



FLAGGER AND UNIFORMED OFFICER USE IN WORK ZONES

GUIDELINES

Approved:

A handwritten signature in black ink, appearing to read "David J. Brillhart", written over a horizontal line.

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Chief Engineer

Date: 6/5/09

(Written in support of NHDOT policy: Flagger and Uniformed Officer Use in Work Zones)

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I. GENERAL GUIDANCE:

The following guidelines for the use of flaggers and uniformed officers were developed by the NHDOT in cooperation with FHWA. The goal of these guidelines is to reduce the likelihood of injuries and fatalities to workers and road users in NHDOT Work Zones, while maintaining a fiscally responsible approach in their use. These guidelines provide parameters to identify the appropriate need and consistent use of flaggers and uniformed officers addressed by the following categories:

- A. **Traffic control** (guiding and directing traffic in, through, and around a work zone).
- B. **Presence** (deter speeding and aggressive driving, encourage drivers to cautiously proceed through the work zone)
- C. **Enforcement** (actively enforce traffic laws within the work zone on an as needed basis to gain driver awareness rather than as a full-time operation).
- D. **Emergency assistance** (assist and coordinate activities at accident sites within the work zone, report accidents)

- A. **TRAFFIC CONTROL OPERATIONS:** Flaggers shall be used to the greatest extent possible for "dynamic" traffic control operations. However, the use of uniformed officers may be necessary in some instances.

Examples of dynamic traffic control operations where **flaggers** should be used include:

1. Alternating 1-way traffic (stop/slow paddles must be used).
2. Directing traffic through low volume intersections.
3. Assisting trucks and equipment in and out of work areas.
4. Providing coverage at side roads and driveways during mobile operations (i.e. paving, striping, etc.).
5. Directing pedestrians and bicyclists through the work zone.
6. Providing detour guidance beyond work zone limits.

Examples of dynamic traffic control operations where **uniformed officers** may be used include:

1. Directing traffic through complex intersections, especially where signals are being overridden.
2. Assisting construction vehicles and equipment in and out of work areas on high speed, high volume facilities. Note: If an access area is anticipated to be in place for an extended period of time and it is determined that assistance is required for the safe exit and entry of construction vehicles, then a cost analysis should be completed to determine if stationary measures (i.e. signals) would be more cost effective than officers or flaggers.
3. Rolling roadblock operations on interstate and turnpike facilities and other multi-lane L.A.R.O.W. highways.

4. If a uniformed officer is already on site for other needs (**enforcement** or **presence**), then the officer may be asked to supplement these duties by providing limited duration traffic control that would otherwise be covered by a flagger. However, the officer must be adequately trained for the flagger operation to be performed and must use appropriate equipment and techniques (which may include the use of stop/slow paddles).

B. PRESENCE: The use of flaggers or uniformed officers for **presence** should only be used when there is an added safety risk to the workers and road users due to speeding, other aggressive driving behaviors, and/or high traffic crash/incident rates attributed to other features such as poor highway geometrics.

Uniformed officers should be used for **presence** on high-speed facilities when workers are unprotected and in close proximity to high volume traffic for extended periods of time or where unique work zone conditions require a higher level of driver awareness to ensure safety. Facilities where this application may be appropriate include, but are not necessarily limited to:

1. Interstate facilities
2. F.E. Everett Turnpike
3. Spaulding Turnpike (Middleton (Exit 18) south)
4. NH 101 corridor (Manchester East)
5. Roads with a posted speed of 45 mph or higher **and** an average daily traffic (ADT) volume of 15,000 vpd or greater.

Flaggers may be used for **presence** on projects involving roads with a posted speed of less than 45 mph **or** ADT volumes less than 15,000 vpd to alert and slow traffic with the use of hand signals and hand-signaling devices as described in Chapter 6E of the MUTCD.

If all work is behind barrier, neither officers nor flaggers are typically necessary.

The use of police vehicles should be considered for nighttime operations in most instances as the use of flashing blue lights, visible from 360 degrees, has been proven to deter aggressive driving behavior. However, the manner of their use during nighttime operations should be carefully considered as police vehicle lights provide no positive direction to motorists traveling through the work zone and are often overpowering and distractive. Excessive use of police vehicles with lights at night, or the inappropriate positioning of these vehicles, may actually detract from the positive guidance the work zone traffic control devices (TCDs) provide. When used for nighttime work, flashing blue lights shall be dimmed if capable.

Though typically not necessary, **uniformed officers** may also be used for **presence** on roads with posted speeds of less than 45 mph **or** ADT volumes less than 15,000

vpd if the NHDOT determines that a **police presence** is needed to address a specific safety issue. Examples of traffic control safety issues where a uniformed officer may be needed include:

1. A work zone with a high rate of crashes.
2. A work zone with vehicles traveling at excessive speeds.
3. A work zone with poor highway geometrics.
4. A work zone with excessive East-West sun glare.

NOTE: Using the flashing blue lights from a police vehicle to slow traffic approaching a work zone with poor visibility (i.e. East-West sun glare) or poor sight distance due to geometric features should be considered only after other measures have been determined to be ineffective.

- C. ENFORCEMENT:** The following guidelines are recommended to reduce the likelihood of injuries and fatalities to workers and road users by enforcing traffic laws within work zones. **Enforcement** can only be performed by uniformed officers.

Enforcement may be used during work zone operations where excessive speed and/or other aggressive driving behaviors are likely to jeopardize the safety of the workers and other road users.

Enforcement may be used on an as needed basis within a work zone where another officer is being used for **presence** to improve that officer's effectiveness.

Uniformed officers being used for **presence** should typically not be used for **enforcement** except for flagrant violations of traffic law.

If an arrest is necessary, the work-zone detail uniformed officer shall call in, and turn the arrest over to, an on-duty officer.

- D. EMERGENCY ASSISTANCE** While on site, work-zone detail uniformed officers may offer immediate assistance in emergency situations, such as a motor vehicle accident within the limits of the work-zone. The detail officer may investigate minor property damage crashes that occur within the work-zone if the time required to complete the investigation is minimal and the detail officer is not actively engaged in directing traffic. The detail officer should limit investigation of minor property damage crashes to assurance that no injuries are involved. Crashes involving injury should be investigated by the appropriate personnel once other emergency personnel arrive at the scene, not the detail officer.

During development of the project within the Design Bureaus, these guidelines should be used as a first step in identifying initial need, to be further developed and refined through coordination with the Bureau of Construction and the Traffic Control Committee. This

will ensure consistency and conformity over all projects. These guidelines should also be used in the development of the contract documents. The Contract Administrator with the District Construction Engineer should be involved in the development of the contract plans, Prosecution of Work (POW), and Traffic Control Plan (TCP) narrative as much as possible, such that an appropriate cost for flaggers and uniformed officers is provided in the contract.

II. MUNICIPAL WORK ZONE AGREEMENT (MWZA) AND EARLY COORDINATION GUIDANCE:

Prior to the construction of a project, the municipality in which the work is being performed shall be notified of the NHDOT's intentions regarding the use of flaggers and/or uniformed officers within the work zone. A Municipal Work Zone Agreement (MWZA) is required on all projects, except for those done exclusively on Class I roads (interstate) or the NH Turnpike system; nor are they required for short-term routine maintenance operations. The MWZA specifically addresses jurisdiction related to class I, II, and III roads. If work is to be done on class IV urban compact roads or class V town roads, then a general Municipal Agreement shall be written that delegates the town's authority to the NHDOT to control traffic. Except where otherwise stated, the remainder of this section refers to the MWZA, but the same guidelines apply to a general Municipal Agreement if one is written in lieu of using the MWZA.

In order for work (final design, construction, etc.) to progress, the municipality will be required to sign a MWZA. The MWZA shall be the primary means of communicating to the municipalities the NHDOT's commitment and jurisdiction to control traffic on an upcoming construction project. The NHDOT shall present the MWZA to town or city officials for signature following the Public Hearing process. Signature of the MWZA should be obtained prior to commencement of the Final Design phase. For those projects that do not go through a formal public participation process, a MWZA shall be presented to the affected municipalities and signed as soon as practicable and appropriate. A signed copy of the MWZA is to be included in the contract documents. No project shall be advertised for bids until the MWZA has been signed. See part VII of this document for a sample MWZA.

Early on in the public participation process, the NHDOT shall ask the police, fire, and other appropriate town officials for their input regarding current or past experiences related to traffic control issues within the vicinity of the proposed project limits. Topics of discussion may include, but are not limited to the following:

1. Accident history
2. Commuter traffic patterns
3. Traffic volume increases at certain times of day (i.e. school or factory letting out)
4. Traffic volume increases at certain times of year (tourist season)
5. Special town events (fairs, Old Home Days, etc.)

Advance notice of the meeting agenda or a follow-up meeting with public officials may be necessary to allow officials to give thoughtful feedback to these questions.

Near the end of the design phase and prior to advertising, the Project Manager shall meet with municipal officials to communicate the NHDOT's proposed traffic control plan. Elements of this discussion shall address earlier concerns raised by the municipalities during the public participation process and spell out the NHDOT's intentions regarding the use of flaggers and/or uniformed officers.

On District Resurfacing contracts, the District Engineer may elect to use a standard notification letter in lieu of a MWZA if the anticipated project impacts on the municipality are negligible. The standard notification letter will include the following paragraph:

Please be aware that the State Legislature has delegated the Commissioner of the Department with the full authority to control traffic in highway/bridge construction work zones on Class I, II and III highways. Prior to commencement of the work, the Department will send notice of a preconstruction meeting. You are invited to attend this meeting as project schedule and anticipated traffic control measures are among the topics discussed.

See section VIII of this document for a sample district resurfacing letter.

If Bridge or Highway Maintenance operations are likely to require work in an area for an extended period of time (i.e. one month or more), then a notice is to be sent to the town similar to the District Resurfacing letter outlining the NHDOT's intent. Executing a MWZA with the affected municipality should also be considered if the project's anticipated impacts warrant one.

If the NHDOT is overseeing work on a class IV urban compact road or class V town road, a separate municipal agreement will need to be written for signature by the municipality and language should be included in that agreement to address the NHDOT's traffic control authority and intentions during the life of that project. An example of this added language may be:

The DEPARTMENT will be responsible for the management and operation of these facilities throughout the duration of the construction of the project. The TOWN delegates to the DEPARTMENT the authority to control traffic within the TOWN road construction zones of this project.

III. FIELD USE GUIDANCE:

If the NHDOT determines that a uniformed officer is needed within the work zone, the following guidelines should also be followed:

1. Use State Police Troopers on interstate and turnpike facilities. County Sheriffs or local police should only be used on interstate or turnpike facilities if they have jurisdictional authority and State Police Troopers are unavailable.
2. Use local police on non-interstate and non-turnpike facilities. County Sheriffs and State Police Troopers may be used if local police are unavailable.
3. If the work zone extends into multiple towns on non-interstate or non-turnpike facilities and there is no mutual aid or other agreement between the neighboring police departments granting them authority to enforce traffic laws throughout the entire work zone, then County Sheriffs or State Police* Troopers should be used. The use of multiple officers, or the payment of minimum show-up times due to the use of multiple officers with limited shift work, will not be reimbursed if few officers with sufficient jurisdiction could otherwise sufficiently conduct the work without extra cost. *(Per RSA 106-B:15, the use of State Police may be limited in any city or town greater than 3,000 in population).
4. If a police vehicle is required and the local police department is unable to provide a vehicle meeting the requirements of NHDOT specification 618.2.1, then the County Sheriffs or State Police Troopers are to be used. Private vehicles are not acceptable. Special duty vehicles, such as D.A.R.E. and animal control are also not acceptable.
5. If a uniformed officer is on site for **traffic control** or **presence** and work zone operations are unexpectedly suspended due to weather or other unforeseen reasons, then the uniformed officer may be used for **enforcement** of traffic laws within the work zone until the minimum payment time is reached.
6. If a police department chooses to split one contractor's work shift into two, only one minimum show up time per shift will be paid.
7. The Contractor shall be aware of minimum cancellation notice requirements of the police department being used for detail work. No minimum show-up time payments, that resulted from the contractor's failure to provide the minimum cancellation notice required, will be paid.
8. Flaggers and/or uniformed officers are not to use cell phones except for official business associated with the traffic control detail.
9. All traffic control personnel shall wear high-visibility safety apparel meeting the requirements of the most current MUTCD edition or Federal regulation 23 CFR 634, as appropriate.
10. STOP/SLOW paddles shall be used by all traffic control personnel, whether a uniformed officer or a flagger, when directing road users through the work zone, unless otherwise approved by the Contract Administrator.

IV: UNIFORMED OFFICER TRAINING:

Uniformed officers working on all NHDOT projects shall have successfully completed a course on *The Safe and Effective Use of Law Enforcement Personnel in Work Zones*. This course shall be taken once every four years. Proof of successful course completion shall be supplied upon request.

(Further Action is required to create and implement this training)

V: FLAGGER TRAINING:

NHDOT flaggers working on NHDOT maintenance or Operations' projects shall have been trained by an ATSSA (American Traffic Safety Services Association) certified trainer or equivalent (e.g. NHDOT Program 32: Flagging Control Program) at least once every four years and a record of course completion shall be entered on the NHDOT employee training database.

Non-NHDOT flaggers working on contract work for the NHDOT are required to meet the specifications under Section 618 of the NHDOT Standard Specifications for Road and Bridge Construction.

VI. UNIFORMED OFFICER REIMBURSEMENT AGREEMENTS/PAYMENT:

Reimbursement of uniformed officers are to be as outlined under Section 618 of the NHDOT Standard Specifications for Road and Bridge Construction.

(Further Action is required to address deficiencies of current specification)

VII. SAMPLE MUNICIPAL WORK ZONE AGREEMENT (MWZA):

See next page for sample MWZA.

**MUNICIPAL WORK ZONE AGREEMENT
FOR
(CITY / TOWN)**

STATE PROJECT: _____
FEDERAL PROJECT: _____

THIS AGREEMENT, executed in *triplicate*, made and entered into this _____ day of (month) (year), between the New Hampshire Department of Transportation, hereinafter called the "DEPARTMENT" and the City / Town of (City / Town), hereinafter called the "CITY / TOWN".

WITNESSETH that,

WHEREAS, the DEPARTMENT will be (description of project);

WHEREAS, The State Legislature has delegated the Commissioner of the DEPARTMENT with full authority to control traffic in highway/bridge construction work zones on Class I, II, and III highways; RSA 228:21, 236:1, and 228:37;

WHEREAS, The Department intends to use a combination of flaggers and/or uniformed officers, as appropriate, to control traffic and ensure public and worker safety.

NOW, THEREFORE, in consideration of the above premises, it is mutually agreed as follows:

- A. The DEPARTMENT shall construct project (project name, number and description).
- B. The DEPARTMENT will be responsible for the management and operation of the highway throughout the duration of the construction of the project. This includes the authority to determine the most appropriate way to control traffic within the construction work zone limits of the project.

IN WITNESS WHEREOF, the parties here have affixed their signatures, the (City / Town) of _____, New Hampshire, on this _____ day of _____, _____, and the Department of Transportation on this _____ day of _____, _____.

NEW HAMPSHIRE DEPARTMENT OF **CITY / TOWN OF**
TRANSPORTATION

By: _____
COMMISSIONER

By: _____
(Mayor / Chairman of the Selectmen)

City Councilor / Selectmen

City Councilor / Selectmen

City Councilor / Selectmen

cc: Police Chief

VIII. SAMPLE DISTRICT RESURFACING LETTER:

April 21, 2009

«TownName»
«Address1»
«City», «State» «PostalCode»

RE: Highway Maintenance District « # »
Proposed Resurfacing Program CY 2009

For your planning information, the New Hampshire Department of Transportation has tentatively programmed the state road(s) on the attached list in your town for paving during the coming season. I hope this information will assist you in coordinating maintenance activities such as crosswalk striping, underground utility projects, trenching, and curb or sidewalk work. This is particularly important for manholes and other structures within the paving limits as significant depressions can develop if they are not set to the proper grade. If appropriate, please advise local utilities to prepare for the proposed resurfacing since it will be their responsibility to make adjustments as required to accommodate the paving.

Please be aware that the State Legislature has delegated the Commissioner of the Department with the full authority to control traffic in highway/bridge construction work zones on Class I, II and III highways. Prior to commencement of the work, the Department will send notice of a preconstruction meeting. You are invited to attend this meeting as project schedule and anticipated traffic control measures are among the topics discussed.

Should the program be changed due to funding considerations or pavement conditions, I will contact you. Once a contract and schedule of work has been approved, the Contractor is required to provide written notice to your town between 7 and 14 work days in advance of the final paving.

In addition to this work, District maintenance forces will grader-shim various sections of the secondary highway system as part of our routine maintenance program.

Should you have any questions, please feel free to call at the number listed below.

Sincerely,

«D.E. Name», P.E.
District Engineer