

Log H-571



NATIONAL TRANSPORTATION SAFETY BOARD

Washington, D.C. 20594

Safety Recommendation

Date: May 24, 1993

In Reply Refer To: H-93-10 and -11

Mr. E. Dean Carlson, Executive Director
Federal Highway Administration
400 Seventh Street, S.W.
Washington, D.C. 20590

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.¹

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)*.

In a December 9, 1990, American Association of State Highway and Transportation Officials policy resolution, it strongly recommended the use of the *MUTCD* for private roads. The American Public Works Association, the American Association of Chiefs of Police, the International Union of Police Association (AFL/CIO), the National Sheriff's Association, and the American Traffic Safety Services Association (ATSSA) also endorse the need for the *MUTCD* use.

¹For 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).

The ATSSA 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 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 Federal Highway Administration should adopt the NHTSA definition of trafficway to ensure uniformity of traffic control devices on public and private roads, and that, where appropriate, the *MUTCD* or each State traffic manual apply to trafficways.

Therefore, the Safety Board recommends that the Federal Highway Administration:

Adopt the National Highway Traffic Safety Administration definition of trafficway to ensure uniformity of traffic control devices on public and private roads. (Class II, Priority Action) (H-93-10)

In cooperation with the States, require that, where appropriate, the *Manual on Uniform Traffic Control Devices* or each State traffic manual apply to trafficways to ensure uniformity of traffic control devices on public and private roads. (Class II, Priority Action) (H-93-11)

Also, the Safety Board issued Safety Recommendations 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-93-19 to the National Committee on Uniform Traffic Laws and Ordinances, 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. If you need additional information, you may call (202) 382-6850.

Chairman VOGT, Vice Chairman COUGHLIN, and Members LAUBER, HART and HAMMERSCHMIDT concurred in these recommendations.



By: Carl W. Vogt
Chairman