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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|------------------------|---|
| Proceeding | 92058315 |
| Party | Plaintiff State of Michigan |
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| Date | 02/06/2015 |
| Attachments | Motion for Judgment on the Pleadings.pdf(140583 bytes) Exhibit A.pdf(4176340 bytes) Exhibit B.pdf(711096 bytes) |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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| | | |
|---|---|----------------------|
| State of Michigan |) | |
| |) | |
| Petitioner, |) | Reg. Nos.: 3992159 |
| |) | 3348635 |
| |) | |
| v. |) | |
| |) | |
| M22, LLC, |) | Proceeding: 92058315 |
| |) | |
| |) | |
| Registrant. |) | |
| <hr style="width: 40%; margin-left: 0;"/> |) | |

MOTION FOR JUDGMENT ON THE PLEADINGS

Federal law prohibits highway signs and other traffic control devices from being protected as trademarks and provides that such symbols must remain in the public domain. Contrary to this clear prohibition, Respondent M22, LLC has sought and obtained trademark registrations — in identical form — for the State of Michigan’s federally and state regulated M-22 state highway sign. Because federal law prohibits the protection of the State’s traffic control device as a trademark, it likewise prohibits use of the traffic control device as a mark. Respondent’s use of the M-22 state highway sign, therefore, is *per se* unlawful use in commerce, and this Board should cancel Respondent’s registrations for it under the Lanham Act.

BACKGROUND AND PROCEDURAL HISTORY

The State of Michigan uses the following symbol as its State Route Sign and traffic control device for the M-22 state highway:



Respondent does not, and cannot, deny that the State uses that symbol for the M-22 highway. *Cf.* Dkt. 21, Answer ¶¶ 1-2 (disputing only the history of the State’s sign and its resemblance to both of M22’s marks).

On July 12, 2011, Respondent obtained U.S. Reg. No. 3992159 for the State’s M-22 State Route Sign (the “**M22 Registration**”). While Respondent denies that its marks are identical to the M-22 State Route Sign, *see* Dkt. 16, 7/25/2014 Mot. to Dismiss at 1-2, the Board can take judicial notice that the mark in the M22 Registration is, in fact, identical to Petitioner’s State Route Sign:



TBMP § 504.02; § 704.12.

On December 4, 2007, Respondent obtained U.S. Reg. No. 3348635 for a version of the State Route Sign that is virtually identical to the State sign on (the “**M22 Online Registration**”).



On December 3, 2013, the State of Michigan petitioned to cancel Respondent’s “M22 Registration” and “M22 Online Registration.” Dkt. 1, Petition to Cancel. The State alleged, among other things, that Respondent’s registration of the marks violates federal law regulating traffic control devices and that the marks are not subject to trademark protection. *See id.* ¶¶ 4-16. The State filed an amended Petition to Cancel on June 30, 2014, again alleging that the marks in the M22 Registration and M22 Online Registration are not in lawful use in commerce. *See* Dkt. 14, Second Amended Consolidated Petition to Cancel ¶¶ 13-26. This Board denied Respondent’s Motion to Dismiss the State’s Petition as it pertained to this ground. Dkt. 20, 12/01/2014 Order. The State now moves for judgment on the pleadings on the ground that the marks in the M22 Registration and M22 Online Registration are not in lawful use in commerce.

ARGUMENT

Respondent’s use and registration of the signs in the M22 Registration and M22 Online Registration directly violates federal law regulating the use of traffic control devices. Accordingly, the marks are not in lawful use in commerce, and this Board should cancel Respondent’s registrations.

Standard of Review

A motion for judgment on the pleadings may be filed once the pleadings in the matter are closed, but early enough not to delay trial, defined as prior to the opening of the first testimony period. TBMP 504.01. Petitioner’s motion meets these requirements. The pleadings in this matter are now closed—Respondent’s answer has been filed; the period for amendments of right has expired; and no motion to amend has been filed. The motion

is timely as it is filed substantially in advance of the opening of the first 30-day testimony period, which opens October 2, 2015 and ends November 1, 2015.

A motion for judgment on the pleadings is a test of the undisputed facts appearing in those pleadings, supplemented by any facts of which the Board will take judicial notice. TBMP 504.02. The Board must grant the motion if there are no genuine issues of material fact to be resolved and the moving party is entitled to judgment as a matter of law. *Id.* In considering the motion, the Board accepts as true all well-pleaded factual allegations of the non-moving party. *Id.*

Respondent's M22 Marks Are Not in Lawful Use in Commerce.

Respondent's registration and use of the marks in the M22 Registration and M22 Online is in direct, *per se*, and material violation of federal law that prohibits the protection of a traffic control device as a trademark, including State Route Signs such as Petitioner's M-22 highway sign. Accordingly, the marks in the M22 Registration and M22 Online Registration are not in lawful use in commerce, and Respondent's use of each mark cannot create a valid trademark right or serve as the basis for federal registration. *See, e.g., Automedx Inc. v. Artivent Corp.*, 95 USPQ2d 1976, *9-10 (TTAB 2010) (citing *General Mills Inc. v. Healthy Valley Foods*, 24 USPQ2d 1270 (TTAB 1992)).

"Use of a mark in commerce must be lawful use to be the basis for federal registration of the mark." TMEP § 907; *General Mills Inc. v. Healthy Valley Foods*, 24 USPQ2d 1270, *4 (TTAB 1992). The Trademark Manual of Examining Procedure recognizes that "[v]arious federal statutes *and regulations* prohibit or restrict the use of certain . . . symbols" used by the United States government and its agencies, and

mandates that such symbols must be “reserved for the specific purposes prescribed in the relevant statute and must be free for use in the prescribed manner.” TMEP § 1205.01 (emphasis added). Thus, if a federal statute or regulation prohibits the protection of a governmental symbol as a trademark, the Manual of Examining Procedure instructs the Patent and Trademark Office to defer to the command of that statute or regulation. *See id.*

Regulations promulgated by the Secretary of Transportation expressly prohibit the protection of traffic control devices as trademarks, including State Route Signs. The Highway Safety Act of 1966 directs the Secretary of Transportation to “cooperate with . . . State and local governments, . . . to increase highway safety,” 23 U.S.C. § 401, and gives the Secretary broad rulemaking authority to promulgate uniform guidelines to increase driver and highway safety, *id.* § 402(a)(2). Implicit in that mandate is authority to provide a uniform system of traffic control devices. *See Manual on Uniform Traffic Control Devices (“MUTCD”) § 1A.01* (“The purpose of traffic control devices, as well as the principles for their use, is to promote highway safety and efficiency by providing for the orderly movement of all road users on streets, highways, bikeways, and private roads open to public travel throughout the Nation.”). Congress additionally gave the Secretary direct authority to evaluate and approve for safety and efficiency “the location, form and character of informational, regulatory and warning signs, curb and pavement or other markings, and traffic signals” on any highway project involving the use of federal funds. 23 U.S.C. § 109(d).

Pursuant to its broad rulemaking authority, the Department of Transportation adopted by reference the pre-existing Manual on Uniform Traffic Control Devices. See 23 C.F.R. §§ 655.601, 655.603(a). The MUTCD “is the national standard for all traffic control devices installed on any street, highway, or bicycle trail open to public travel[.]” *Id.* § 655.603(a). State traffic control manuals must “conform as a minimum to the standard statements included in the National MUTCD,” *id.* § 655.603(b)(1), and each state and federal agency must upgrade its traffic control devices to achieve conformity with the MUTCD,” *id.* § 655.603(d)(1).

The MUTCD expressly prohibits—on *page one*—the protection of highway signs such as the M-22 State Route Sign as trademarks and requires that such signs remain in the public domain:

Any traffic control device design or application provision contained in this Manual shall be considered to be in the public domain. Traffic control devices contained in this Manual *shall not be protected by a patent, trademark, or copyright*, except for the Interstate Shield and any items owned by FHWA.

See Exhibit A (MUTCD at I-1 (emphasis added); *id.* at § 2D.11).¹ This provision is not only federal law, but also is a “standard” with which the states must conform. MUTCD p I-1; 23 C.F.R. § 655.603(b)(1).

¹ The State linked to the full federal MUTCD in its Second Amended Petition to Cancel, see 6/30/14 Petition at 6 n.6, and attaches selected pages from that Manual here for ease of review. The full federal MUTCD is available at <http://mutcd.fhwa.dot.gov/kno_2009.htm> (accessed February 6, 2015). “Traffic control devices” are defined as “all signs, signals, markings, and other devices used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, pedestrian facility, bikeway, or private road open to public travel . . . by authority of a public agency or official having jurisdiction, or, in the case of a private road, by authority of the private owner or private official having jurisdiction.” *Id.*

The Highway Safety Act of 1966 requires each state to have a highway safety program approved by the Secretary. 23 U.S.C. § 402(a)(1) (“Each State shall have a highway safety program, approved by the Secretary . . .”). State highway programs approved by the Secretary must comply with uniform guidelines promulgated by the Secretary, *id.* § 402(a)(2), and must meet “minimum standards established by the Secretary,” *id.* § 402(b)(1)(B).

Consistent with these federal requirements, the Michigan Vehicle Code requires the state highway commissioner and commissioner of the state police to adopt and maintain a uniform system of traffic control devices, which includes all signs², that conforms with the federal MUTCD. M.C.L. § 257.608. Accordingly, and pursuant to the federal regulatory mandate, the Michigan Department of Transportation adopted a state manual that conforms to the federal MUTCD.

Federal regulations require state manuals to conform, at a minimum, to the “standard statements” included in the federal MUTCD. 23 C.F.R. § 655.603(b)(1). Accordingly, as required by federal law, the Michigan MUTCD contains the standard statement from the federal MUTCD that prohibits the trademark protection of any traffic control devices contained within the manual. *See* Exhibit B (Mich. MUTCD at I-1).³ Thus, pursuant to federal regulatory mandate, no traffic control device contained within the Michigan MUTCD can be protected as a trademark.

² The term “traffic control devices” includes “all signs, signals, markings, and devices not inconsistent with this act placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.” MCL 257.70.

³ The State provided a link to the full Michigan MUTCD in its Second Amended Petition to Cancel, *see* 6/30/14 Petition at 7 n.9, and attaches selected pages from that Manual here

While the federal MUTCD suggests a default design for State Route Signs that consists of a white circle imposed on a black square featuring the respective highway number in black, it allows states to create a unique design. *See* Exhibit A (MUTCD) at § 2D.11. Michigan chose to maintain its historic design—as seen on the M-22 Sign—using a white diamond rather than a circle, and a block “M” over the black number. *See* Exhibit B (Mich. MUTCD) at § 2D.11. Under both the state and federal Manuals, this State Route Sign is excluded from trademark protection.

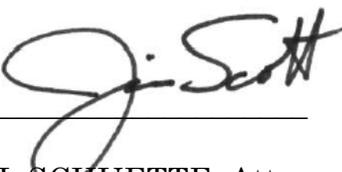
As a result, Respondent’s registration and use of the State’s traffic control devices as trademarks is a *per se* and material violation of federal law governing traffic control devices. *See Automedx Inc.*, 95 USPQ2d 1976 at *9-10; *General Mills*, 24 USPQ2d 1270 at *3-*4 & n.8. And, as the above discussion illustrates, Respondent’s violation is evident from the undisputed facts in the pleadings and the applicable federal law. *Id.* Federal law leaves “no room for doubt, speculation, surmise, or interpretation”: it explicitly prohibits the protection of traffic control devices as trademarks, and Respondent has obtained trademark protection for a traffic control device regulated by that law. *Santinine Societa v. P.A.B. Produits*, 209 USPQ 958, *7 (TTAB 1981). Consistent with and as an example of this analysis, the Patent and Trademark Office has recognized the Interstate New York 75 Route Sign under the “89” series code as a designation protected by federal statute or regulation and not subject to trademark protection. *See* Serial No. 89000030. TMEP § 1205.01. The same analysis applies to the M-22 State Route Sign.

for ease of review. The full Michigan MUTCD is available at <http://mdotcf.state.mi.us/public/tands/plans.cfm> (accessed February 6, 2015).

Respondent's registration and use of the marks in the M22 Registration and M22 Online Registration is not merely a technical violation that could be corrected with time. *Cf. General Mills*, 24 USPQ2d 1270 at *4 (discussing harmless, purely technical violations that can be corrected). Instead, the law *directly prohibits traffic control devices* from protection as trademarks. As a matter of law, then, Respondent's use of the M-22 State Route Sign could create no trademark rights. *Id.* Respondent's registration of those as marks in the M22 Registration and M22 Online Registration is accordingly unlawful, and the registrations must be cancelled. *Id.*

CONCLUSION

For the reasons stated above, Petitioner respectfully requests that this Board grant Petitioner judgment on the pleadings and cancel Registrations Nos. 3,348,635 and 3,992,159.

By 

Date: February 6, 2015

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CERTIFICATE OF SERVICE

I certify that Petitioner's Second Amended Consolidated Petition to Cancel is being served upon John Di Giacomo, counsel for Registrant, via email at john@revisionlegal.com, as the parties have agreed, on February 6, 2015.

A handwritten signature in black ink, appearing to read "J. Scott", is written over a horizontal line. The signature is cursive and stylized.

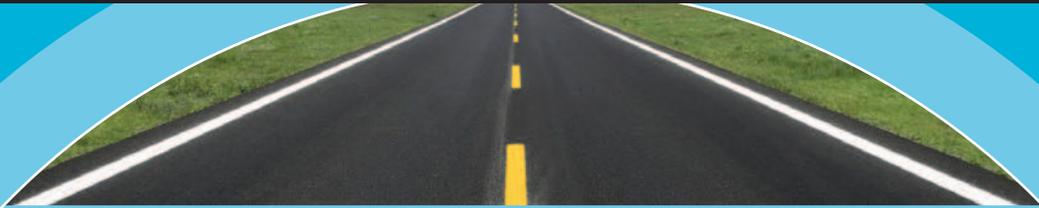
EXHIBIT A

Manual on Uniform Traffic Control Devices

for Streets and Highways

2009 Edition

Including Revision 1 dated May 2012
and Revision 2 dated May 2012



MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES INTRODUCTION

Standard:

- 01 **Traffic control devices shall be defined as all signs, signals, markings, and other devices used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, pedestrian facility, bikeway, or private road open to public travel (see definition in Section 1A.13) by authority of a public agency or official having jurisdiction, or, in the case of a private road, by authority of the private owner or private official having jurisdiction.**
- 02 **The Manual on Uniform Traffic Control Devices (MUTCD) is incorporated by reference in 23 Code of Federal Regulations (CFR), Part 655, Subpart F and shall be recognized as the national standard for all traffic control devices installed on any street, highway, bikeway, or private road open to public travel (see definition in Section 1A.13) in accordance with 23 U.S.C. 109(d) and 402(a). The policies and procedures of the Federal Highway Administration (FHWA) to obtain basic uniformity of traffic control devices shall be as described in 23 CFR 655, Subpart F.**
- 03 **In accordance with 23 CFR 655.603(a), for the purposes of applicability of the MUTCD:**
- A. **Toll roads under the jurisdiction of public agencies or authorities or public-private partnerships shall be considered to be public highways;**
 - B. **Private roads open to public travel shall be as defined in Section 1A.13; and**
 - C. **Parking areas, including the driving aisles within those parking areas, that are either publicly or privately owned shall not be considered to be “open to public travel” for purposes of MUTCD applicability.**
- 04 **Any traffic control device design or application provision contained in this Manual shall be considered to be in the public domain. Traffic control devices contained in this Manual shall not be protected by a patent, trademark, or copyright, except for the Interstate Shield and any items owned by FHWA.**

Support:

- 05 Pictographs, as defined in Section 1A.13, are embedded in traffic control devices but the pictographs themselves are not considered traffic control devices for the purposes of Paragraph 4.
- 06 The need for uniform standards was recognized long ago. The American Association of State Highway Officials (AASHO), now known as the American Association of State Highway and Transportation Officials (AASHTO), published a manual for rural highways in 1927, and the National Conference on Street and Highway Safety (NCSHS) published a manual for urban streets in 1930. In the early years, the necessity for unification of the standards applicable to the different classes of road and street systems was obvious. To meet this need, a joint committee of AASHO and NCSHS developed and published the original edition of this Manual on Uniform Traffic Control Devices (MUTCD) in 1935. That committee, now called the National Committee on Uniform Traffic Control Devices (NCUTCD), though changed from time to time in name, organization, and personnel, has been in continuous existence and has contributed to periodic revisions of this Manual. The FHWA has administered the MUTCD since the 1971 edition. The FHWA and its predecessor organizations have participated in the development and publishing of the previous editions. There were nine previous editions of the MUTCD, and several of those editions were revised one or more times. Table I-1 traces the evolution of the MUTCD, including the two manuals developed by AASHO and NCSHS.

Standard:

- 07 **The U.S. Secretary of Transportation, under authority granted by the Highway Safety Act of 1966, decreed that traffic control devices on all streets and highways open to public travel in accordance with 23 U.S.C. 109(d) and 402(a) in each State shall be in substantial conformance with the Standards issued or endorsed by the FHWA.**

Support:

- 08 The “Uniform Vehicle Code (UVC)” is one of the publications referenced in the MUTCD. The UVC contains a model set of motor vehicle codes and traffic laws for use throughout the United States.

Guidance:

- 09 *The States should adopt Section 15-116 of the UVC, which states that, “No person shall install or maintain in any area of private property used by the public any sign, signal, marking, or other device intended to regulate, warn, or guide traffic unless it conforms with the State manual and specifications adopted under Section 15-104.”*

Section 2D.11 Design of Route Signs

Standard:

01 The “Standard Highway Signs and Markings” book (see Section 1A.11) shall be used for designing route signs. Other route sign designs shall be established by the authority having jurisdiction.

02 Interstate Route signs (see Figure 2D-3) shall consist of a cutout shield, with the route number in white letters on a blue background, the word INTERSTATE in white upper-case letters on a red background, and a white border. This sign shall be used on all Interstate routes and in connection with route sign assemblies on intersecting highways.

03 A 24 x 24-inch minimum sign size shall be used for Interstate route numbers with one or two digits, and a 30 x 24-inch minimum sign size shall be used for Interstate route numbers having three digits.

Option:

04 Interstate Route signs may contain the State name in white upper-case letters on a blue background.

Standard:

05 **Off-Interstate Business Route signs** (see Figure 2D-3) shall consist of a cutout shield carrying the number of the connecting Interstate route and the words BUSINESS and either LOOP or SPUR in upper-case letters. The legend and border shall be white on a green background, and the shield shall be the same shape and dimensions as the Interstate Route sign. In no instance shall the word INTERSTATE appear on the Off-Interstate Business Route sign.

Option:

06 The Off-Interstate Business Route sign may be used on a major highway that is not a part of the Interstate system, but one that serves the business area of a city from an interchange on the system.

07 When used on a green guide sign, a white square or rectangle may be placed behind the shield to improve contrast.

Standard:

08 **U.S. Route signs** (see Figure 2D-3) shall consist of black numerals on a white shield surrounded by a rectangular black background without a border. This sign shall be used on all U.S. routes and in connection with route sign assemblies on intersecting highways.

09 A 24 x 24-inch minimum sign size shall be used for U.S. route numbers with one or two digits, and a 30 x 24-inch minimum sign size shall be used for U.S. route numbers having three digits.

10 **State Route signs** shall be designed by the individual State highway agencies.

Guidance:

11 State Route signs (see Figure 2D-3) should be rectangular and should be approximately the same size as the U.S. Route sign. State Route signs should also be similar to the U.S. Route sign by containing approximately the same size black numerals on a white area surrounded by a rectangular black background without a border. The shape of the white area should be circular in the absence of any determination to the contrary by the individual State concerned.

12 Where U.S. or State Route signs are used as components of guide signs, only the distinctive shape of the shield itself and the route numerals within should be used. The rectangular background upon which the distinctive shape of the shield is mounted, such as the black area around the outside of the shields on the M1-4 and standard M1-5 signs, should not be included on the guide sign. Where U.S. or State Route signs are used as components of other signs of non-contrasting background colors, the rectangular background should be used to so that recognition of the distinctive shape of the shield can be maintained.

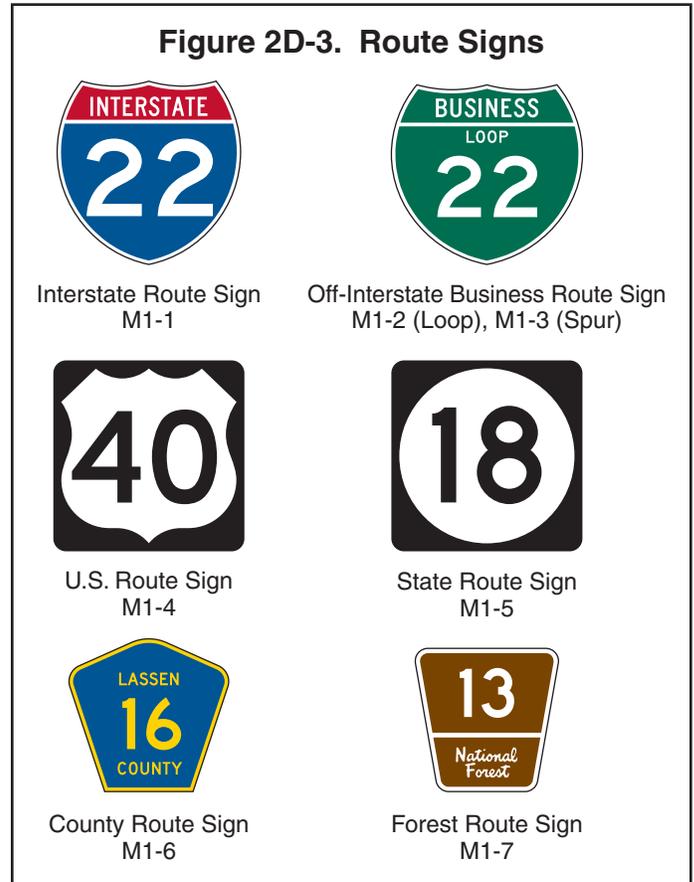
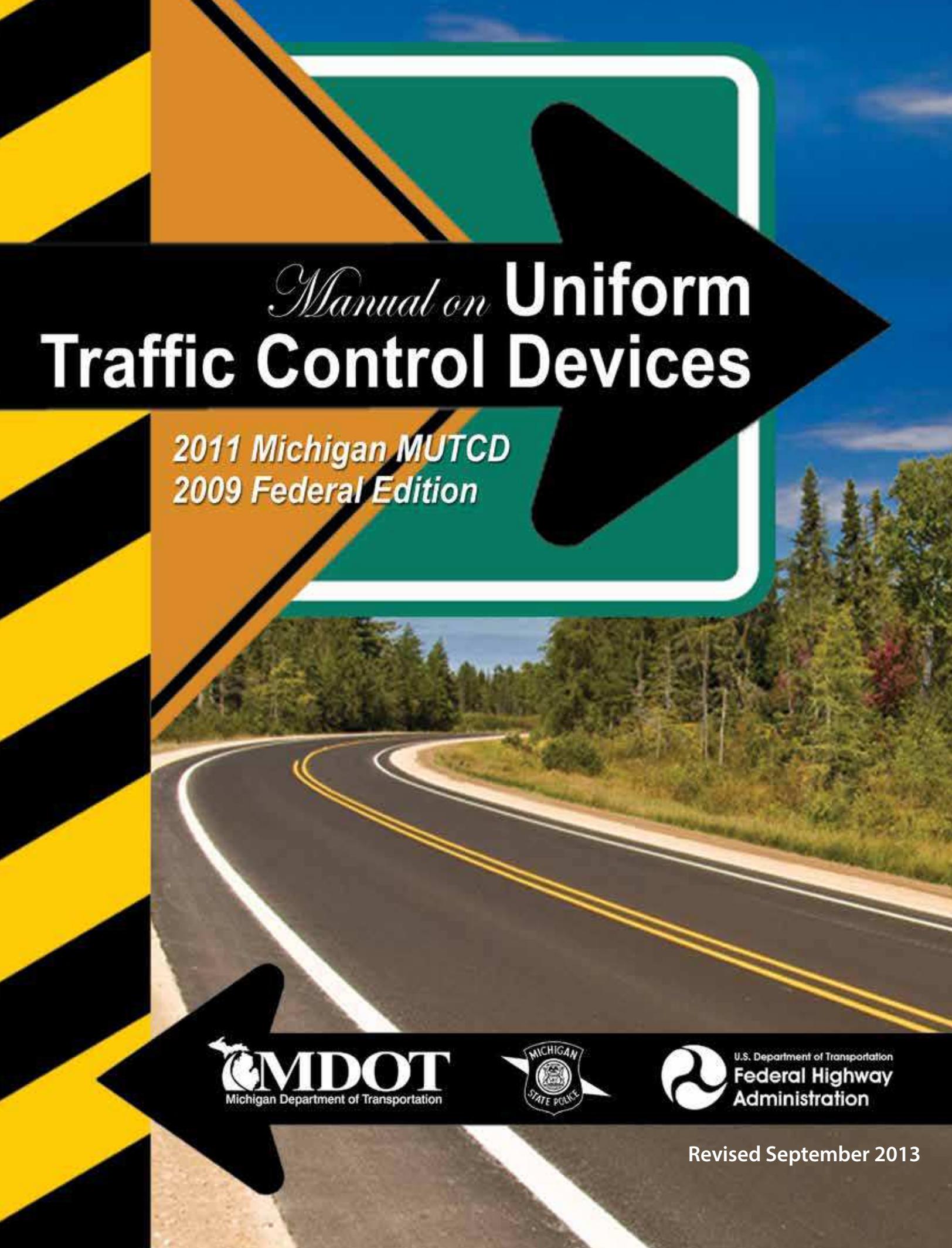


EXHIBIT B



Manual on **Uniform Traffic Control Devices**

*2011 Michigan MUTCD
2009 Federal Edition*



Revised September 2013

MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES INTRODUCTION

Standard:

-  01 **Traffic control devices shall be defined as all signs, signals, markings, and devices placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic as per Section 257.70 of the "Michigan Vehicle Code".**
- 01A **A peace officer may enter upon a private road that is open to the general public to enforce provisions of this act if signs meeting the requirements of the manual are posted on the private road per Section 257.601a(2) of the "Michigan Vehicle Code".**
- 01B **A sign or other traffic control device required in a parking area shall conform to the requirements of the manual per Michigan State Statute 257.942b.**
- 02 **The Manual on Uniform Traffic Control Devices (MUTCD) is incorporated by reference in 23 Code of Federal Regulations (CFR), Part 655, Subpart F and shall be recognized as the national standard for all traffic control devices installed on any street, highway, bikeway, or private road open to public travel (see definition in Section 1A.13) in accordance with 23 U.S.C. 109(d) and 402(a). The policies and procedures of the Federal Highway Administration (FHWA) to obtain basic uniformity of traffic control devices shall be as described in 23 CFR 655, Subpart F.**
-  03 **In accordance with 23 CFR 655.603(a), and Michigan State Statute for the purposes of applicability of the MUTCD:**
- A. **Toll roads under the jurisdiction of public agencies or authorities or public-private partnerships shall be considered to be public highways;**
 - B. **Private roads open to public travel shall be as defined in Section 1A.13; and**
 - C. **Per Michigan State Statute 257.941, parking area means an area used by the public as a means of access to and egress from, and for the free parking of motor vehicles by patrons of a shopping center, business, factory, hospital, institution, or similar building or location. Shopping center means a minimum area of 3 acres of land on which there is located 1 or more stores or business establishments, and where there is provided a parking area.**

- 04 **Any traffic control device design or application provision contained in this Manual shall be considered to be in the public domain. Traffic control devices contained in this Manual shall not be protected by a patent, trademark, or copyright, except for the Interstate Shield and any items owned by FHWA.**

Support:

- 05 Pictographs, as defined in Section 1A.13, are embedded in traffic control devices but the pictographs themselves are not considered traffic control devices for the purposes of Paragraph 4.
-  06 The need for uniform standards was recognized long ago. The American Association of State Highway Officials (AASHO), now known as the American Association of State Highway and Transportation Officials (AASHTO), published a manual for rural highways in 1927, and the National Conference on Street and Highway Safety (NCSHS) published a manual for urban streets in 1930. In the early years, the necessity for unification of the standards applicable to the different classes of road and street systems was obvious. To meet this need, a joint committee of AASHO and NCSHS developed and published the original edition of this Manual on Uniform Traffic Control Devices (MUTCD) in 1935. That committee, now called the National Committee on Uniform Traffic Control Devices (NCUTCD), though changed from time to time in name, organization, and personnel, has been in continuous existence and has contributed to periodic revisions of this Manual. The FHWA has administered the MUTCD since the 1971 edition. The FHWA and its predecessor organizations have participated in the development and publishing of the previous editions. There were nine previous editions of the MUTCD, and several of those editions were revised one or more times. Table I-1 traces the evolution of the MUTCD, including the two manuals developed by AASHO and NCSHS. **Table I-1a shows the history of the Michigan Manual.**

Standard:

- 07 **The U.S. Secretary of Transportation, under authority granted by the Highway Safety Act of 1966, decreed that traffic control devices on all streets and highways open to public travel in accordance with 23 U.S.C. 109(d) and 402(a) in each State shall be in substantial conformance with the Standards issued or endorsed by the FHWA.**

Support:

-  08 The "Uniform Vehicle Code (UVC)" is one of the publications referenced in the MUTCD. The UVC contains a model set of motor vehicle codes and traffic laws for use throughout the United States. **In Michigan, the "Michigan Vehicle Code" (MVC) contains motor vehicle codes and traffic laws for use in Michigan. The MVC takes precedent over the UVC. Where appropriate, sections from Michigan State Statute including the MVC have been added to this manual. All references from the MVC may not be current; therefore, current Michigan Statute takes precedence.**

Section 2D.11 Design of Route Signs

Standard:

01 The “Standard Highway Signs and Markings” book (see Section 1A.11) shall be used for designing route signs. Other route sign designs shall be established by the authority having jurisdiction.

02 Interstate Route signs (see Figure 2D-3) shall consist of a cutout shield, with the route number in white letters on a blue background, the word INTERSTATE in white upper-case letters on a red background, and a white border. This sign shall be used on all Interstate routes and in connection with route sign assemblies on intersecting highways.

03 A 24 x 24-inch minimum sign size shall be used for Interstate route numbers with one or two digits, and a 30 x 24-inch minimum sign size shall be used for Interstate route numbers having three digits.

Option:

04 Interstate Route signs may contain the State name in white upper-case letters on a blue background.

Standard:

05 **Off-Interstate Business Route signs** (see Figure 2D-3) shall consist of a cutout shield carrying the number of the connecting Interstate route and the words BUSINESS and either LOOP or SPUR in upper-case letters. The legend and border shall be white on a green background, and the shield shall be the same shape and dimensions as the Interstate Route sign. In no instance shall the word INTERSTATE appear on the Off-Interstate Business Route sign.

Option:

06 The Off-Interstate Business Route sign may be used on a major highway that is not a part of the Interstate system, but one that serves the business area of a city from an interchange on the system.

07 When used on a green guide sign, a white square or rectangle may be placed behind the shield to improve contrast.

Standard:

08 **U.S. Route signs** (see Figure 2D-3) shall consist of black numerals on a white shield surrounded by a rectangular black background without a border. This sign shall be used on all U.S. routes and in connection with route sign assemblies on intersecting highways.

09 A 24 x 24-inch minimum sign size shall be used for U.S. route numbers with one or two digits, and a 30 x 24-inch minimum sign size shall be used for U.S. route numbers having three digits.

10 **The Michigan State Route signs shall be the M1-6 (see Figure 2D-3).**

Guidance:

11 State Route signs (see Figure 2D-3) should be rectangular and should be approximately the same size as the U.S. Route sign. State Route signs should also be similar to the U.S. Route sign by containing approximately the same size black numerals on a white area surrounded by a rectangular black background without a border. The shape of the white area should be circular in the absence of any determination to the contrary by the individual State concerned.

12 Where U.S. or State Route signs are used as components of guide signs, only the distinctive shape of the shield itself and the route numerals within should be used. The rectangular background upon which the distinctive shape of the shield is mounted, such as the black area around the outside of the shields on the M1-4 and standard M1-6 signs, should not be included on the guide sign. Where U.S. or State Route signs are used as components of other signs of non-contrasting background colors, the rectangular background should be used to so that recognition of the distinctive shape of the shield can be maintained.

