

OPINION NO. 92-057**Syllabus:**

1. A municipality has authority to erect multi-way stops on a highway under its jurisdiction that do not conform to the multi-way stop warrants of the Ohio Manual of Uniform Traffic Control Devices §§2H-1 and 2H-2 (Rev. 16, July 7, 1992); R.C. 4511.11 does not require local authorities to conform to advisory warrants and, pursuant to R.C. 4511.07(F), local authorities have discretion to determine the number of entrances requiring stops at any intersection on streets and highways under their jurisdiction.
2. R.C. 4511.12 does not generally prevent a municipality from enforcing a multi-way stop sign that does not conform to the advisory multi-way stop warrants of the Ohio Manual of Uniform Traffic Control Devices.
3. If a municipality places a multi-way stop sign that does not conform to the Ohio Manual of Uniform Traffic Control Devices warrants, the current policy of the Federal Highway Administration is to disapprove federal funding available pursuant to the Federal-Aid Highway Act, 23 U.S.C. §§101, *et seq.*, and the Highway Safety Act, 23 U.S.C. §§401, *et seq.*, for any federal highway project within which such sign is located.
4. If the Ohio Manual of Uniform Traffic Control Devices warrants were amended so as not to be in substantial conformance with the national Manual of Uniform Traffic Control Devices standards, such action would permit the Secretary of Transportation, in his discretion, to reduce the federal highway

funds apportioned to the entire state under the federal Highway Safety Act, 23 U.S.C. §§401, *et seq.*

To: Stanley J. Aronoff, President, Ohio Senate, Statehouse, Columbus, Ohio
By: Lee Fisher, Attorney General, December 29, 1992

The Ohio Senate has requested an opinion regarding the placement of multi-way stop signs by a municipal corporation. S. Res. 670, 119th Gen. A. (1991) specifically requests an opinion with respect to:

1. whether the Ohio Constitution or the Revised Code allows a municipal corporation to erect multi-way stop signs upon a highway under its jurisdiction that do not conform to the warrants established in the Ohio Manual of Uniform Traffic Control Devices;
2. the enforceability of a multi-way stop sign the placement of which does not conform to the warrants established in the Ohio Manual of Uniform Traffic Control Devices;
3. the consequences of allowing the placement of multi-way stop signs that do not conform to the warrants established in the Ohio Manual of Uniform Traffic Control Devices or amending the warrants established in the Ohio Manual of Uniform Traffic Control Devices for the placement of multi-way stop signs so that the warrants no longer conform to the system approved by the American Association of State Highway Officials as required by Section 4511.09 of the Revised Code and by federal law relating to the distribution of federal aid highway money.

I. OMUTCD Warrants for Multi-Way Stops

Materials submitted in connection with your request indicate that these questions arise because Ohio municipalities often use multi-way stop signs at low traffic volume intersections in residential areas even though such stop signs are not warranted by the provisions of the Ohio Manual of Uniform Traffic Control Devices (OMUTCD). The Ohio Department of Transportation (ODOT) adopted the OMUTCD, pursuant to R.C. 4511.09, which states: "The department of transportation shall adopt a manual and specifications for a uniform system of traffic control devices, including signs denoting names of streets and highways, for use upon highways within this state." The OMUTCD sets out specifications, or warrants, detailing the size, shape, color of various traffic control devices, the height and distances from roads or intersections at which they are to be placed, and the traffic conditions for which the use of particular types of devices are required or recommended.

The use of multi-way stop installations in which all approaches to an intersection are stopped is governed by OMUTCD §2H-2 (Revision 16, adopted July 7, 1992) (emphasis added), which states:

Any of the following conditions *may* warrant a multi-way stop installation:

- (a) Where traffic signals are warranted and urgently needed, the multi-way stop is an interim measure that can be installed quickly to control traffic while arrangements are being made for the signal installation.

- (b) **An accident problem**, as indicated by five or more reported accidents of a type susceptible of correction by a multi-way stop installation in a 12-month period. Such accidents include right- and left-turn collisions as well as right-angle collisions. Even though the accident warrants are met, a multi-way stop installation *should not* be used until other less restrictive measures are employed. This may consist of parking restrictions, increase in sign size, improvement of sight distance and better advance signing.
- (c) Where it is necessary to change the stop pattern at an intersection, the multi-way stop *may* be used as a temporary measure during the transition period.
- (d) **Minimum traffic volume:**
 1. The total vehicular volume entering the intersection from all approaches must average at least 500 vehicles per hour for any 8 hours of an average day, and
 2. The combined vehicular and pedestrian volume from the minor street or highway must average at least 200 units per hour for the same 8 hours, with an average delay to minor street vehicular traffic of at least 30 seconds per vehicle during the maximum hours, but:
 3. When the 85-percentile approach speed of the major street traffic exceeds 40 miles per hour, the minimum vehicular volume warrant is 70 percent of the above requirements.

Multi-way stops involving more than two, but not all, approaches to an intersection "*may be* used where the major movement turns at the intersection and the other movements are relatively light." *Id.* (emphasis added). OMUTCD §2H-1 further states that "[s]top signs *should not* be used for speed control." (Emphasis added.) The manual provides that use of the term "shall" indicates a mandatory provision, "should" indicates an advisory, but not mandatory provision, and "may" indicates permissive provision. OMUTCD §1D. Thus, the provisions of OMUTCD §§2H-1 and 2H-2 are by their express terms intended to be advisory only. The warrants neither require the use of stops under the specified conditions nor prohibit their use under other conditions.

II. Relationship of State OMUTCD to Local Regulatory Power

The General Assembly has enacted several statutes that restrict the power of local authorities over traffic control devices. The term local authorities, as defined in R.C. 4511.01(AA), includes municipalities.¹ R.C. 4511.11, which expressly refers to the OMUTCD, states:

(A) Local authorities in their respective jurisdictions shall place and maintain traffic control devices in accordance with the

¹ R.C. 4511.01(AA) states: "'Local authorities' means every county, municipal, and other local board or body having authority to adopt police regulations under the constitution and laws of this state."

department of transportation manual and specifications for a uniform system of traffic control devices, adopted under section 4511.09 of the Revised Code upon highways under their jurisdiction as are necessary to indicate and to carry out sections 4511.01 to 4511.76 and 4511.99 of the Revised Code, local traffic ordinances, or to regulate, warn, or guide traffic.

....
(D) All traffic control devices erected on a public road, street, or alley, shall conform to the state manual and specifications.

Additionally, R.C. 4511.06 provides:

[s]ections 4511.01 to 4511.78, 4511.99, and 4513.31 to 4513.37 of the Revised Code shall be applicable and uniform throughout this state and in all political subdivisions and municipal corporations of this state. No local authority shall enact or enforce any rule that is in conflict with such sections....

Ohio courts have held that the provisions of R.C. 4511.11 and R.C. 4511.06 do not create a duty to conform to advisory warrants of the OMUTCD. As the court emphasized in *Winwood v. City of Dayton*, 37 Ohio St. 3d 282, 285, 525 N.E.2d 808, 811 (1988), OMUTCD §1C provides that "[e]xcept for the sections of this Manual that mandate the installation of a traffic control device, ... *it is the intent that the provisions of this Manual be standards for traffic control device installation, but not a requirement for installation.*" (Footnote omitted.) Thus, the advisory multi-way stop warrants of the OMUTCD do not establish exclusive requirements for the installation of multi-way stops. Where warrants are advisory in nature, the determination to place or not to place a traffic control device at a particular location is a discretionary decision involving both engineering judgment and difficult policy issues. *Winwood*, 37 Ohio St. 3d at 285, 525 N.E.2d at 810-11; *see also Leskovac v. Ohio Dept. of Transp.*, 71 Ohio App. 3d 22, 27-28, 593 N.E.2d 9, 12 (Franklin County 1990) (ODOT has discretion in implementing advisory provisions of OMUTCD); *Estate of Oder v. Wahl*, 67 Ohio App. 3d 596, 587 N.E.2d 920 (Licking County 1990) (municipality). Although the above cases dealt with governmental immunity from tort liability, the principle of local discretion and authority to deviate from advisory OMUTCD standards should be equally applicable in mandamus actions brought to compel local compliance with the OMUTCD or in traffic cases involving the enforceability of nonconforming traffic control devices.

It should be noted that prior to the adoption of Revision 16 of the OMUTCD in July of this year, OMUTCD §§2H-1 and 2H-2 were phrased in mandatory language that expressly prohibited the use of multi-way stops under conditions other than those described in the warrants and also prohibited the use of any stop sign for speed control. Nevertheless, in *City of Oakwood v. Kappeler*, Case No. CA 10205 (Ct. App. Montgomery County Sept. 11, 1987), the court reasoned that although local authorities were generally required by R.C. 4511.11 to comply with the OMUTCD, the provisions of R.C. 4511.07(F) and R.C. 4511.65(D) created a statutory exception with respect to multi-way stops. R.C. 4511.07 states:

Sections 4511.01 to 4511.78, 4511.99, and 4513.01 to 4513.37 of the Revised Code do not prevent local authorities from carrying out the following activities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power.

....
(F) Designating any highway as a through highway and requiring that all vehicles, trackless trolleys, and streetcars stop before entering or crossing a through highway, or *designating any intersection as a stop intersection and requiring all vehicles, trackless trolleys, and streetcars to stop at one or more entrances to the intersection.* (Emphasis added.)

R.C. 4511.65(D) provides a substantially similar grant of local authority. These provisions reserve to local authorities the power to determine the number of entrances where vehicles must stop at any intersection. The *Kappeler* court held, therefore, that a nonconforming multi-way stop could be enforced, even though the warrants in effect at that time were mandatory, because R.C. 4511.07(F) and R.C. 4511.65(D) authorized the placement of the stop.

The *Kappeler* case involved the enforceability of a nonconforming multi-way stop, not an action for removal of the stop. Nonetheless, the reasoning of *Kappeler* is consistent with that applied by Ohio appellate courts in mandamus actions. In *State ex rel. Ohio Motorist Ass'n v. Masten*, 8 Ohio App. 3d 123, 456 N.E.2d 567 (Cuyahoga County 1982), a village was ordered to conform a "Stop Here on Red" sign and a pavement stop line to mandatory warrants of the OMUTCD governing the distance of these traffic control devices from an intersection. The court found no conflict between R.C. 4511.11, requiring compliance with the OMUTCD, and the reservations of local authority set out in R.C. 4511.07(A) and (B). Because *Ohio Motorist* did not involve a multi-way stop, however, the court had no occasion to consider the local discretion to place stops at intersections as set out in R.C. 4511.07(F). The reasoning of the court indicates that to the extent compliance with a provision of the OMUTCD would prevent the exercise of any reserved local authority set out in R.C. 4511.07, an exception would be created to a local authority's obligation under R.C. 4511.11 to comply with the OMUTCD. The mandatory multi-way stop warrants by their terms prevented municipalities from exercising the power reserved in R.C. 4511.07(F) to determine the number of entrances at any intersection where vehicles must stop. Thus, the reasoning of *Ohio Motorist* would support an exception from R.C. 4511.11 with respect to the multi-way stop warrants.²

As the above discussion shows, the change from mandatory to advisory language in the warrants did not create a substantive change in state law. Because the current warrants no longer expressly prohibit the placement of multi-way stops at locations not described in the warrants, however, the change does serve to clarify the perceived conflict between the OMUTCD multi-way stop warrants and the local authority granted under R.C. 4511.07(F) that existed when you presented your questions. A municipality may, pursuant to R.C. 4511.07(F), erect multi-way stop signs that do not conform to OMUTCD §§2H-1 and 2H-2.

III. Non-Conforming Multi-Way Stops May Be Enforced by a Municipality

R.C. 4511.12 provides that "[n]o provision of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to

² There have been several successful mandamus actions requiring removal of multi-way stops that did not conform to the older mandatory warrants. In *Folden v. City of Fairlawn*, No. CV81-3-0693 (C.P. Summit County Jan. 6, 1984), the municipality had adopted the OMUTCD by ordinance. The municipality was, therefore, required to comply with the mandatory multi-way stop warrants as a matter of local law. The common pleas courts of Cuyahoga County and Summit County have journalized decisions requiring three cities to come into compliance with the OMUTCD. See *Barth v. Robart*, No. CV 86 7-2508 (C.P. Summit County 1987) (consent judgment); *Martin v. City of Brookpark*, No. CV 36335 (C.P. Cuyahoga County 1985) (agreed order); *McNeeley v. City of Cleveland*, No. 75-945454 (C.P. Cuyahoga County 1975). None of these cases, however, involved any consideration of the effect of R.C. 4511.07(F).

be seen by an ordinarily observant motorist." Assuming for purposes of this opinion that a sign that does not conform to the OMUTCD would ordinarily be "not in proper position" and, therefore, unenforceable under R.C. 4511.12, as noted above the current OMUTCD multi-way stop warrants are advisory in nature and do not create mandatory requirements. Further, R.C. 4511.07(F) preserves the discretionary power of local authorities to determine the placement of multi-way stops on streets and highways within their jurisdiction. This provision created a statutory exception even to the earlier mandatory OMUTCD warrants governing multi-way stops. Accordingly, multi-way stops erected by a municipality can be enforced despite nonconformity to OMUTCD §§2H-1 and 2H-2.³

It should be noted additionally, that there is a division of authority over the meaning of the words "not in proper position" as used in R.C. 4511.12. One court has held that speed limit signs that do not conform to the OMUTCD are "not in proper position" and cannot be enforced. *City of Mentor v. Mills*, No. 12-169, 1988 Ohio App. LEXIS 2962 (Ct. App. Lake County July 22, 1988) (speed limit signs fourteen inches lower than required). In *City of Kettering v. Buck*, No. CA 6032 (Ct. App. Montgomery County March 28, 1979) (slip op.), the court stated in its analysis that "if the traffic control device is a sign and that sign is not properly placed in accordance with the Uniform Traffic Manual, an alleged violator shall not be found in violation of the device." *Id.* at 4. The court held, however, that the left turn signal involved in *Buck* was placed in accord with the OMUTCD. Other courts have held that a sign is "not in proper position" only when its placement is such that "an ordinarily observant motorist" is unable to see, understand, and respond to the sign because of its position. Under this line of cases, nonconformity to the OMUTCD will render a sign unenforceable only if the nonconformity affects a motorist's ability to respond. *See, e.g., City of Mansfield v. O'Donnell*, No. CA-2826, 1991 Ohio App. LEXIS 4727 (Ct. App. Richland County Sept. 26, 1991) (stop signs not in compliance with multi-way warrants were enforceable); *State v. Lechner*, No. CA 9430 (Ct. App. Summit County Feb. 13, 1980) (stop sign eight inches shorter than required was enforceable). However, where the nonconformity of the sign does not contribute to the alleged violation, the appropriate remedy is an action in mandamus to have the sign removed, if the sign violates a mandatory provision of the OMUTCD or local law. *City of Mt. Vernon v. Davidson*, No. 88-CA-37 (Ct. App. Knox County March 27, 1989) (citing *Ohio Motorist*) (stop sign farther from intersection than required was enforceable); accord *O'Donnell*.

IV. Federal Highway Funds

A. General Funding Scheme

Although municipalities have authority to place multi-way stops that do not conform to the advisory warrants of OMUTCD §2H-1 and 2H-2, exercise of this authority may, nonetheless, affect the availability of federal aid highway funds. Federal grants for various highway projects and programs are available to the state pursuant to the provisions of Title 23, U.S.C.. The Federal-Aid Highway Act, 23 U.S.C. §§101, *et seq.*, provides funds for highway projects involving construction or reconstruction on highways identified as part of the federal-aid system,

³ It should be noted, however, that some municipalities have adopted the provisions of the OMUTCD either by charter or ordinance. Dependent upon the specific terms of such local legislation, a particular municipality may have bound itself to the requirements of OMUTCD §§2H-1 and 2H-2 as a matter of applicable local law and, in effect, waived the discretion vested in local authorities under state law. *See, e.g., Folden v. City of Fairlawn* (successful mandamus action for removal of non-conforming multi-way stops, when municipality had adopted OMUTCD by ordinance).

also known as the National Highway System.⁴ Under the Highway Safety Act, 23 U.S.C. §§401, *et. seq.*, federal funds are also available for projects to install or upgrade traffic control devices, both on federal-aid highways and off-system highways. *See* 23 C.F.R. §655.607. Federal funds are obligated for such projects upon approval of each specific project by the Secretary of Transportation, 23 U.S.C. §106(a). 23 U.S.C. §109(d) additionally states:

On any highway project in which Federal funds hereafter participate, or on any such project constructed since December 20, 1944, the *location*, form and character of informational, *regulatory* and warning signs, curb and pavement or other markings, and traffic signals installed or placed by any public authority or other agency, shall be subject to the approval of the State highway department with the concurrence of the Secretary, who is directed to concur *only in such installations as will promote the safe and efficient utilization of the highways.* (Emphasis added.)

See also 23 U.S.C. §402(d) (provisions of 23 U.S.C. Ch. 1 governing National Highway system funds are applicable to highway safety funds, except provisions governing the apportionment formula between states and provisions limiting the expenditure of funds to the federal-aid system); 23 C.F.R. §655.605.

The Highway Safety Act also requires the state to have a highway safety program, approved by the Secretary of Transportation and in accord with uniform guidelines that govern, among other things, traffic control. 23 U.S.C. §402. Federal funds are apportioned to states with approved programs and these funds become obligated upon approval of specific projects. *Id.* Highway Safety Program Guideline No. 13, requires a state highway safety program to contain a traffic control devices plan that includes: "1. an inventory of all traffic control devices[,] 2. Periodic review of existing traffic control devices, including a systematic upgrading of substandard devices *to conform with guidelines issued or endorsed by the Federal Highway Administrator.*" 23 C.F.R. §1204.4 (emphasis added). The specific projects to install or upgrade traffic control devices, discussed above, are based on these inventories and reviews. 23 C.F.R. §655.604.

B. Relationship Between National MUTCD and OMUTCD

The Federal Highway Administration (FHWA) has approved the national Manual on Uniform Traffic Control Devices (MUTCD) as "the national standard for all traffic control devices installed on any street, highway, or bicycle trail open to public travel in accordance with 23 U.S.C. 109(d) and 402(a)." 23 C.F.R. 655.603(a); *see also* 23 C.F.R. §655.601(a). Highway projects on the National Highway System must conform to this standard. 23 U.S.C. §109(c). Projects on off-system highways are governed by state laws and regulations. 23 U.S.C. §109(p). For purposes of federal funding, however, state MUTCD's must be in substantial conformance with the national MUTCD and approved by the FHWA Regional Administrator. 23 C.F.R. §655.603(b); *see also* R.C. 4511.09 (OMUTCD "shall correlate with, and so far as possible conform to the system approved by the American Association of State Highway Officials").⁵ 23 C.F.R. §655.603 further states:

⁴ The federal aid system is composed of the interstate highways, certain types of urban and rural arterials and highways that are proposed for inclusion by states in cooperation with local authorities, and certain highways designated as necessary for defense and emergency purposes. 23 U.S.C. §103.

⁵ The American Association of State Highway Officials, which is now the American Association of State Highway and Transportation Officials

(d) *Compliance—(1) Existing highways.* Each State, in cooperation with its political subdivisions, and Federal agencies shall have a program as required by Highway Safety Program Standard Number 13, Traffic Engineering Services (23 CFR 1204.4) which shall include provisions for the systematic upgrading of substandard traffic control devices and for the installation of needed devices to achieve conformity with the MUTCD.

(2) *New or reconstructed highways.* Federal-aid projects for the construction, reconstruction, resurfacing, restoration, or rehabilitation of streets and highways shall not be opened to the public for unrestricted use until all appropriate traffic control devices, either temporary or permanent, are installed and functioning properly. Both temporary and permanent devices shall conform to the MUTCD.

See also 23 C.F.R. §§655.604–655.607. Thus, approval of federal funds for highway projects is dependent upon conformity to the MUTCD or the OMUTCD, including the multi-way stop warrants. Nonconforming placement of multi-way stop signs would jeopardize this funding.

C. Effect on Federal Funding of Local Authority to Deviate from Advisory Warrants

Information provided by the FHWA indicates that, for funding purposes, multi-way stops are considered nonconforming if they are placed at any location that does not meet the traffic conditions described in either the national warrants or approved state warrants. The traffic conditions for multi-way stops described in national MUTCD §2B-6 (FHWA 1988, as revised) are identical to those in OMUTCD §2H-2. MUTCD §2B-5 (FHWA 1988, as revised) also states that "STOP signs should not be used for speed control." Although both MUTCD and OMUTCD warrants are phrased in advisory language,⁶ the current policy of the FHWA is that multi-way stops placed at locations other than those described in either the MUTCD or OMUTCD warrants do not "promote the safe and efficient utilization of the highways" as required by 23 U.S.C. §109(d) and that traffic at such locations should be controlled by alternative means. If unwarranted multi-way stops are installed or maintained on any route included in a proposed highway project, whether governed by the MUTCD or the OMUTCD, that project will not be approved for federal funding. Thus, in some instances a local authority may be forced to choose between federal funds or maintaining an unwarranted multi-way stop, depending on the location of the stop.

Information provided from the FHWA indicates that the fact that local authorities have the power to deviate from the OMUTCD multi-way warrants affects federal funding only at the level of individual project approval. The federal legislation is designed to provide a financial incentive to comply with federal highway standards. The state is not required to use federal funds for any particular project nor to require its local authorities to do so. 23 U.S.C. §145 states that "[t]he authorization of the appropriation of Federal funds or their availability for expenditure under this chapter shall in no way infringe on the sovereign rights of the states to determine which projects shall be federally financed. The provisions of this chapter provide for a federally assisted State program."

(AASHTO), no longer independently publishes standards for traffic control devices. AASHTO now participates in the development of the national MUTCD, which is then approved and published by the Federal Highway Administration. Thus, the system approved by AASHTO referenced in R.C. 4511.09 is the national MUTCD.

⁶ MUTCD §1A-5 (FHWA 1988, as revised) defines "should" as indicating an advisory but not mandatory provision.

D. Effect on Federal Funding of Adding Additional Multi-way Stop Warrants to OMUTCD

An effort to change the OMUTCD multi-way stop warrants to describe additional traffic conditions that would warrant such stops, however, could have a more far reaching effect on federal funding. First, it should be noted that such a change could be accomplished only by legislation. The ODOT has no administrative authority to enact additional multi-way stop warrants, because R.C. 4511.09 currently requires the OMUTCD to conform to the national MUTCD. Second, the FHWA has clearly indicated that it would not find additional warrants for multi-way stops to be in substantial compliance with the MUTCD.

As noted earlier, Highway Safety Program Guideline No. 13, 23 C.F.R. §1204.4, requires a state highway safety program to inventory and review existing traffic control devices for conformity to the MUTCD or to an approved state MUTCD. 23 U.S.C. §402(c) states:

Funds apportioned under this section [highway safety funds] to any State, that does not have a highway safety program approved by the Secretary or that is not implementing an approved program, shall be reduced by amounts equal to not less than 50 per centum of the amounts that would otherwise be apportioned to the State under this section, until such time as the Secretary approves such program or determines that the State is implementing an approved program, as appropriate.

23 U.S.C. §402(c) further provides that "[i]mplementation of a highway safety program under this section shall not be construed to require the Secretary to require compliance with every uniform guideline, or with every element of every uniform guideline, in every State." The Secretary also has discretion to determine the amount of reduction based on "the gravity of the State's failure to have or implement an approved program..." *Id.* Federal disapproval of the OMUTCD would result in noncompliance with Highway Program Guideline 13. While under 23 U.S.C. §402(c), this would not necessarily trigger disapproval of Ohio's entire highway safety program, it would be within the Secretary's discretion to make such a determination and reduce the total amount of highway safety funds apportioned to the state.

V. Conclusion

It is, therefore, my opinion, and you are hereby advised that:

1. A municipality has authority to erect multi-way stops on a highway under its jurisdiction that do not conform to the multi-way stop warrants of the Ohio Manual of Uniform Traffic Control Devices §§2H-1 and 2H-2 (Rev. 16, July 7, 1992); R.C. 4511.11 does not require local authorities to conform to advisory warrants and, pursuant to R.C. 4511.07(F), local authorities have discretion to determine the number of entrances requiring stops at any intersection on streets and highways under their jurisdiction.
2. R.C. 4511.12 does not generally prevent a municipality from enforcing a multi-way stop sign that does not conform to the advisory multi-way stop warrants of the Ohio Manual of Uniform Traffic Control Devices.
3. If a municipality places a multi-way stop sign that does not conform to the Ohio Manual of Uniform Traffic Control Devices warrants, the current policy of the Federal Highway

Administration is to disapprove federal funding available pursuant to the Federal-Aid Highway Act, 23 U.S.C. §§101, *et seq.*, and the Highway Safety Act, 23 U.S.C. §§401, *et seq.*, for any federal highway project within which such sign is located.

4. If the Ohio Manual of Uniform Traffic Control Devices warrants were amended so as not to be in substantial conformance with the national Manual of Uniform Traffic Control Devices standards, such action would permit the Secretary of Transportation, in his discretion, to reduce the federal highway funds apportioned to the entire state under the federal Highway Safety Act, 23 U.S.C. §§401, *et seq.*