

## *Traffic Note 17*

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### **Traffic Control Devices on 'Private' Roads - Information**

#### **1 Purpose**

The Land Transport Safety Authority (LTSA) wishes to draw attention to inappropriate practices involving the use of signs, markings, traffic islands, etc. (traffic control devices) on roads in privately owned property.

There is a legal obligation on property owners to conform to the *Traffic Regulations 1976*. Traffic control devices are specified in the regulations. Devices not complying are open to misinterpretation by road users and create a potential risk of conflict or injury. A property owner could be held accountable for creating this risk.

#### **2 Background**

Regulation 2 of the *Traffic Regulations 1976* includes the following definitions:

- *"road" includes a street; and also includes any place to which the public have access, whether as of right or not; and also includes all bridges, culverts, ferries, and fords forming part of any road, street, or other place as aforesaid.*
- *"controlling authority" in relation to any road, means the authority, body, person or persons having control of the road and includes any person acting under and within the terms of any delegation or authorisation given by a controlling authority.*

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The definition of road has been framed in this way to ensure, among other things, motorists and other users have a clear obligation to follow normal road rules when using any 'road'. Likewise, the 'controlling authority' has certain rights and obligations in regard to what they may do with their 'road'. The *Traffic Regulations 1976* permit only controlling authorities (as defined above) to mark roads, erect signs or install traffic islands and also places an obligation on them to do so only in conformity with the regulations.

### 3 Property Owners as 'Controlling Authorities'

Clearly private property owners are, for the purpose of this definition, controlling authorities. This becomes particularly relevant where the 'controlling authority' invites the public to use their 'road'. For roads built on private land this occurs most frequently, but not uniquely, where commercial interests establish car-parking facilities for clients and can become significant when the size of the development requires the provision of a network of circulating roads on the site.

The users of these facilities enter the site from a public roadway where their behaviour is bound by the road rules and assisted or controlled by standard signs and markings. On entering a 'private' site users could reasonably expect a continuation of the same road rules and a similar standard of signs and markings.

### 4 Conclusion

Standards and good practice for most traffic control devices also complying with regulatory requirements can be found in the *Manual of Traffic Signs and Markings*. Standard signs, markings and other traffic control devices should be used in accordance with this manual.

Apart from the familiarity they bring to users standard signs, for example, are made from materials subjected to rigorous testing for robustness and generally use reflectorised material enhancing their value under adverse light conditions. Because they are standard, the unit costs of production are reduced and installation and maintenance procedures are well established.

More importantly, traffic control devices consistent with the *Traffic Regulations 1976* and installed according to standards and good practice:

- are more likely to lead to greater public acceptance and compliance; and
- would reduce the likelihood of claims of inadequate, misleading or dangerous information.

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