



## National Committee on Uniform Traffic Control Devices

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**TECHNICAL COMMITTEE:**

Markings

**TOPIC:**

Changing Shall Language

**STATUS:**

Approved by Markings, June 2012

Distributed as sponsor ballot, Fall 2012

Approved by Markings, January 10, 2013

Approved by Council, January 11, 2013

**ORIGIN OF REQUEST:**

NCUTCD request

**AFFECTED PORTIONS OF MUTCD:**

Chapter 3I

**Summary:**

The NCUTCD requested technical committees to review language in their respective portions of the MUTCD and identify Standard statements that would be more appropriately worded as a Guidance or Option statement. The MTC reviewed the language over the course of several meetings. No changes were proposed for Chapter 3A, but proposed changes for Chapter 3B were approved by the Council in June 2012. A review of Chapter 3C through 3J was conducted at the June 2012 meeting. This ballot presents a recommendation for a change in the “shall” language for Chapter 3I.

In Section 3I.02, paragraph 04 is proposed to be deleted. It was deemed problematic (especially since it is a Standard). In other words, from a tort liability perspective, someone might come in after an incident and argue that an agency had placed channelizing devices in advance of a raised island and they somehow had created an unexpected obstacle. The MTC felt that the statement wasn’t necessary. Besides, how does one determine without any doubt or judgment (i.e., within the context of a “shall” statement) what is an “unexpected” condition?

**Recommended Changes to the MUTCD:**

The proposed change to Section 3I.02 is shown on the following page. Additions are indicated by blue underline, ~~deletions~~ are indicated by red double strikethrough. Explanations on why changes in the language are recommended are presented in brackets immediately after the section title and highlighted in [yellow].

1                   **CHAPTER 3I. ISLANDS**

2   **Section 3I.02 Approach-End Treatment**

3   [Language in paragraph 04 deleted- not necessary]

4   *Guidance:*

5   01 *The ends of islands first approached by traffic should be preceded by diverging longitudinal  
6 pavement markings on the roadway surface, to guide vehicles into desired paths of travel along  
7 the island edge.*

8   *Support:*

9   02 The neutral area between approach-end markings that can be readily crossed even at  
10 considerable speed sometimes contains slightly raised (usually less than 1 inch high) sections of  
11 coarse aggregate or other suitable materials to create rumble sections that provide increased  
12 visibility of the marked areas and that produce an audible warning to road users traveling across  
13 them. For additional discouragement to driving in the neutral area, bars or buttons projecting 1  
14 to 3 inches above the pavement surface are sometimes placed in the neutral area. These bars or  
15 buttons are designed so that any wheel encroachment within the area will be obvious to the  
16 vehicle operator, but will result in only minimal effects on control of the vehicle. Such bars or  
17 buttons are sometimes preceded by rumble sections or their height is gradually increased as  
18 approached by traffic.

19   *Guidance:*

20   03 *When raised bars or buttons are used in these neutral areas, they should be marked with  
21 white or yellow retroreflective materials, as determined by the direction or directions of travel  
22 they separate.*

23   **Standard:**

24   04 ~~Channelizing devices, when used in advance of islands having raised curbs, shall not  
25 be placed in such a manner as to constitute an unexpected obstacle.~~

26   *Option:*

27   04 05 Pavement markings may be used with raised bars to better designate the island area.