**Bell, Tammi [DOT]**

**From:** Bell, Tammi [DOT]
**Sent:** Tuesday, July 01, 2008 2:43 PM
**To:** Bell, Tammi [DOT]
**Subject:** PDF of FHWA Rulemaking Regarding Signs on Private Property

TO: County Engineers and City Representatives
Tammi Bell Iowa DOT - Local Systems tammi.bell@dot.iowa.gov

CC: District Local Systems Engineers, Service Bureau and Office of Local Systems

FROM: Office of Local Systems

SUBJECT: PDF of FHWA Rulemaking Regarding Signs on Private Property:

DATE: July 1, 2008

At the Iowa ATSSA Chapter meeting, a new brochure was handed out that explains the recent FHWA Rulemaking regarding Traffic Signs on private property where public traffic is allowed. We were able to get a PDF version of the printed brochure. The following link is to the PDF of the Federal Regulations Impact Signs on Private Property. Please review the PDF for usage applicable to Counties and Cities.

**Please do not hit the reply option in your e-mail note.**

Thanks

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Note: Documents are in Adobe Acrobat's pdf format. If you do not have the Adobe Acrobat Reader software, you can download it free of charge at http://www.adobe.com/products/acrobat/readstep.html.

Mailings are available at the Local Systems Weekly Mailing web address http://www.iowadot.gov/local_systems/mailing/main_mailing.htm

# FREQUENTLY ASKED QUESTIONS

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

**A.** The Manual on Uniform Traffic Control (MUTCD) is 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). It is incorporated by reference in 23 Code of Federal Regulation (CFR), Part 655 Subpart F.

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

**A.** The Manual 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 channelizers, 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 have 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 postively 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:

- 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 Manual requires signs to be mounted at seven feet in urban areas and five feet in rural areas.
- Speed limits that are non-conforming, such as 14 MPH. The Manual 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 Manual requires that these be white.

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

**A.** "Retroreflective" means the ability of a material 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.

AMERICAN TRAFFIC SAFETY SERVICES ASSOCIATION

# FEDERAL REGULATIONS IMPACT SIGNS ON PRIVATE PROPERTY

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

ATSSA

SAFER ROADS SAVE LIVES

## NEW FEDERAL RULES IMPACT PRIVATE 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.

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.

This brochure does three things to help you do that:

- A series of frequently asked questions are presented to help you understand your responsibilities, risks, and potential liabilities.
- A picture is worth a thousand words, so examples of correct and incorrect traffic control devices are provided.
- Links and directions to obtain copies of two relevant guide books – the Manual on Uniform Traffic Control Devices and the Standard Highway Signs book are also provided.

## EXAMPLES OF COMPLIANT AND NON-COMPLIANT SIGNS

**NON-COMPLIANT** *(Incorrect)*

**COMPLIANT** *(Correct)*

**Homemade Sign**

**Message & Design**

**Message & Design**

## RESOURCES

- **To view the "Final Rule" as issued by FHWA:**

  http://www.regulations.gov

- **To view the Standard Highway Signs Book:**

  http://mutcd.fhwa.dot.gov/ser-shs_millennium.htm

- **To order a copy of the Manual on Uniform Traffic Control Devices or the Standard Highway Signs book by mail, phone or online:**

  ATSSA
  Products Department
  15 Riverside Parkway, Suite 100
  Fredericksburg, Va. 22406
  (877) 642-4637
  http://www.atssa.com/cs/roadway-safety-store

- **To find an expert manufacturer or installer who understands MUTCD requirements:**

  http://www.roadcommerce.com

- **To ask a specific question regarding applicability of the Manual on Uniform Traffic Control Devices:**
  E-mail your question to: thesignguy@atssa.com

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