

Frequently Asked Questions for the Work Zone Safety and Mobility Rule – Last Updated 5/9/07

General Questions

1. Q: Who does this Rule apply to?

A: The Rule specifically applies to all State and local agencies that receive Federal-aid highway funding. Specifically, the provisions of the Rule apply to all highway construction projects financed in whole or in part with Federal-aid highway funds. However, agencies are encouraged to apply the good practices that the Rule fosters to all road projects.

2. Q: Is this Rule an entirely new regulation?

A: No. Although this Rule has a new name, it is an update to "Traffic Safety in Highway and Street Work Zones" in 23 CFR 630 Subpart J.

3. Q: What was the Federal Highway Administration's (FHWA) intent/purpose in updating "Traffic Safety in Highway and Street Work Zones" in 23 CFR 630 Subpart J?

A: The Rule was updated to:

- Address the issues of more work zones, growing traffic volumes and congestion, very little growth in roadway capacity, work zone safety concerns, more work being performed under traffic, and public frustration with work zones.
- Facilitate consideration of the broader safety and mobility impacts of work zones, and the development and implementation of management strategies to reduce these impacts.
- Develop provisions that are sufficiently flexible to be applied to address both current and future work zone issues.

More information about why the Rule was updated can be found in [Section 1](#) of *Implementing the Rule on Work Zone Safety and Mobility*.

4. Q: What was the rulemaking process?

A: The Rule went through several iterations before it was published:

- **Advanced notice of proposed rulemaking (ANPRM) published on Feb. 6, 2002, at 67 FR 5532.** The ANPRM asked questions to solicit information on if and how the regulation needed to be revised to better respond to the issues surrounding work zones, namely the need to reduce recurrent roadwork, the duration of work zones and the disruption caused by work zones.
- **Notice of proposed rulemaking (NPRM) published on May 7, 2003, at 68 FR 24384.** In response to the feedback received on the ANPRM, the NPRM proposed changes to the regulation that would integrate full consideration of the safety and

mobility impacts of work zones into the project development process, and provide for worker safety and efficient construction.

- **Supplemental notice of proposed rulemaking (SNPRM) published on May 13, 2004, at 69 FR 26513**, after revisions were made based on the comments received on the NPRM.
- **Final Rule published on Sept. 9, 2004 at 69 FR 54562**, after fine-tuning of the language based on comments received on the SNPRM.

Links to these notices of proposed rulemaking can be found at http://www.ops.fhwa.dot.gov/wz/resources/final_rule.htm.

5. Q: What are the key components of the updated Rule?

A: The Rule is characterized by the following main components:

- Development and implementation of an overall, agency-level work zone safety and mobility policy to institutionalize work zone processes and procedures.
- Development of agency-level processes and procedures to support policy implementation, including procedures for work zone impacts assessment, analyzing work zone data, training, and process reviews.
- Development of procedures to assess and manage work zone impacts of individual projects.

For each of these components the Rule includes provisions and guidance intended to help transportation agencies address work zone considerations starting early in planning, and progressing through project design, implementation, and performance assessment.

[Section 2](#) of *Implementing the Rule on Work Zone Safety and Mobility* provides more information about each of these components and their related provisions. In addition, a brochure and four fact sheets, providing a quick overview of the Rule and its provisions, are available on http://www.ops.fhwa.dot.gov/wz/resources/final_rule/info_materials.htm.

6. Q: How does the updated Rule differ from the former regulation?

A: While there are a number of specific ways that the updated Rule differs from the former regulation, these differences can be captured under three “umbrellas.” (1) The updated Rule expands the concept of “work zone traffic control” to “work zone transportation management.” The updated Rule provides for the systematic consideration of work zone impacts of road projects, and the development of appropriate transportation management plans (TMPs) that help manage those impacts during implementation. The focus of the former Rule was on the development of Traffic Control Plans (TCPs) for road projects, and providing for the safety of motorists and workers. The updated Rule emphasizes the importance of safety but also adds a focus on providing for mobility, and takes into account current issues like transportation operations and public information. The updated Rule requires TMPs to be developed and implemented for all projects. The strategies included in a TMP will vary based upon the expected work zone impacts of a road project. (2) The updated Rule also encourages the consideration of work zone issues and solutions beyond the immediate work zone itself. Corridor, network, and regional considerations (e.g., special events, other nearby work zones, use of alternate routes) can present both challenges and solutions and can be important in planning and designing road projects. (3)

The updated Rule encourages innovative thinking in work zone planning, design, and management to identify new solutions.

[Section 2](#) of *Implementing the Rule on Work Zone Safety and Mobility* includes a section detailing the key differences between the former Rule and the updated Rule.

7. Q: How can I find out more about the Rule on Work Zone Safety and Mobility?

A: The FHWA Work Zone Safety and Mobility Rule web site (http://www.ops.fhwa.dot.gov/wz/resources/final_rule.htm) serves as the primary source of information regarding the Rule. The site provides links to the ANPRM, NPRM, SNPRM, and the Final Rule on the Federal Register web site. In addition, a number of informational materials, implementation guidance documents, and presentations are available for download. These materials provide more information about the Rule and its key provisions and offer suggestions for implementation of the Rule.

In order to continue to educate practitioners about the Rule, FHWA will provide presentations at select conferences and workshops across the country during the next two years. While it is recognized that the State DOTs and local agencies are the primary audience for the Rule, the FHWA is also targeting other groups such as contractors, utilities, traffic management providers, and associations as these groups also need to understand the provisions of the Rule.

8. Q: The Rule uses the term “State”, while FHWA implementation guidance documents and materials use the term “agencies”. Why are different terms used?

A: While the Rule does use the term “State”, the intent is that the Rule applies to all agencies, whether State or local, that receive Federal-aid highway funds. Therefore, in order to address the Rule implementation guidance materials to all of the applicable parties, FHWA used the term “agency” throughout these materials. In each of the implementation guides, it is clearly stated that “agency” refers to State Departments of Transportation and local transportation (or public) agencies.

9. Q: How can I find out more about the FHWA Work Zone Program?

A: The FHWA Work Zone Mobility and Safety web site provides a vast amount of information about the FHWA Work Zone Program and work zone specific topics. This site is available at <http://www.fhwa.dot.gov/workzones>.

Work Zone Safety and Mobility Policy

The following questions and answers provide some basic information about the policy component of the Rule. [Section 3](#) of *Implementing the Rule on Work Zone Safety and Mobility* provides more information about developing and implementing a work zone safety and mobility policy. Section 3 includes an overview of the related provisions in the Rule, components of the policy, who develops and implements the policy, and a suggested process for developing and implementing the policy.

10. Q: Who is responsible for the development of the work zone policy?

A: Development and implementation of agency policy is generally a function of internal agency management. This is true as well for a work zone policy, however the Rule does recommend that the policy be instituted using a multi-disciplinary team and in partnership with the FHWA. In some cases, several agencies may decide to work together. For example, the DOTs for several neighboring states might choose to hold a joint workshop to develop a basic policy that they can each then tailor as needed for their respective State.

11. Q: What needs to be included in the policy?

A: The Rule was written to be flexible to different agency needs. While it provides direction on areas that agencies need to address in their work zone policy, it does not provide specifics on what must be included and does not specify a particular format. The Rule requires that the policy address work zone impacts throughout the various stages of the project development and implementation process. It allows the policy to take the form of processes, procedures, and/or guidance, and to vary based on the characteristics and expected work zone impacts of individual projects or classes of projects.

Agency-Level Processes and Procedures

The following questions and answers provide some basic information about the agency-level processes and procedures component of the Rule. [Section 4](#) of *Implementing the Rule on Work Zone Safety and Mobility* provides more information on developing and implementing these processes and procedures.

12. Q: What is the purpose of the Agency-Level Processes and Procedures section of the Rule?

A: Agency-level processes and procedures help institutionalize, streamline, and standardize work zone safety and mobility practices that support decision-making during the different stages of program and project delivery. The Rule specifically addresses agency-level processes and procedures for:

- Work zone assessment and management.
- Use of work zone data.
- Work zone related training.
- Conducting process reviews.

Processes and procedures for work zone assessment and management are encouraged, while processes and procedures for the other three areas are required. Many agencies already have some work zone processes and procedures in place. The provisions in the Rule are intended to help agencies update and enhance their existing processes and procedures to incorporate the new concepts and principles advocated by the Rule.

Work Zone Impacts Assessment and Management

13. Q: What tools are available to assess work zone impacts?

A: While many tools already exist to assist in the assessment of work zone impacts, States are also encouraged to look at developing or modifying tools to meet their unique needs. Some existing tools that can be used alone or in combination are:

- Sketch-planning and systems planning analysis tools like travel demand modeling tools, the [ITS Deployment Analysis System](#) (IDAS), etc..
- Higher-level project impacts analysis tools like [Highway Capacity Manual](#) (HCM)-based tools, [QuickZone](#), [QUEWZ](#), Micro-BenCost, etc.
- Operational-level traffic analysis and simulation tools like VISSIM, PARAMIX, [CORSIM](#), NETSIM, etc.

More information about these tools, including information about obtaining these tools, is available via the Work Zone & Traffic Analysis/Management section of the FHWA work zone web site, available at http://ops.fhwa.dot.gov/wz/traffic_analysis.htm. In addition, [Appendix B](#) of *Work Zone Impacts Assessment: An Approach to Assess and Manage Work Zone Safety and Mobility Impacts of Road Projects* provides an overview of many of these work zone impacts analysis tools. Other existing tools, such as Road Safety Audits, may also be useful for assessing potential work zone impacts.

14. Q: How can Road Safety Audits be expanded to include all aspects of work zones?

A: The current definition of road safety audits (RSAs) includes both existing and future roadways (RSA brochure – FHWA Office of Safety). RSA team members are usually independent of the road project. By definition, RSAs focus their efforts on safety issues. Some agencies' RSAs include limited work zone considerations; however, they do not include all aspects of work zones. In order for RSAs to include all aspects of work zones, a carefully selected review team with skills including expertise in work zone safety and mobility (in addition to the other skills needed to perform an RSA) would be necessary. Agencies could modify RSA procedures by adding safety considerations and operational aspects specific to work zones. Under the [Work Zone Safety Grants Program](#) established by SAFETEA-LU, one of the grantees is working on the development of guidelines and training for Work Zone Road Safety Audits. This is a multi-year effort that began in late 2006.

15. Q: Does the Rule mean that the use of full road closure is no longer allowed because of its impacts on mobility and safety?

A: No. Full road closure can actually be a highly effective approach to reducing work zone impacts. The full closure approach is designed to eliminate the exposure of motorists to work zones and workers to traffic by temporarily closing a facility for rehabilitation or maintenance. In most cases, work may be performed more quickly since the work area is effectively cleared of interference from motorists passing through a site. FHWA collected information from six locations using full road closure and developed a set of case studies, which can be found at http://www.ops.fhwa.dot.gov/wz/construction/full_rd_closures.htm. In all of these locations, project personnel interviewed felt that full road closure was able to improve the road rehabilitation process, creating efficiencies that reduced project duration and in some cases overall costs, while improving safety. A consistent theme, heard during interviews with project personnel, was the positive public sentiment that resulted from the use of full road closure.

Work Zone Data

16. Q: How does the need to include mobility/operational data in addition to safety/crash data change what is currently being done? Is there any guidance available from FHWA for data collection and management?

A: Under the updated Rule, agencies are required to use work zone data at both the project and process-levels to manage and improve work zone safety and mobility. At the project-level, the Rule requires agencies to use field observations, available work zone crash data, and operational information so that timely action is taken at the project level to correct safety or mobility issues in the field. At the process-level, the Rule requires agencies to analyze work zone crash and operational data from multiple projects to improve agency processes and procedures, and in-turn continually pursue the improvement of overall work zone safety and mobility.

Many agencies already track selected work zone safety data elements, such as the number of work zone crashes and/or fatalities, to assess work zone performance. Limited operational data is also used. For instance, if the time of delay on a two-lane highway, reduced to one lane traffic via a flagger station, exceeds the preferred maximum delay time as defined by the agency, modifications are made (such as decreasing the length of the work zone, or prohibiting closure during peak hours). The inclusion of operational data may or may not change current agency practice; however, under the Rule, the requirements as noted above have changed.

Currently there is no National level guidance for work zone data collection and management beyond the general guidance included in *Implementing the Rule on Work Zone Safety and Mobility*. The Rule does not require the reporting or submission of work zone data. DOTs may establish data collection standards to meet their specific project scenarios. The Rule is worded in order to encourage DOTs to develop and implement policies that meet their individual needs. Formal guidance is issued at the discretion of the individual DOTs.

17. Q: Is there funding available for supporting DOT projects to enhance or expand data collection infrastructure with the sole benefit of improving mobility, safety, and work zone efficiencies?

A: There is a range of funding sources available from U.S. Department of Transportation modal administrations that are eligible to finance traffic safety data improvements. Funding for such traffic safety data improvements is not limited to programs specifically designated as "data" or as "safety" funding. Instead, funding for data improvements can be found in core programs and other established programs not normally thought of as "safety programs." However, a determination to use a specific fund type is often the responsibility of the State agency administering the federal funding. A few of the possible funding programs thru federal-aid sources are given below:

- **National Highway Traffic Safety Administration (NHTSA) - Managed Programs**
 - Highway Safety Programs (23USC§402) - Provides for coordinated national highway safety grant programs carried out by the States and local communities. Database improvements are eligible for funding.
- **Federal Highway Administration (FHWA) - Managed Programs**
 - Highway Safety Improvement Program (HSIP), National Highway System (NHS), Congestion Mitigation and Air Quality (CMAQ), and Surface Transportation Program (STP) - HSIP funds (23USC§148) may be used for planning, development and operation of a system for managing highway safety and for data improvements as they relate to the State Highway Safety Improvement Program. However, funds specifically reserved for Railway-Highway Crossing (23USC§130) purposes may only be used as they directly relate to grade crossing safety activities. NHS, CMAQ, or STP funds may be used for safety data systems as they relate to the planning, development, and operation of a system for managing highway safety.
 - Metropolitan Planning (23USC§104(f)) - Funds may be used in conjunction with the requirement to carry out the 3-C transportation planning process that provides for consideration of projects and strategies that will increase the safety of the transportation system for motorized and non-motorized users.
 - State Planning and Research Funds (23USC§505) - In addition to carrying out the statewide transportation process, these funds may be used to develop and maintain safety-related data systems needed to conduct studies of the safety of the surface transportation system, as well as to develop and maintain a system for managing highway safety.

Training

18. Q: Does the Rule require a specific type of training?

A: No. While the Rule does require that the training be appropriate to the job decisions that an individual is required to make, it does not list specific topics that must be covered in the training and does not require a specific format for delivery of training. Local public agencies may want to turn to their Local Technical Assistance Program (LTAP) for training on topics such as work zone traffic control.

19. Q: Is training for law enforcement required as part of the Rule?

A: The Rule states that personnel involved in the development, design, implementation, operation, inspection, and enforcement of work zone related transportation management and traffic control must be trained, using training specific to the job requirements. The agency will need to cooperatively ensure that skills and abilities commensurate with work zone responsibilities are developed in enforcement personnel.

20. Q: How often does training need to be updated?

A: The Rule does not specify a set/standard frequency for the updates; it simply says that training must be updated periodically. There are changes to practices as the industry learns more and finds better ways to do business. These changes could be advances in industry practices (e.g., new technologies becoming available, different traffic management approaches developing, etc.) that perhaps need training to be effectively implemented. These changes could be revisions an agency makes to its processes and procedures as it conducts process reviews or analyzes work data and finds that certain practices work better than others. For these changes to be implemented some training may be appropriate and necessary. These types of changes should be reflected in revisions to an agency's regular training program, however those already trained also need to receive this information. Updates to training will depend on the situation and needs of the agency. For example, an agency may find after a process review that new or updated training is needed. It is recommended that the agency's work zone policy include criteria, processes and procedures for updating training. How frequently these training updates are needed may vary, depending on how often new information needs to be conveyed. Some agencies may find they can conduct some training updates during regular meetings of State engineers, AGC chapter meetings, local ITE meetings, etc. Others may find that electronic forums can be used effectively (e.g., email bulletins to "graduates" of courses).

21. Q: Who can provide training? Is in-house training, provided it follows Federal guidelines, acceptable or allowed? Can a private corporation provide training?

A: Work zone training can be provided by a combination of sources, including in-house training programs, private corporations and transportation industry associations, local technical assistance programs (LTAPs), and FHWA. Each State must individually identify the training programs and courses that meet the training needs and requirements of their agency. While some National-level courses are likely to meet some or many of an agency's training needs, an agency will likely also need some more tailored training that reflects its Work Zone Policy and agency procedures. Organizations such as the American Traffic Safety Services Association (ATSSA) offer a corporate training program for qualified people to receive a license to train others within their company. There is no Federal regulation that prohibits a private corporation from training its own employees in work zone safety and mobility. Private companies should consult with each State agency for which they work as to their specific training requirements and their respective work zone policies. [Courses from FHWA](#), such as the National Highway Institute (NHI) "Advanced Work Zone Management and Design" course, can also help an agency meet its work zone training needs.

Work Zone Process Reviews

22. Q: How will process reviews change as a result of the new requirements?

A: The updated Rule states that the ultimate objective of the process reviews is to enhance efforts to address safety and mobility on current and future projects. While the basics of process reviews will remain the same, these reviews will also need to include some additional aspects. For example, agencies will now need to use both crash and operational data (level of service, flow, etc.) at the project and procedural levels, which will expand this aspect of process reviews. The new requirement for agencies to identify [significant projects](#) may mean that process reviews now include an assessment of the agency's process for determining significant projects and its use of transportation operations and public information strategies for these projects. While agencies were previously required to forward the results of the review to the FHWA Division Administrator for review and approval of the State's annual traffic safety effort, the updated Rule does not include this requirement and instead encourages agencies to include FHWA in the review.

23. Q: How do the process reviews required every 2 years by the updated Rule compare to the annual work zone field reviews required by the former rule? Are they the same? How much does the updated Rule change what is expected?

A: Some State DOTs use the terms “annual work zone field review” and “process review” interchangeably. Whether the annual work zone field reviews performed under the former rule meet the intent of the process reviews required by the updated Rule depends on what the agency included in its annual field reviews. For some agencies the annual work zone field reviews functioned as work zone traffic control reviews and focused primarily on the traffic control set-ups in a sampling of work zones. These types of reviews are important and useful for making work zone improvements, but they do not cover all the areas that a process review under the updated Rule should cover.

The updated Rule states that, (1) States shall perform process reviews at least every 2 years in order to assess the effectiveness of work zone safety and mobility procedures, and (2) These reviews may include the evaluation of work zone data at the State level, and/or review of randomly selected projects throughout their jurisdictions. The purpose of these process reviews is to use the results to guide improvements in the agency's work zone policy, work zone processes and procedures, data and information resources, and training programs -- ultimately enhancing efforts to address safety and mobility on current and future projects. The review team should consist of appropriate personnel representing the different project development stages and the different offices within the State DOT, and FHWA. Other stakeholders can be included as appropriate.

The process review is an opportunity to take a “bird's-eye view” of the agency's overall work zone management efforts to see what is working well, what is not working well and may need adjustments, and to determine how to address any new work zone management challenges that have developed. For example, the agency may review data from a selected set of projects as part of its process review. In reviewing this data, the agency may notice that certain types of projects seem to be having a higher occurrence of crashes than other projects. By looking further into these trends, the agency may determine that some adjustments to its practices

would be appropriate, such as changes to standard design specifications for those types of jobs. During a process review an agency might look at a sample of post-construction reports and identify that work zone traffic delays in one part of the region have been more than what were experienced in the past and have been exceeding department goals. As a result, the agency may decide an update to that region's lane closure policy and permitted lane closure times is needed. During a process review an agency may review its training requirements to determine whether they are still adequate.

These are only examples of the types of issues that might be covered in a process review. While each process review should cover a range of issues, the agency needs to determine what issues are most appropriate for a given review.

The information used in a process review can come from a number of sources. Annual work zone field/traffic control reviews can be a rich source of information to make use of in conducting a process review. Other field observations, crash reports, post-construction reports, and the agency's Work Zone Self Assessment are some of the other sources that may also provide helpful information.

Local Public Agencies and the Rule

24. Q: Does the Rule affect local public agencies?

A: Yes, local public agencies that receive Federal-aid highway funding for projects are affected by this Rule and need to comply with its provisions.

25. Q: Will local public agencies need to develop their own work zone policies, procedures, etc.?

A: Local public agencies that receive Federal-aid highway funding will need to implement the policies and procedures required by the Rule. In some cases local public agencies will develop their own work zone policies and procedures, while in other cases local public agencies may be required to adopt the applicable policies and procedures developed and implemented by their respective State. This will vary among States. This may also depend, in part, on whether the Federal-aid funds are received by the local public agency directly from the FHWA Division Office or through the State. Some local public agencies may already have their own work zone policies and procedures in place. If a local public agency uses its own policies and procedures, it is recommended that the State and local public agency work together to ensure their policies and procedures do not conflict.

26. Q: Who is responsible for providing training to local public agencies to ensure they know the Rule requirements?

A: Local public agencies will need to work with their State counterparts to ensure they are aware of Rule requirements, as well as the State's work zone policy and procedures and what the State is doing to comply with the Rule. FHWA will provide general Rule awareness training and materials that are available to both State and local public agencies, but the States will be responsible for training their local public agencies on how to apply the Rule.

Significant Projects

[Section 5](#) of *Implementing the Rule on Work Zone Safety and Mobility* provides more detailed information on significant projects.

27. Q: What is a significant project?

A: The Rule defines a significant project as “one that, alone or in combination with other concurrent projects nearby, is anticipated to cause sustained work zone impacts that are greater than what is considered tolerable based on State policy and/or engineering judgment.” In addition, the Rule specifies that all Interstate system projects within the boundaries of a designated Transportation Management Area (TMA) that occupy a location for more than three days with either intermittent or continuous lane closures are considered significant projects. Simply stated, a significant project is a project that an agency expects will cause a relatively high level of disruption.

28. Q. What is a Transportation Management Area (TMA)?

A. 23 U.S.C. 134 (i)(1)(A) & (B) requires the Secretary of Transportation to designate as a TMA each urbanized area with a population of over 200,000 individuals. In addition, at the request of the Governor and metropolitan planning organization (MPO) (or affected local officials), other areas may be officially designated as TMAs by the Administrators of the FHWA and the FTA. The TMA designation applies to the entire metropolitan planning area(s).

29. Q: Where can I find a list of designated TMAs?

A: A list of the areas designated as TMAs is contained in the July 8, 2002 Federal Register on pages 45173 to 45178. The information can be accessed at: http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=02-16998-filed. Typically TMAs are designated as the result of new census counts, which are taken once every 10 years. On occasion, a TMA may be designated between census counts, but that is a lengthy process and not typical.

30. Q: How do I determine if a project is significant?

A: The agency’s work zone policy provisions, the project’s characteristics, and the magnitude and extent of the anticipated work zone impacts should be considered when determining if a project is significant or not. The identification of significant projects should be done as early as possible in the project development and delivery process, and in cooperation with the FHWA. The process of identifying significant projects may be quantitative or qualitative.

31. Q: What is the purpose of identifying significant projects?

A: The process of identifying significant projects is intended to help agencies allocate resources more effectively to projects that are likely to have greater impacts on work zone safety and mobility. The type of [transportation management plan](#) (TMP) required by the Rule will depend on whether or not a project is considered significant.

32. Q: Is it possible to request an exception to the significant project provision?

A: Some projects may be considered significant as a result of the TMA provision, but may not cause sustained work zone impacts, as defined by the agency. In cases such as these, the agency may request an exception, from the FHWA Division Office, to the Rule requirements. Exceptions to these provisions may be granted by the FHWA Division Office based on the agency's ability to show that the specific Interstate system project, or category of Interstate system projects, does not have sustained work zone impacts. Blanket exceptions for certain categories of similar projects may be sought by the agency if the agency determines that such projects will not have sustained impacts, and can demonstrate the same to the FHWA. More information on exception requests is available in [Section 5.4 of Implementing the Rule on Work Zone Safety and Mobility](#).

33. Q: What is the process for filing an exception request for a “significant project”? What documentation will be required? Under what conditions will exceptions be granted?

A: A letter to the Division Administrator requesting the exception, with supporting information to show that the specific Interstate system project or category of Interstate system projects does not have sustained work zone impacts¹ is required. Granted exceptions will require a written approval from the Division Administrator in response to the exception request. If in the opinion of the Division Administrator the project(s) will not cause sustained work zone impacts, an exception to the classification of “significant project” will be granted.

34. Q: Will it be possible to get blanket exceptions from the significant project determination for certain “classes” of projects (such as certain maintenance projects) that will require lane closures, but will not cause significant impacts?

A: Yes. Section 630.1010(d) of the Rule states, “For an Interstate system project *or categories of Interstate system projects* that are classified as significant...but in the judgment of the State they do not cause sustained work zone impacts, the State may request from the FHWA, an exception...Exceptions to these provisions may be granted by the FHWA based on the State’s ability to show that the specific Interstate system project *or categories of Interstate system projects* do not have sustained work zone impacts.”

¹ 23 CFR 630 of the Rule defines work zone impacts as work zone-induced deviations from the normal range of transportation system safety and mobility. The extent of the work zone impacts may vary based on factors such as road classification, area type (urban, suburban, rural), traffic and travel characteristics, type of work being performed, time of day/night, and complexity of the project. These impacts may extend beyond the physical location of the work zone itself, and may occur on the roadway on which the work is being performed, as well as other highway corridors, other modes of transportation, and/or the regional transportation network.

Transportation Management Plans (TMPs)

The following questions and answers provide some basic information about TMPs. More detailed information about TMPs is provided in [Section 6](#) of *Implementing the Rule on Work Zone Safety and Mobility*, and in *Developing and Implementing TMPs for Work Zones*.

35. Q: What is a TMP?

A: A TMP lays out a set of coordinated transportation management strategies and describes how they will be used to manage the work zone impacts of a road project. Transportation management strategies for a work zone include temporary traffic control measures and devices, public information and outreach, and operational strategies (e.g., travel demand management, signal retiming, traffic incident management, etc.). The scope, content, and level of detail of a TMP may vary based on the State or local transportation agency's work zone policy and the anticipated work zone impacts of the project.

36. Q: Are TMPs required for all Federal-aid projects?

A: Yes, a TMP must be developed for every Federal-aid project. The components of the TMP will vary based on the project (see question 37). Agencies are encouraged to use TMPs for other projects as well.

37. Q: What are the required components of a TMP?

A: For all projects, the Rule requires that the TMP include a Temporary Traffic Control (TTC) plan that addresses traffic safety and control through the work zone. If a project is expected to be *significant*, the TMP for that project must also contain both transportation operations and public information components. However, agencies are encouraged to consider transportation operations and public information strategies for all projects.

38. Q: Who is responsible for developing and implementing the TMP?

A: Agencies should develop and implement the TMP in sustained consultation with relevant stakeholders (e.g., other transportation agencies, railroad agencies/operators, transit providers, freight movers, utility suppliers, police, fire, emergency medical services, schools, business communities, and regional transportation management centers). The Rule requires the agency and the contractor to each designate a trained person at the project level to be responsible for implementing the TMP and other safety and mobility aspects of the project.

39. Q: If both the agency and the contractor must designate a trained person at the project level who “has the primary responsibility and sufficient authority for implementing the TMP and other safety and mobility aspects of the project,” are both the agency and the contractor responsible if litigation happens on the project?

A: A responsible person from both the agency and the contractor will ensure that effective transportation management is planned, executed, and maintained. Effective management will minimize the causes for litigation. Neither party is immune from litigation.

40. Q: Can a contractor make changes to a TMP on its own?

A: Generally, no. Both the agency and the contractor must provide a responsible person. Provision of a responsible person for the contractor will be incorporated in the contract provisions. The agency's contract provisions will also typically retain review and approval of TMP elements and changes to those elements.

41. Q: Does the Rule include any requirements regarding the use of roadside safety hardware?

A: For all projects, a TMP must include a Temporary Traffic Control (TTC) Plan. Section 630.1012 (Project-Level Procedures) states that this plan must be consistent with the provisions under [Part 6 \(Temporary Traffic Control\) of the MUTCD](#) and with the work zone hardware recommendations in [Chapter 9 \(Traffic Barriers, Traffic Control Devices, and Other Safety Features for Work Zones\)](#) of the American Association of State Highway and Transportation Officials (AASHTO) Roadside Design Guide. Furthermore, this section of the Rule states that in developing and implementing the TTC plan, pre-existing roadside safety hardware must be maintained at an equivalent or better level than existed prior to project implementation.

Implementation and Compliance

42. Q: When do I have to comply with this Rule?

A: The Rule effective date is October 12, 2007. As of that date, all State and local governments that receive Federal-aid highway funding are required to comply with the provisions of the Rule.

43. Q: What will happen to projects that are already in progress as the compliance date approaches?

A: Many projects will be in progress as the compliance date of October 12, 2007 approaches. FHWA realizes that some of these projects will be in advanced stages of project development as of that date and that it would be very difficult for them to fully comply with the updated Rule. The Rule contains some criteria to determine which projects will be eligible for variances from the Rule. Agencies may submit to their FHWA Division Office requests for an exception for individual projects that meet the following criteria:

- Projects that are in the later stages of development at or about the compliance date, and
- If it is determined that the delivery of those projects would be significantly impacted as a result of this Rule's provisions.

It will be up to the agency and division office to work together to determine what projects meet the exception criteria. More information about variances from compliance requirements is available in [Section 7.3](#) of *Implementing the Rule on Work Zone Safety and Mobility*.

44. Q: What funding sources are available for implementation of the Rule?

A: Many types of funding are available for use and may be applied toward implementing elements of the Rule. A list of these sources can be found in [Section 7.5.2](#) of *Implementing the Rule on Work Zone Safety and Mobility*. Depending on the situation, agencies may have the choice of using these funding sources for Rule implementation or for other activities.

45. Q: Will the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) affect the Rule?

A: Section 1110 of SAFETEA-LU requires FHWA to carry out a rulemaking to establish requirements for the use of and appropriation of funds for traffic control, positive protection, and law enforcement. SAFETEA-LU also requires FHWA to mandate the use of separate pay items in contracts in order to assure compliance with these requirements. FHWA is currently assessing options for addressing this SAFETEA-LU requirement. While this section of SAFETEA-LU may ultimately affect some part of the updated work zone Rule, as of now, SAFETEA-LU has no effect on the Rule and agencies should continue to implement the Rule as promulgated.

46. Q: Who at FHWA has the role/responsibility of overseeing compliance?

A: FHWA Division staff are responsible for reviewing and reassessing individual agencies' conformance with the Rule. FHWA Division staff are supported by the FHWA Resource Center and Headquarters staff as appropriate. The review and assessment of conformance may be incorporated into pre-existing coordination and review processes, such as Stewardship Agreements, between agencies and their respective FHWA Divisions. Stewardship Agreements are an ideal place to include information about what oversight will be and what it won't be and what will be involved in determining compliance. More information about implementation and compliance is available in [Section 7](#) of *Implementing the Rule on Work Zone Safety and Mobility*.

47. Q: Who do I contact for support with implementation of the Rule?

A: You should contact the work zone representative in your local FHWA Division Office. The Division Offices have received information and training on the specifics of the Rule and are prepared to help you implement the Rule.

Technical Assistance for Implementing the Rule

48. Q: Will there be any formal training or technical assistance to help with implementation of the Rule?

A: FHWA has published an implementation guide, entitled *Implementing the Rule on Work Zone Safety and Mobility*, to help with implementation of the Rule. This guide covers each element of the Rule and provides suggestions for implementation. The guide provides a general overview of the Rule, and examples of strategies, best practices, resources, and tools for implementing the Rule's provisions. The guide is available on http://www.ops.fhwa.dot.gov/wz/resources/final_rule.htm and in hardcopy.

FHWA has also developed a suite of companion guidance documents that provide more detail on the following aspects of the Rule:

- Work Zone Public Information and Outreach Strategies
- Work Zone Transportation Management Plans (TMPs)
- Work Zone Impacts Assessment

All of these documents are available in hard copy and can also be downloaded from the web address listed above. Hardcopies can be requested by sending an email, with the name of the publication(s) requested, number of copies, and shipping instructions, to workzonepubs@dot.gov.

A number of other implementation resources are also available. A list of these resources can be found in [Section 7.5](#) of *Implementing the Rule on Work Zone Safety and Mobility*. In late October 2005, FHWA held a webcast to discuss implementation of the Rule. The discussion included a section on planned outreach and technical assistance for the Rule. The recording of this webcast, as well as a link to the presentation used, can be found at http://www.ops.fhwa.dot.gov/wz/resources/final_rule/presentations.htm.

FHWA is currently looking into what other technical assistance and training might be needed and is also reviewing current training courses to see how they might be updated to incorporate the Rule.