new commission. The commission gave direction to keep this as an item for the next month.

9. **Reports/Discussion Items**

A. Updates from Council Liaison

Councilwoman House notified the Commission that Juneteenth and Indigenous People's Day will be added as City Holidays. She also gave some background on the allegations of cultural appropriation that occurred at a previous council meeting. She said that a celebration was thrown for a

Councilmember with a Hawaiian beach theme with floral patterns, beach attire, and leis. Councilwoman House acknowledged that the use of these symbols could constitute cultural appropriation and that the Councilmember whom this celebration is honoring does have a stepfather of Hawaiian heritage.

B. Updates from Staff Liaison

Staff Liaison Rhode did not have an update

C. Ongoing CODA Projects Update and Discussion

Commissioner Sanchez informed the commission that the library working group has met weekly and worked on the consent form, worked with community partners, submitted for a few grants, and is considering expanding the work group. Chair Kidd then asked that any commissioner interested in joining the work group send Commissioner Sanchez an e-mail.

Commissioner Pino asked whether the working group on the anti-camping ordinance should be disbanded now that its work is done. Staff Liaison Rhode reported that they do not need a formal motion to disband the working group. He also noted that there are several Court Cases on this topic for which rulings are expected in the next several months.

Commissioner Sanchez acknowledged that point and stated that maybe the working group should not yet be disbanded. Chair Kidd liked this idea that it is kept but put on hold for now.

D. Allegations of cultural appropriation at Council Meeting

Councilwoman House began this item by opening the floor to the commission for discussion.

Commissioner Pino stated her belief that the impacts of the actions could have been present even if the intent to cause harm was not. She suggested that the Commission draft a letter to Council to inform them how to handle issues like this appropriately and stated her belief that even in the previous discussion on this item, during the Council Liaison report, the language being used is too soft.

Commissioner Sanchez asked whether there was a certain part of the video that the complaint referenced.

Staff Liaison Rhode stated that he asked this question of the individual who submitted the complaint and did not receive a response.

Chairwoman Kidd expressed her desire to draft a letter for the next month's meeting.

E. CODA Involvement in Juneteenth and Pride Celebrations

Chairwoman Kidd asked Commissioner Toner if they expect to march in the Pride Parade this year.

Commissioner Toner said that last year they were offered a spot in the parade but has not yet initiated any contact with Flagstaff Pride. Chairwoman Kidd asked Council Liaison Rhode if he has initiated contact this year. He said that he has not and summarized that last year it was difficult to participate both in the parade and to host a booth at the festival.

Commissioner Toner asked if any other commissioners are interested in walking in the parade. Commissioner Gebler expressed her interest. Chair Kidd said that she expects to be at Juneteenth. Councilwoman House expressed her interest in participating in the parade and said that nobody should feel torn between the two conflicting events.

Council Liaison Rhode stated that he would reach out to Pride about the parade and share the information with the commission.

F. New City Logo Working Group

Council Liaison Rhode gave a presentation to the commission and explained how a working group composed of existing commission members will be established to oversee the creation of a new City logo. He opened the floor to see if any members of the commission were interested in working on this project. Commissioner Pine, Chair Kidd, and Commissioner Sanchez volunteered for the project. Commissioner Pino was chosen as the representative of the commission.

10. Agenda for Future Meeting(s)

There were no suggestions for additional agenda items.

11. Adjournment

The commission was adjourned at 3:10 PM.

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Dated this _____ day of _____, 2024.

Chris Rhode, Management Analyst



Commission on Diversity Awareness

8. A.

Co-Submitter: Chris Rhode, Management Analyst
From: Chris Rhode, Management Analyst
DATE: 06/26/2024
SUBJECT: Multicultural Park Sculpture Exhibition

STAFF RECOMMENDED ACTION:

Executive Summary:

Attachments

Copy_PP_Multicultural County Park Sculpture Exhibition

Multicultural County Park Sculpture Exhibition

Elizabeth "Liz" C. Archuleta County Park

City of Flagstaff
Beautification, Arts & Sciences





Multicultural County Park Sculpture Exhibition



Multicultural County Park Sculpture Exhibition on view through March 2025



Multicultural County Park Sculpture Exhibition



Featured Artists



Gedion Nyanhongo



Lance Yazzie



Inok Alritz, Lead



Oliverio Balcells



Multicultural County Park Sculpture Exhibition



Updates

- Planning for next year's exhibition
 - May 2025-March 2026
 - Call to Artists opened May 29
 - Deadline to apply: July 2, 5 pm (Arizona Time)
 - Presentations to CoF & Coconino County councils and commissions
 - Marketing & PR





Multicultural County Park Sculpture Exhibition

Project Site

- Elizabeth “Liz” C. Archuleta County Park
- Site of one of Flagstaff’s first sawmills (1908-1993)
- Logging and lumber industry attracted Indigenous, Mexican, African American, Swedish and Polish families to work at the mills
- Frequented by individuals and families of the nearby Coconino County Juvenile Court and Coconino County Detention Facility
- Neighboring residents include the racially diverse and historic Southside community, young professionals and NAU students
- Visitors enjoy recreational and environmental opportunities



Multicultural County Park Sculpture Exhibition

Project Vision

- 3D Artwork (existing or newly created) that reflects and make visible aspects of diverse cultural representation, including Indigenous, Black and Latinx art.
- Selected artworks will advance essential perspectives and narratives
 - Cultural traditions
 - Connection to nature, land, or community
- Annual exhibition will solidify the park as an outdoor sculpture venue in Northern Arizona.





Multicultural County Park Sculpture Exhibition

Eligibility

- Artists 18 years or older are eligible. Artists in traditionally and historically underrepresented groups are encouraged to apply.
- Art galleries and other lending art institutions are also eligible to loan existing work.
- Artists may submit up to two (2) proposals.
- National marketing, with a focus on local and regional artists





Multicultural County Park Sculpture Exhibition

Call to Artists/Key Dates

- **Opens:** May 29
- **Closes:** July 2
- **Pre-Application Meeting:** June 18
- **By August 2:** Selection Panel Review & Scoring of Proposals
- **By August 12:** BPAC Approval & Artists Notified
- **By October 1:** Contracts Finalized
- **Exhibition Opening:** May 2025
- **Deinstallation of Artwork:** March 2026





Multicultural County Park Sculpture Exhibition



Thank you!

Cristen.Crujido@Flagstaffaz.gov

<https://flagstaff.az.gov/4411>



Commission on Diversity Awareness

8. B.

From: Chris Rhode, Management Analyst

DATE: 06/26/2024

SUBJECT: Rainbow Sidewalk Initiative

STAFF RECOMMENDED ACTION:

Executive Summary:

Attachments

Ruling 3 09 24I Application of Colored Pavement

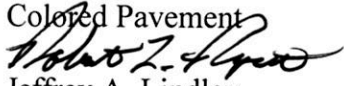


U.S. Department
of Transportation
**Federal Highway
Administration**

Memorandum

Subject: **INFORMATION:** MUTCD – Official
Ruling 3(09)-24(I) – Application of
Colored Pavement

Date: **AUG 15 2013**

From: 
Jeffrey A. Lindley
Associate Administrator for Operations

In Reply Refer To:
HOTO-1

To: Federal Lands Highway Division Engineers
Division Administrators

Purpose: Through this memorandum, the Federal Highway Administration's (FHWA) Office of Transportation Operations (HOTO) is issuing an Official Interpretation of Chapter 3G of the *Manual on Uniform Traffic Control Devices for Streets and Highways* (MUTCD) on the approved uses of colored pavement. For recordkeeping purposes, this Official Ruling has been assigned the following number and title: "3(09)-24(I) – Application of Colored Pavement."

Background: The FHWA is concerned that considerable ambiguity continues regarding how colored pavement can be used, especially between the white transverse lines of a legally marked crosswalk.

Colored pavements consist of differently colored road paving materials, such as colored asphalt or concrete, or paint or other marking materials applied to the surface of a road or island to simulate a colored pavement. Colored pavement is a traffic control device when it attempts to communicate with any roadway user or when it incorporates retroreflective properties. Colored pavement can also be a purely aesthetic treatment. When used in this manner, colored pavement is not a traffic control device provided that it does not attempt to communicate with the motorist or incorporate elements of retroreflectorization.

Colored Pavement in Crosswalks: In the late 1990s, the marketplace introduced and promoted aesthetic treatments for urban streetscape environments that included the opportunity to install a range of colors and a multitude of patterns. The most popular opportunity to implement these treatments was between the legally marked transverse lines of crosswalks. This was typically done as part of larger efforts by cities to enhance the aesthetics of an area that could include decorative luminaires, street furniture, sidewalk art, etc. These crosswalk treatments were publicized and marketed as a method to increase conspicuity of the crosswalk that would translate into increased safety and a reduction of pedestrian deaths. In December 2001, the FHWA issued its first Official Ruling¹

¹ MUTCD Official Ruling 3-152 (I) as Memorandum of Action, December 7, 2001

regarding the use of these aesthetic treatments, which concluded that crosswalk enhancements of this type had no such discernible effect on safety or crash reduction.

The marketplace looked to capitalize on advancements in pavement retroreflectivity in the mid-2000s, and further advocated for these aesthetic treatments on public streets as a way to increase crosswalk visibility. This included the benefits of the increased recognition of crosswalks both during the day and at night since the materials were designing retroreflective properties into the aesthetic treatments. In 2004 and in 2005, the FHWA issued two separate but related Official Rulings^{2,3} concluding that incorporating retroreflectivity into an aesthetic crosswalk treatment renders it an official traffic control device. Further, these Official Rulings continued to discourage implementation of such treatments and also concluded that these enhancements still had no increased effect on safety or contributed to a reduction in pedestrian deaths.

The evolution of crosswalk treatments continued into the form of “crosswalk art” because it was becoming a common misconception that as long as the white transverse lines were present—thereby legally marking the crosswalk—then the agency was free to treat the interior portion of the crosswalk as it desired. In 2011, the FHWA issued an additional Official Ruling⁴ that crosswalk art—defined as any freeform design to draw attention to the crosswalk—would degrade the contrast of the white transverse lines against the composition of the pavement beneath it. In deviating from previous Official Rulings on the matter that concluded an increased factor of safety and decreased number of pedestrian deaths were not evident after installation, this 2011 Official Ruling stated that the use of crosswalk art is actually contrary to the goal of increased safety and most likely could be a contributing factor to a false sense of security for both motorists and pedestrians.

The FHWA’s position has always been, and continues to be that subdued-colored aesthetic treatments between the legally marked transverse crosswalk lines are permissible provided that they are devoid of retroreflective properties and that they do not diminish the effectiveness of the legally required white transverse pavement markings used to establish the crosswalk. Examples of acceptable treatments include brick lattice patterns, paving bricks, paving stones, setts, cobbles, or other resources designed to simulate such paving. Acceptable colors for these materials would be red, rust, brown, burgundy, clay, tan or similar earth tone equivalents. All elements of pattern and color for these treatments are to be uniform, consistent, repetitive, and expected so as not to be a source of distraction. No element of the aesthetic interior treatment is to be random or unsystematic. No element of the aesthetic interior treatment can implement pictographs, symbols, multiple color arrangements, etc., or can otherwise attempt to communicate with any roadway user.

Patterns or colors that degrade the contrast of the white transverse pavement markings establishing the crosswalk are to be avoided. Attempts to intensify this contrast by increasing or thickening the width of the transverse pavement markings have been observed in the field. These attempts to increase contrast are perceived to be efforts to circumvent the contrast prerequisite so that an intentional noncompliant alternative of an aesthetic interior pattern or color can be used. Further techniques to install an empty buffer

² MUTCD Official Ruling 3-169 (I) – Section 3B.19 Retroreflective Colored Pavement, September 1, 2004

³ MUTCD Official Ruling 3-178 (I) – Retroreflective Colored Pavement – Additional Clarification, April 27, 2005

⁴ MUTCD Official Ruling 3(09)–8 (I) – Colored Pavement Treatments in Crosswalks, May 3, 2011.

space between an aesthetic treatment and the interior edge of the white transverse crosswalk markings have also been observed in the field. This strategy is also perceived to be an attempt to circumvent FHWA's prior position on contrast. However, an empty buffer space between a subdued-colored, uniform-patterned aesthetic treatment can be implemented to enhance contrast between the aesthetic treatment and the white transverse pavement markings. When used properly, buffer spaces can be an effective tool to disseminate a necessary contrast in order to visually enhance an otherwise difficult to discern white transverse crosswalk marking, provided that the aesthetic treatment conforms to the conditions in the preceding paragraph.

Colored Pavement in Medians: Several agencies nationwide have used aesthetic colored pavement in medians that separate opposite directions of travel. These treatments are typically simulated red brick patterns or pavers. This is allowable if the median is closed to traffic. Where the center portion of the roadway functions to facilitate turns or operates as a two-way left turn lane, aesthetic treatments cannot be used in that center area in accordance with Paragraph 3 of Section 3G.01 in the MUTCD. Further, provisions elsewhere in Part 3 of the MUTCD require or recommend the turning functions of turn lanes or two-way left turn lanes to be marked with pavement word markings or arrows where applicable. The use of aesthetic colored patterns or pavers in these lanes simulates a supplemental background to standard turn markings and is an attempt to enhance conspicuity of the median thereby serving as communication with the motorist. This practice to use aesthetic treatments is disallowed since the median is open to traffic.

Colored Pavement for Islands: Where an island is designated as a traffic-control device, curbs, pavement edges, pavement markings, channelizing devices, or other devices are used. Islands are most commonly used to separate traffic movements or to provide pedestrian refuge. Regardless of whether the island is raised or flush with the roadway surface, islands are a potential for providing aesthetic qualities. Islands that separate movements of traffic and choose to incorporate colored pavement into interior sections or to the top surface of their design are to comply with Item A or B of Paragraph 3 of Section 3G.01. This would be applicable when the island is used to address a need to facilitate traffic that would otherwise have difficulty navigating the roadway if the island was absent.

Islands that are intentionally aesthetic in nature only are to be designed similar to those aesthetic treatments for crosswalks as described above. The most common applications of these purely aesthetic treatments are pedestrian refuge islands and textured raised buffers between a bikeway and a motorized vehicular lane.

Colored Pavement for Bicycle Lanes: Green colored pavement is approved for use in bicycle lanes only to enhance the conspicuity of where bicyclists are required to operate, and areas of the bicycle lane where bicyclists and other roadway traffic might have potentially conflicting weaving or crossing movements. Approval to use green colored pavement shall be in accordance with Paragraph 17 of Section 1A.10 in the 2009 MUTCD.

The FHWA issued an Interim Approval (IA-14) for the use and application of green colored pavement on April 15, 2011. The information provided in the IA-14 memorandum remains in effect.

The use of green colored pavement in a bicycle facility other than a legally marked bicycle lane is either not approved or is experimental. FHWA's Bicycle and Pedestrian Web site (http://www.fhwa.dot.gov/environment/bicycle_pedestrian/guidance/design_guidance/mutcd_bike.cfm) can be helpful in determining what is or is not approved and what is experimental. Agencies that desire to use bicycle facilities that are experimental are required to submit their request for approval in accordance with paragraphs 3, 4 and 8 through 10 of Section 1A.10 in the MUTCD.

The FHWA is aware that agencies might be using green colored pavement to supplement, fill in or outline parking stalls for electric vehicle charging stations in order to express the agency's commitment to environmentally friendly initiatives. Use of green colored pavement for this purpose is not allowed. Although the applicability of the MUTCD may be limited in certain settings involving parking stalls, agencies are encouraged to adhere to the MUTCD with respect to disallowing green colored pavement in parking facilities for the purpose of maintaining uniformity among similar facilities.

Colored Pavement on Freeways and Expressways: The FHWA is aware of agencies nationwide using colored pavement on higher speed facilities as a method to visually differentiate the shoulder or special-use lanes from the general-purpose lanes, to demarcate the exit gore area, or to differentiate a ramp terminal from the mainline facility. The FHWA maintains the position that contrasting techniques on high-speed facilities have no other intention than to communicate with the motorist, regardless of whether elements of retroreflectivity are implemented for the colored pavement.

Additionally, the 2011 edition of the American Association of State Highway and Transportation Officials' *A Policy on the Geometric Design of Highways and Streets* discusses various methods of contrasting the shoulder with the adjacent pavement traveled way. The policy states that with regard to bituminous pavements, "the use of edge lines as described in the Manual on Uniform Traffic Control Devices... reduces the need for shoulder contrast." Edge lines separating shoulders from the traveled way on Interstate routes have been required by the MUTCD since 1971, supplanting the practice of using contrasting material for shoulders when an edge line was optional. Therefore, there should be little need for such a contrast that cannot be accommodated by the allowable pavement colors prescribed by the MUTCD.

If a need to provide contrast on a high-speed facility has been determined, then that contrast can be accomplished by a number of alternatives. Asphalt mixtures can be tinted to provide a shade of grey. White colored pavement can also be implemented. Paragraph 3 of Section 3G.01 in the MUTCD allows the use of white colored pavement for exit gore areas and right-hand shoulders. In the event that the main traveled way is concrete, an asphalt top layer could be applied to the shoulder to provide contrast.

Colored Pavement for Public Transit Systems: The use of red colored pavement for public transit systems such as streetcar and/or bus-only lanes is currently experimental. The use of colored pavement in these settings requires approval from the FHWA's Office of Transportation Operations. Agencies that desire to experiment with colored pavement should only do so where an engineering study can determine that increased travel speeds will be expected by the public transit vehicle, reduced overall service time through the corridor will be expected by the public transit vehicle, and the implementation of the

colored pavement to a converted general purpose lane in the traveled way will not adversely affect the traffic flow in the remaining general purpose lanes.

Blue Colored Pavement: Blue is not a colored pavement and is not to be used as such in accordance with Paragraph 3 of Section 3G.01. Blue as it applies to a pavement marking is exclusively reserved for the background color in the international symbol of accessibility parking symbol (see Figure 3B-22) and for the supplemental pavement marking lines that define legal parking spaces reserved for use only by persons with disabilities as provided in Paragraph 5 of Section 3A.05.

Applying blue colored pavement to entire stalls or entire areas of parking reserved for persons with disabilities is to be avoided. Although the applicability of the MUTCD may be limited in certain settings involving parking stalls, agencies are encouraged to adhere to the MUTCD with respect to blue colored pavement in parking facilities for the purpose of maintaining uniformity among similar facilities.

Purple Colored Pavement: Purple is not approved for use as a colored pavement in any application, including toll facility environments. Purple as a pavement marking color is permitted in accordance with Paragraphs 5 and 6 of Section 3E.01 of the MUTCD.

Chromaticity Coordinates: The acceptable ranges of chromaticity coordinates that define the standard colors for pavement markings are found in the Appendix to Subpart F of 23 CFR 655—Alternate Method of Determining the Color of Retroreflective Sign Materials and Pavement Marking Materials.

Acceptable ranges for the chromaticity coordinates defining the color green for use as a pavement marking are provided in the IA-14 memo dated April 15, 2011.

Conclusion: Chapter 3G of the 2009 MUTCD contains provisions regarding the use of colored pavements. If colored pavement is used to regulate, warn, or guide traffic or otherwise attempts to communicate with the roadway user, the colored pavement constitutes a traffic control device. Agencies cannot intentionally exclude elements of retroreflectivity as part of a systematic process to classify the color pavement as a purely aesthetic treatment in order to circumvent the provisions of Chapter 3G.

Paragraph 3 of Section 3G.01 in the MUTCD limits the use of colored pavement used as a traffic control device to the colors yellow and white. Interim Approval IA-14 permits the use of green colored pavement for marked bicycle lanes. All other colors for use on highway pavement in the right-of-way are either disallowed or are experimental as described above, unless the colored pavement is a purely aesthetic treatment and makes no discernible attempt to communicate with a roadway user.

cc:

Associate Administrators
 Chief Counsel
 Chief Financial Officer
 Directors of Field Services
 Director of Technical Services