

# NEW FEDERAL RULES

## IMPACT PRIVATE PROPERTY

As a property owner or manager, you need to understand the implications and risks associated with this law, and what to do to keep your customers safe while traveling on your property.

If the public travels on property that you own or manage, your traffic signs, pavement markings, and other traffic control devices are now required to conform to the Manual on Uniform Traffic Control Devices (MUTCD).

Effective January 16, 2007, the Federal Highway Administration (FHWA) amended the United States Code (U.S.C.) to clarify the applicability of the MUTCD to ANY road open to public travel. That includes privately owned property where the public travels. Examples are shopping centers, office and apartment complexes, and even recreation facilities.

- *Shopping Centers*
- *Office Parks*
- *Residential Developments*
- *Apartment Complexes*
- *Entertainment Centers*



**Non-Compliant** (Incorrect)      **Compliant** (Correct)



## FREQUENTLY ASKED QUESTIONS

### Q. What is the Manual on Uniform Traffic Control Devices?

A. 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, or bicycle trail open to public travel 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.

### Q. Why does the MUTCD suddenly apply to the private property that I own or manage?

A. The **MUTCD** has applied to "all roads open to public travel" for some time. This update by FHWA just clarifies that certain areas such as shopping centers, office and apartment complexes, and sports facilities are "roads open to public travel" within the intent of the law. Substantial safety benefits result from providing road users with consistent, uniform messages no matter where they travel.

### Q. What does this law cover?

A. The law applies to "traffic control devices" and safety features on your property. Common examples of traffic control devices that are covered include signs such as STOP, YIELD, and RIGHT OR LEFT TURN ONLY, markings such as STOP bars and directional arrows, and safety features such as barriers or guardrail.

### Q. How long do I have to comply with this law?

A. The FHWA issued an effective date of January 16, 2007. States had two years from the effective date to adopt this change. It is probably best to start thinking about which non-compliant traffic control devices should be replaced now.

### Q. What happens if I don't comply?

A. If you don't comply with the law, you risk exposure to tort liability if someone is injured or, worse yet, loses their life on your property. More importantly, good modern signage promotes safety, reflects positively on the property owner, and is more inviting to the public. It can help minimize insurance costs and maintain a safer environment.

### Q. Can you give me examples of traffic control devices that don't "comply" with the law?

A. Here are some examples that we have seen with some regularity:

- ◇ Signs that are the wrong color, such as a green STOP sign. STOP signs are required to be RED with WHITE lettering, and octagonal in shape.
- ◇ Signs that are mounted at the wrong height such as four feet from the ground. The **MUTCD** requires signs to be mounted at seven feet in urban areas and five feet in rural areas.
- ◇ Signs that are made of the wrong material such as wood. Signs must be retroreflective, and it is impossible to make wood retroreflective.
- ◇ Speed limits that are non-conforming, such as 14 MPH. The **MUTCD** requires that all speed limits be in 5 MPH increments.
- ◇ Markings that are the wrong color such as yellow or red STOP BARS at STOP signs. The **MUTCD** requires that these be white.

### Q. You said that a sign must be "retroreflective." What does that mean?

A. "Retroreflective" means the ability to return light to its source. In order to appear bright to our eyes at night, signs need to be either directly illuminated or have "retroreflective" surfaces so that almost all of the light striking them from our vehicle headlights is reflected back to the driver's eyes.

