Do you have any “Slow Children”?  

by: Joseph A. Fletcher, HERPICC Traffic Engineer

We have received a number of questions regarding the use of “SLOW — CHILDREN AT PLAY” signs in Indiana. These are very popular signs with the general public, and many local agencies receive requests to install these signs.

The Indiana Manual on Uniform Traffic Control Devices (MUTCD) does not refer specifically to this sign, or similar signs such as “DEAF CHILD AREA”, etc. The MUTCD does refer to “non-uniform devices” in Part VII, though, where it states:

Non-uniform procedures and devices cause confusion among pedestrians and vehicle operators, prompt wrong decisions, and can contribute to accidents. In order to achieve uniformity of traffic control ..., comparable traffic situations must be treated in the same manner.

The Manual goes on to say: An effective ... program must also include the development in the home and in the school of the child’s initiative and vigilance with regard to proper pedestrian discipline.

The Traffic Control Devices Handbook, a publication of the Federal Highway Administration, which is a companion publication to the MUTCD, is more specific. This manual states:

Obsolete or inappropriate signs such as “DANGEROUS INTERSECTION” or “CAUTION — CHILDREN AT PLAY” should be removed and proper signing installed as required for the specific condition. If a problem is evidenced by studies of accident patterns or speeds, other mitigation measures may be developed to eliminate or to alleviate the problem. Nonstandard or unwarranted signs are never the appropriate solution. (emphasis added)

Several local agency attorneys have indicated a concern about the liability aspects of such signs. They are concerned the courts might hold that the agency, by installing these signs, is condoning or even encouraging children to play in the streets.

The bottom line is this: these signs should not be installed, and if they have been installed in the past they should be removed. The potential for tort liability is real, and the signs themselves do not provide any protection for children in these areas. Don’t put them up!
7C. APPLICATION

The standard guidelines and warrants for the application of signs, markings, and signals that would ordinarily be installed on roadways near school sites as part of an overall traffic control system are covered in Parts II, III and IV of the MUTCD and this Handbook. Those special devices and techniques unique to the control of traffic through school zones where young pedestrians are vulnerable to vehicular conflicts are provided in Part VII of the MUTCD and are discussed below.

An overview of pedestrian separation structures, adult crossing guards, and student patrol programs is also included. Although these elements are not generally considered traffic control devices, their use complements the application of signs, markings, and signals.

7C-1 Signs

Uniformity of the physical characteristics of signs (size, shape, color) is especially critical near school areas and care should be exercised to assure conformance to the standards outlined in the MUTCD. Nonuniform signs such as "CAUTION—CHILDREN AT PLAY," "SLOW—CHILDREN," or similar legends should not be permitted on any roadway at any time. While these signs may serve to alert drivers, they could be interpreted by others to infer that children are permitted to play in roadways. On the contrary, every means should be used to point out that children should not play on or near any road, street or alley, no matter how remote or "safe" the roadway appears. Consequently, the removal of any nonstandard signs should carry a high priority.

Although the MUTCD (Section 7B-5) calls for reflectorized or illuminated signs only if "regularly scheduled classes begin or end during periods of darkness," the majority of agencies routinely use reflectorized signs. In fact, commercial sign fabricators report that unreflectorized signs must be special ordered since the demand is so small. The relatively small cost differential (6% more for reflectorization) is justified considering: 1) the seasonal changes in the sunrise-sunset cycle which will usually produce some periods of near darkness around school hours; 2) the use of school grounds as an after hours playground; and 3) periodic school activities scheduled for early evening hours.

The application of the School Advance Sign (S1-1) and the School Crossing Sign (S2-1) is defined in the MUTCD. The School Advance Sign is required in advance of the School Crossing Sign. Where pedestrians are prohibited from crossing the roadway and where the school grounds are separated from the street by a fence, or other physical barrier, it may not be necessary to provide either the School Advance Sign or the School Crossing Sign.
US DEPARTMENT OF TRANSPORTATION
MESSAGE POINTS

FEBRUARY 11, 2002

Children at Play Signs

Message Points:

- Transportation safety is FHWA’s top priority.
- The MUTCD prescribes uniform traffic symbols, colors and sign shapes. Such uniformity promotes safety by establishing a common understanding of their meaning.
- Symbols on traffic signs must conform with the MUTCD.
- Children at Play signs are not prohibited by the Manual on Uniform Traffic Control Devices as long as they conform to the standard shape (diamond) and colors (black letters on yellow background) and as long as no symbols are used.
- The MUTCD allows State and local highway authorities to develop and install word message warning signs other than those specifically contained in the MUTCD.
- Studies of the effectiveness of Children at Play signs by the Institute of Transportation Engineers, the Transportation Research Board and by FHWA to date do not demonstrate a reduction in crashes involving children nor a reduction in speeds. National Cooperative Highway Research Program Synthesis 186, 1993, reports that “The device is not considered effective,…..”

Question: Are you saying that a jurisdiction could put any wording it wants on a traffic sign, as long as colors and sign shape conform with MUTCD standards?

Word message warning signs may be developed by local agencies as long as the size, shape, and color are consistent with the guidelines for warning signs as set forth in Part 2C of the MUTCD.

Question: What other organizations prescribe standards for traffic control devices and signals?

FHWA prescribe the national standards, with which all States and local jurisdictions must be in substantial compliance. Some States prescribe additional standards that go beyond the national MUTCD.

Question: Where did the commonly used symbol come from, i.e. the rectangular sign picturing a running child?

Unknown; it may have been developed by a sign manufacturer.
Question: Why are PG and Montgomery Counties saying on their Websites that Children at Play signs are not legal?

I’m not familiar with their Websites and can’t comment on their content. Speaking generally, many jurisdictions have policies not to use Children at Play signs. It is true, however, that a yellow and black, diamond-shaped sign, with the words “Children at Play” would be a legal sign. The concern would be use of a symbol not prescribed in the MUTCD.

Question: What does FHWA do to enforce compliance with the MUTCD?

FHWA reviews plans for federal-aid funded projects on Interstates and certain Federal-aid highways. If a non-compliant sign is included in the plan, the plan would not be approved. As for signs on local and State roads that aren’t part of a federally funded project, the key here is that a jurisdiction using non-compliant signs subjects itself to a liability risk. If a person is injured in a crash, he or she could claim that a confusing (i.e. non-compliant) sign contributed to the crash.

Question: Does FHWA encourage the use of certain signs?

FHWA prescribes and encourages uniformity for traffic signs, signals, and control devices and markings. Uniform signs improve understanding and compliance by drivers. As to which signs to use, in most cases it is up to the state and local jurisdictions to decide, based on engineering studies they do and on their specific needs.

Question: I’ve heard that Children at Play signs are a bad idea because they encourage children to play in the streets. Is that FHWA’s position?

FHWA’s position is that traffic control devices must conform with the MUTCD. There are professional organizations that periodically publish suggestions and comments on “Best Practices.” An Institute of Traffic Engineers (ITE) "traffic tips" series that answers common questions posed by residents about signs, etc., includes a blurb about Children at Play signs. It said, in part: “Obviously, children should not be encouraged to play in the roadway. The ‘children at play’ sign is a direct and open suggestion that it is acceptable to do so.” Many jurisdictions incorporate this kind of information into their local policies.

It also reported that “studies made in cities where such signs were widely posted in residential areas showed no evidence of having reduced pedestrian crashes or vehicle speed.” Several cities report that measured speeds on residential streets experienced no decrease after the installation of Children at Play warning signs. Further, several cities report no decrease in the incidence of traffic crashes involving a child hit in the street after the installation of Children at Play warning signs. NCHRP Synthesis 186 reported that the Children at Play warning sign “The device is not considered effective……”
Background

The Manual on Uniform Traffic Control Devices (MUTCD) is the national standard for all traffic control devices used on all roads opened to public travel. The purpose of traffic control devices, which include signs, signals, and pavement markings, is to promote highway mobility, safety, and uniformity so that all road users may move efficiently and safely on the Nation’s streets and highways.

State and local departments of transportation and departments of public works select, install, operate, and maintain traffic control device (based on the Manual) as they own most of the roads (including the Interstate and U.S. numbered systems) in the nation.

The millennium edition of the MUTCD is the first major update of the MUTCD since 1988. It was published in December 2000. Revision 1 to the Millennium Edition of the MUTCD was published on the MUTCD website http://mutcd.fhwa.dot.gov on Dec. 28, 2001. The revision dealt with accessible pedestrian signals. The FHWA worked closely with the National Committee on Uniform Traffic Control Devices (NCUTCD) (an organization comprised of the major transportation organizations in the country) and other traffic safety experts to create the Millennium Edition of the Manual. The NCUTCD is a key organization for the continual knowledge for the maintenance, updating and support for the Manual.
TO: Tipton County Commissioners
FROM: Thomas R. Lett
RE: Signage
DATE: July 15, 1994

A review of the attached article discussing traffic control signs as well as a review of other information at my disposal, leads me to believe that the County should change its current policy regarding such signs. It is my opinion that all special and non-uniform signs such as Caution - Children at Play, Slow - Children at Play, Dangerous Intersection, etc. should be removed. These signs provide very little protection for those intended to be protected, and even may be thought to encourage children to play in the road at that particular location. This creates a potential tort liability for the Court which potentially can be avoided by the removal of the signs.

If traffic control is desired in a specific location, then speed limit signs would be a better tool to govern the situation. Of course the County Ordinances regarding establishing speed limits would have to be amended in order to achieve this goal.
From: Bob Weithofer <bobw@rcsiss.com>
Reply-To: 'bobw@rcsiss.com' <bobw@rcsiss.com>
To: 'itesafety@lists.io.com' <itesafety@lists.io.com>
Subject: RE: itesafety 'False Sense of Security'
Date: Mon, 5 Nov 2001 15:08:34 -0800
X-Mailer: Microsoft Internet E-mail/MAPI - 8.0.0.4211
X-TST: test successful SMTP
Sender: owner-itesafety@lists.io.com

I'm wondering about the legality of what is being proposed here.

The "SLOW CHILDREN" sign is not a recognized traffic control device in most states. When a PE orders the installation of such a device without justification other than "political pressure" is he performing within the limits of his duties and exercising good engineering judgment? Please note that if this action was taken by a political body or if the political body established guidelines or standards, then a different answer would be in order.

If we allow those who complain enough to dictate when we install signs that purport to be traffic control devices, are we really serving the public or just silencing an individual?

If we allow people to purchase the installation of a sign like this, where do we draw the line? Can they purchase left turn restrictions, street closures, signals?

What about those who cannot afford to pay for the sign? Shouldn't they be treated equally by our governmental agencies?

I know this all sounds a little idealistic. But after more than 20 years experience in the public sector making these types of recommendations (don't install it) and a similar amount of time giving depositions and testifying to defend our agencies, I believe that we need to limit our responses to what is legal not what is politically correct. You do have to pick your fights but remember that make the wrong decision can cost you your license under the wrong circumstances. Is it worth it? In addition, if a lawsuit goes against you, guess who is hung out there to dry. Not the City Manager and certainly not the Council Member. It is usually the person who signed the work order. If you don't have proper documentation they can always claim that they were never informed that you were installing signs that are not approved and that you exceeded your authority. Not only can this cost you your license but it can cost you your home.

Be very, very careful when you step outside the bounds of approved traffic control devices and standards. It may come back to bite you.

Bob Weithofer, PE

-----Original Message-----
From: Dearing, Steve [SMTP:dearing@ohm-eng.com]
Sent: Monday, November 05, 2001 2:30 PM
To: 'Martin Bretheron'; ClarkW@ci.lake-havasu-city.az.us;
etesafety@lists.io.com
Subject: RE: itesafety 'False Sense of Security'

I would agree about the false sense of security, as well as picking your battles. The way the City of Rochester Hills, Michigan chose to thread the needle goes like this: First line of defense - Will only install signs at city expense that are in the MUTCD. Since SLOW CHILDREN, CHILDREN AT PLAY and others like them are not, initial response is NO. Upon appeal / political pressure, will allow non-standard signs to be installed at others expense, so long as they conform to principles within the MUTCD. So, will allow diamond-shaped, yellow background, black legend sign that only reads CHILDREN AT PLAY, at the sole and total cost to the residents - Will accept
cash or checks. This approach has worked for last 10 years, with just a handful of residents (+/- 10) willing to dig into their own pockets to pay for them. With some having already paid, can then easily fend off requests for freebies (they paid, so you must also). The City Council is willing to support this arrangement, since it allows the option of keeping the residents happy without too big a fight over standards and conformance with MUTCD.

Stephen B. Dearing, P.E.
Orchard Hiltz & Mcclintic

-----Original Message-----
From: Martin Bretherton [mailto:BRETHEMA}@co.gwinnett.ga.us]
Sent: Monday, November 05, 2001 3:31 PM
To: ClarkM@ci.lake-havasu-city.ar.us; itesafety@lists.io.com
Subject: Re: itesafety *False Sense of Security*

Mark,

I would agree with Nazir, that *Children at Play* sign give drivers a false sense of security.

However, the bigger questions for you as a traffic engineer is "choosing your battles". Assuming you can even win this battle with the politicians, is it worth fighting for? The bigger issue worth fighting for involves REAL traffic safety issues.

In Gwinnett County, we choose to look at the big picture and fight for real safety issues. It is our policy to have every developer install "Watch for Children" signs at the entrance to each new subdivision along with the 25 mph speed limit sign, they are installed on one post. This solution doesn't cost the county much and it "solves" a big political problem. All we pay for is maintaining these 'limited' value signs but we are freed up from fighting a losing battle and left to try and concentrate on dealing with real safety issues.

I hope this helps.

Martin Bretherton, P.E.
Gwinnett County DO?

>>> Mark Clark <ClarkM@ci.lake-havasu-city.ar.us> 11/02/01 02:08PM >>>
I was intrigued by Mr. Nair Lalani's comments regarding this statement at the recent ITE meeting in Chicago and was hoping to delve into this issue further.

As a Traffic Engineer in what was a small community, but has now become a rapidly growing town (Lake Havasu City, Arizona - 43,000 pop. 2000 Census), I have had to continually address the issues of "Children at Play" signs, crosswalks, multi-way stop signs and had relied on the intuitive discussion of unwarranted or apparently unnecessary crosswalks and signage. I had come to use the term "false sense of security" and had embraced the Los Angeles studies that seemed to confirm this intuitive information that if a pedestrian was more aware or careful at an unpainted crosswalk, that this was safer than providing mid block crosswalks.

The same was true with the use of "Children and Play" signs in all of the...
residential areas. I then came across a very good explanation of this signage use in the City of Phoenix Streets webpage that also used the term "False Sense of Security".

Is there a consensus that this is an appropriate concern but bad terminology or does it appear to be just an excuse not to put something (crosswalk, sign, traffic control device) in?

The facts are that Lake Havasu City experiences very few pedestrian or bicycle accidents and almost none are related to crosswalks, painted or unpainted. Typically we see one or two accidents per year. Fewer still are related to crossing roadways not at intersections.

<< File: ATT00002.htm >>
p2p coordinator,

the Indiana LTAP center is routinely asked about the value and possible liabilities related to the non-standard slow children playing signs. The question comes up often enough that we have assembled a package of information and will be posting it on our website. The package currently contains the following: an article from our newsletter discouraging the use of these and other non-standard signs, a letter from a county attorney written to his board of commissioners discouraging their use, an excerpt (section 2D-4) from the traffic control devices handbook (from 1983), a collection of e-mails on the subject from a bulletin board service. The information from the TCH is good, but one caller mentioned that anything from 1983 is too old to be useful.

What I would really like is something more than an opinion (of the LTAP center, the attorney, or city-county engineers). I find nothing in the new MUTCD on this topic. We do not have a copy of the updated TCH. Is it available on the Web? Does it have any new or additional information than the 1983 edition? We hear rumors of a court case involving these signs, but have never been able to find the actual case information. What are the recommended standard alternatives to these signs?

Anything you can provide that will help our city and county engineers to resist the political pressure to install these signs would be helpful.

thanks,

tom martin
program manager, Indiana LTAP

Program Manager
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Tom Martin:

Thank you for your interest in Children at Play signs. My name is Fred Ranck and I am a safety/design engineer with the Federal Highway Administration’s Resource Center in Olympia Fields, Illinois, and a member of the FHWA’s Manual on Uniform Traffic Control Devices team. Information regarding standard designs for warning signs for pedestrians and other non-motorized road users may be found in the Millennium edition of the MUTCD Section 2C.37 which is available on the Federal Highway Administration web site: http://mutcd.fhwa.dot.gov.

Please find attached information regarding the use of Children at Play signs; as detailed in the research, their application has not resulted in reductions in speed of traffic nor in the incidence of crashes involving children.

Just below my contact information is a very brief customer service questionnaire that will take you only a couple of seconds to check off your answers. I’d appreciate it if you could do so and e-mail it back to me at fred.ranck@fhwa.dot.gov ——Thanks!

Fred Ranck
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