Uniformed Law Enforcement Guidance 9-15-08

Creation of this guidance is in accordance with and to satisfy the requirements of the Federal Work Zone Regulation Subpart K of 23 CFR 630. The Montana Department of Transportation, in partnership with the Federal Highway Administration, shall develop a guidance addressing the use of uniformed law enforcement on Federal-aid highway projects. The potential to reduce crashes resulting in fatalities or injuries to workers and road users is another consideration for implementing this strategy. Applying this strategy depends upon the extent that it is practical, possible, and adequate to manage work zone exposure.

In general, the need for law enforcement is greatest on projects with high traffic speeds and volumes. The use of law enforcement can also be used where substantial disruption to or changes in normal traffic patterns due to the work zone is expected. Examination of specific project conditions to determine the need for law enforcement includes but is not limited to the following:

- Frequent worker presence adjacent to high-speed traffic without positive protection devices.
- Traffic control setup or removal that presents significant risks to workers and road users.
- Complex or very short term changes in traffic patterns with considerable potential for road user confusion or worker risk from traffic exposure.
- Nighttime work operations that create substantial traffic safety risks for road users and workers.
- Existing traffic conditions and crash histories that indicate a potential for safety and congestion impacts related to the work zone activity.
- Work zone operations that require brief stoppage of all traffic in one or both directions.
- High speed roadways where unexpected or sudden traffic queuing is anticipated, especially if the queue forms a considerable distance in advance of the work zone or immediately adjacent to the work space.
- High crash corridors.
- Continual problems with road users obeying temporary traffic control signs.

MDT personnel, based upon this guidance, will determine if additional uniformed law enforcement is required beyond normal and routine patrols. When MDT chooses to use additional law enforcement, the appropriate law enforcement personnel should be contacted. Consultation with the local law enforcement personnel will enhance the working relationship between the law enforcement agency and MDT. Additionally, local law enforcement personnel may have useful traffic control ideas which are project specific.

Use of uniformed law enforcement can be determined in both the pre-construction phase and once construction begins. The Work Zone Safety and Mobility Policy recognizes this strategy under the Transportation Management Plan (TMP). The TMP Team may

choose to implement uniformed law enforcement according to the Transportation Operations Plan along with the Construction Zone Management Plan. Law enforcement personnel can be included during discussions to develop these two strategies. Inviting local law enforcement personnel to District pre-construction meetings will also improve interaction between MDT and the law enforcement agency. Project specific communication procedures can be established and discussed during the pre-construction meeting. A project drive-through with law enforcement personnel before construction begins can also result in identifying locations of traffic concerns.

The use of law enforcement personnel can occur in a number of ways once construction begins. The most visible and useful manner is having a uniformed officer in a marked patrol vehicle on-site beyond normal and routine patrols during construction operations. The procedure for obtaining this additional enforcement is as follows:

- MDT District personnel will make the determination to use additional law enforcement personnel. The District Administrator, District Construction Engineer, or District Operations Engineer can make this decision at the District Office level. The Engineering Project Manager may also make the decision at the field project level. Each District may develop a decision protocol to use the law enforcement personnel once the need has been established.
- A basic interagency agreement between MDT and the law enforcement agency is required to address the work zone enforcement needs. This agreement will detail the general nature of law enforcement services provided, procedures to determine project specific services, and reimbursement agreements and procedures for the law enforcement service.

Law enforcement personnel can accompany MDT personnel during construction traffic control reviews once construction is underway. MDT Field and Helena Staff may invite law enforcement personnel on these reviews.

In order for law enforcement personnel to be effective on MDT projects, they should be trained appropriately for the decisions each individual is required to make. The work zone safety and mobility training for law enforcement personnel must be consistent with the training requirements in 23 CFR 630.1008(d). A number of opportunities exist to satisfy this training. The law enforcement agency can offer in-house training. A number of agencies such as the National Highway Institute, the Federal Highway Administration, the American Traffic Safety Services Association, and the Local Technical Assistance Program offer training programs. The Montana Department of Transportation also has training programs available to assist law enforcement personnel.

The intent of this guidance is to offer assistance in obtaining additional uniformed law enforcement on MDT construction projects while still allowing the flexibility needed for the dynamics of construction operations. For further assistance, direct any questions or comments to Jim Wingerter, MDT Construction Traffic Control Engineer with the Construction Engineering Services Bureau.

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