

LIABILITIES / SAFETY ISSUES WITH TRAFFIC CALMING DEVICES

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INTRODUCTION:

“ Traffic Calming “ has become one of the most popular subjects in the Transportation Engineering field over the last ten years. The practice of using Traffic Calming devices date back to the early days of the automobile when pedestrian and motor vehicles interfered or disturbed one’s rights.

As cities and counties grow in population and vehicle usage, this demand for personal space or rights escalates. Local officials must make hard decisions on who has certain rights on how the public space will be used.

These hard decisions can involve just a few private citizens asking for help to stop speeding, or can involve an entire community that wants gates and is determined to go to the highest court in the land to improve their quality of life.

Unfortunately, decisions are made to help alleviate these concerns in our communities by installing Traffic Calming devices without clearly understanding the consequences that can be associated with the installation.

The purpose of this paper is to present findings of the liabilities or safety issues associated with specific Traffic Calming devices. The results are based upon factual information received from jurisdictions around North America that have Traffic Calming devices in place. It

is realized that there are thousands of communities that have tried these devices with different outcomes and may not be represented in these views.

The sample size of this questionnaire was limited and the results may not reflect all of the incidences that can occur with a particular device. Use this information as a minimum guide to assist you in researching a Traffic Calming device before deciding to use that particular device.

QUESTIONNAIRE:

In the early part of 1998, a questionnaire was sent to one hundred and eighty agencies throughout North America that currently use Traffic Calming devices. This questionnaire was limited in scope in that it asked only four particulars of the Traffic Calming devices used. Based upon the respondents reply, further research was conducted by personal phone calls to receive more detailed information.

The questionnaire asked of the involvement in the following devices:

Speed humps, roundabouts, one way segments, gates, diverters, traffic circles, street closures and street narrowing. There was also a section to add devices not mentioned if the respondent wished. The second question asked for the length of period that a particular device has been in place. The reason for this

question was to determine if a device has had an adequate length of time to become a liability issue in terms of legal proceedings.

The third question involved actual documentation of a legal consequence, accident data or litigation that may have been brought forward as part of an installation.

The final question asked if a particular device had been rejected in its use by an agency due to legal opinion or incidences.

RESPONSE TO THE QUESTIONNAIRE:

Because of the simplicity of the questionnaire, responses arrived quickly and with expected results. The following are the results received for each calming device. The order listed below represents the most popular device used to the least used.

Speed Humps: Of the respondents that used speed humps, mixed reactions were received. Several agencies started their Traffic Calming program with the use of humps and have been successful to date. Other responses illustrated that humps were used initially, but then removed due to public outcry. As for the safety or liability issue, there were no reported accidents, past litigation, or pending litigation on the use of this device. Several agencies formed a legal opinion to not use humps at all, even for a trial period. The speed hump was the most widely used device for Traffic Calming.

Street Closures: Although this method was ranked as one of the most used and had the longest time of installation in the field, it also became one of the most

controversial. Several agencies reported problems with using street closures to include: limited emergency access, segregation of communities, minor accidents and litigation to the point of removal of the device. No litigation damages were reported as an outcome.

Traffic Circles: Traffic circles were very popular to use and comments showed an increase in the use of this device. No recorded safety or litigation issues were reported.

Street Narrowing: Street narrowing had the most response as a device to cause potential accidents and cause the most concern from the legal departments. Statements of accidents were reported and litigation was tried but unsuccessful due to an agency denial of the claim.

One Way Segments: One way segments were used frequently as a Traffic Calming device and with no safety or legal consequences as reported.

Diverters: Diverters were used frequently as a Traffic Calming device and with no safety or legal consequences as reported.

Roundabouts: Roundabouts were not as popular of a device because of the right of way expense needed for the installation. No safety or legal consequences were reported.

Gates: Gates were the least used device for Traffic Calming due to issues such as accidents, emergency access, right of way ownership and maintenance. No safety issues were reported, but legal was mentioned in just about every case as an issue.

CONCLUSIONS:

Traffic Calming devices can be used several different ways and produce several different outcomes based upon there application.

What is so important as an application is to conduct research into the device that is to be installed. Make sure that the end result will provide a safe maneuver for the pedestrian or driver.

Additionally, because many agencies throughout North America have already been through the trials and tribulations of controversial devices and legal opinions, it would be suggested to conduct your own research before you take action on a specific device.

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