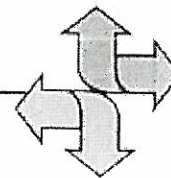



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Manual on Uniform Traffic Control Devices (MUTCD)



Anderson
Ent. Ex.
33

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Interpretation Letter I-44(Intr.)- Applicability of MUTCD to Private Property Open to Public Travel

DOC Version, 24KB

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August 17, 2004

Refer to: HOTO-1

Mr. David McKee
Director of Member Services
American Traffic Safety Services Association
15 Riverside Parkway, Suite 100
Fredericksburg, VA 22406-1022

EXHIBIT NO	Anderson Exhibits 33
Case	09-888-01
Date	Aug 18, 2010
Witness	Jerry Grover
Reporter	Kelly Wilburn

Dear Mr. McKee:

Thank you for resending your letter dated April 1 and we apologize that it somehow got misplaced. In your letter, you have asked us to provide an official interpretation on the applicability of the Manual on Uniform Traffic Control Devices (MUTCD) to private property open to public travel. The following answers are provided to the three questions addressed in your letter:

1. Some roads open to public travel are privately owned. Does the manual apply to these roads? The MUTCD does not apply unless States have adopted legislation to require traffic control devices on their private roadways open to the public to be in conformance with the MUTCD. The last paragraph of MUTCD Section 1A.07 addresses the subject of roads that are privately owned and also open to the public. The MUTCD encourages States to adopt a legislative code similar to Section 15-116 of the Uniform Vehicle Code which indicates that traffic control devices intended to regulate, warn, or guide traffic shall not be installed unless the devices conform with the State manual and the MUTCD. At present, there are 17 States with such laws.
2. Does public travel include the access ways and parking lots of shopping centers? Yes, public travel would include the access ways and parking lots of shopping centers. States should address these specific locations in their State codes and statutes.
3. Does public travel include the access ways, travel ways and parking lots of other facilities open to the public (e.g., office parks)? Yes, office parks could also be included in the definition of a private property open to public travel. The decision to include certain locations such as office parks in the

legislative code is made at the State and local level.

In addition to the questions addressed in your letter, you also expressed your preference that a new Part be developed within the MUTCD addressing urbanization issues. We will keep that in mind and we certainly appreciate your offer to work with us towards this new Part. For record-keeping purposes, we have assigned the following official ruling number to your request for interpretation: "I-44(Intr.)—Applicability of MUTCD to Private Property Open to Public Travel." Please refer to this number in future correspondence.

Sincerely yours,

Regina McElroy

Regina S. McElroy
Director, Office of Transportation Operations

 **FHWA**