



**NATIONAL TRANSPORTATION SAFETY BOARD**

Washington, D.C. 20594

**Safety Recommendation**

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**Date:** May 24, 1993

**In Reply Refer To:** H-93-19

Mr. Daniel Gilbert, Executive Director  
National Committee on Uniform  
Traffic Laws and Ordinances  
405 Church Street  
P.O. Box 1409  
Evanston, Illinois 60204

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At 3:24 p.m. on July 31, 1991, a 1989 72-passenger school bus operated by Mayflower Contract Services, Inc., was traveling eastbound on undivided, two-lane Tramway Road from the Palm Springs (California) Aerial Tramway parking lot. On board the bus were 45 girl scouts and 8 adult advisors. During the descent, the bus increased speed, left the road, plunged down an embankment, and collided with several large boulders. The busdriver and 6 passengers were killed; 47 passengers were injured.<sup>1</sup>

The transition from a publicly maintained road to a privately owned road is often subtle and indistinguishable. The general public cannot readily differentiate the private Tramway Road from a public thoroughfare, although an informational sign at the entrance states that they are entering a private road. Because Tramway Road is private property, the park authority was not required to follow the *Manual on Uniform Traffic Control Devices (MUTCD)*.

The American Traffic Safety Services Association has recommended that the *MUTCD* general provisions state that uniform traffic control devices apply to private property where public travel is encouraged. This would include highways such as Tramway Road; however, it also would include all shopping centers, subdivision developments, and arenas, which appears to be a rather

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<sup>1</sup>For more detailed information, read Highway Accident Report--*Mayflower Contract Services, Inc., Tour Bus Plunge from Tramway Road and Overturn Crash near Palm Springs, California, on July 31, 1991 (NTSB/HAR-93/01)*.

broad application. Some States have more narrowly defined the applicability of the *MUTCD* or their own manual to private facilities based on parking space numbers. This lacks uniformity from State to State.

The National Safety Council publication *Manual on Classification of Motor Vehicle Traffic Accidents* has adopted the term, trafficway. This term includes public and private roads and more narrowly defines private roads. The National Highway Traffic Safety Administration (NHTSA) defines the term as any road, street, or highway open to the public as a matter of right or custom for moving persons or property from one place to another.

The National Transportation Safety Board concludes that private roads open to the public are not subject to the same signing and traffic control standards as public roads. The Safety Board believes that the National Committee on Uniform Traffic Laws and Ordinances should adopt the NHTSA definition of trafficway to ensure uniformity of traffic control devices on public and private roads.

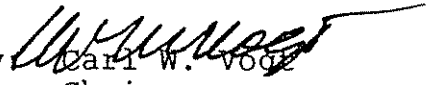
Therefore, the Safety Board recommends that the National Committee on Uniform Traffic Laws and Ordinances:

Adopt the National Highway Traffic Safety Administration definition of trafficway, which applies to both public and private roads.  
(Class II, Priority Action) (H-93-19)

Also, the Safety Board issued Safety Recommendations H-93-10 and -11 to the Federal Highway Administration, H-93-12 and -13 to the State of California, H-93-14 and -15 to the California Department of Education, H-93-16 and -17 to the California Highway Patrol, H-93-18 to the Mount San Jacinto Winter Park Authority, H-93-20 to the American Association of State Highway and Transportation Officials, H-93-21 and -22 to the National Association of State Directors of Pupil Transportation Services, H-93-23 to the General Motors Corporation Allison Transmission Division, and H-93-24 through -26 to the Mayflower Contract Services, Inc.

The National Transportation Safety Board is an independent Federal agency with the statutory responsibility "to promote transportation safety by conducting independent accident investigations and by formulating safety improvement recommendations" (Public Law 93-633). The Safety Board is vitally interested in any action taken as a result of its safety recommendations. Therefore, it would appreciate a response from you regarding action taken or contemplated with respect to the recommendation in this letter. Please refer to Safety Recommendation H-93-19 in your reply. If you need additional information, you may call (202) 382-6850.

Chairman VOGT, Vice Chairman COUGHLIN, and Members LAUBER, HART, and HAMMERSCHMIDT concurred in this recommendation.

By   
Carl W. Vogt  
Chairman