

801-R-672 LAW ENFORCEMENT OFFICER FOR WORK ZONE SAFETY

(Revised 05-20-20)

Description

This work shall consist of providing a Law Enforcement Officer, LEO, to assist with the safe, efficient, orderly movement of traffic and to enhance worker safety during construction activities.

Materials

Materials shall be in accordance with 801.02 and as described herein.

Construction Requirements

Traffic Control and work zone safety shall be in accordance with 801.

Utilization of the LEO may include providing a presence during set up, tear down, substantial traffic shifts, when new lane closure arrangements are initiated for long term lane closures or shifts, for the first and last day of major changes in traffic control set up, and queue protection. Other unique project uses may be specified so that overall worker and motorist safety is enhanced.

Use of a LEO by the Contractor other than as specified above will not be allowed at project cost without the prior approval of the Engineer. The LEO shall not be used where the MUTCD specifies that flaggers shall be used.

Personnel

The LEO shall be an off-duty, non-ISP Law Enforcement Officer in full police uniform. The LEO shall be a graduate of the Indiana Law Enforcement Academy Basic Course, or equivalent, and shall be a police officer or deputy actively employed by a police agency in Indiana. Equivalency of training will be at the discretion of the Department.

In accordance with IC 8-23-2-15(b), the duties of a police officer hired under this special provision shall:

- (1) Be limited to those duties that the police officer normally performs while on active duty; and
- (2) Not include the duties of a
 - a. Flagman; or
 - b. Security Officer.

Equipment

The LEO shall use a marked police vehicle with emergency flashing lights and complete markings of the appropriate law enforcement agency. The marked police vehicle shall be equipped with, at minimum, an 800 MHz radio/portable radio that contains the local and statewide mutual aid channels within the area the LEO is working.

When outside of the marked police vehicle, the LEO shall wear the correct ANSI certified high-visibility safety apparel provided by their agency.

The Contractor shall establish direct communication with the LEO prior to the start of their shift. The method of communication shall be

at the discretion of the Contractor and may include the exchange of mobile telephone numbers or dedicated communication devices, such as mobile phones and walkie-talkies. The Contractor may provide the LEO with dedicated communication devices. Dedicated communication devices shall be returned to the Contractor at the end of the LEO's shift.

Operation

The Contractor shall be responsible for securing the services of the LEO with the appropriate agency and communicating the intentions of the plans with respect to the duties of the LEO. The Contractor and the LEO shall follow the standards for placement of the LEO in work zones set forth by the NCHRP Report 746.

Training

Part 1

Prior to beginning work on a contract, the LEO, and at least one representative of the Contractor who will be onsite whenever the LEO is present, shall certify completion of the following National Highway Institute web based training:

Safe and Effective Use of Law Enforcement in Work Zones. FHWA- NHI-133119. Accessible at:

http://ops.fhwa.dot.gov/wz/traffic_mgmt/wzsm.htm

Any additional individuals proposed for the training shall be submitted to the Engineer for review and approval prior to enrolling in the training. Training verification will be retained within the contract files.

Part 2

The LEO, the Contractor, and the Engineer are required to review and agree to adhere to the requirements contained in Department specific training entitled "Instructions and Procedures for Non-ISP Law Enforcement Officers When Working in INDOT Work Zones" prior to beginning construction activities. The training document is accessible at:

<https://www.in.gov/indot/3980.htm>

The training instruction document, any meeting notes, and the signature document will be retained within the contract files.

Engineer Responsibilities

The activities of the LEO are subject to the authority and direction of the Engineer, in accordance with 105 and 108, and are limited to the activities associated with the contract work zone. The Contractor's choice of duties and placement of the LEO on any given work shift are subject to approval by the Engineer. The Engineer will have no authority over the LEO when the LEO is acting in an agency enforcement capacity. The Engineer may direct the LEO to perform enforcement and other unspecified activities to encourage motorists to respect the work zone. Unspecified uses will not be allowed without the prior approval of the Engineer.

Contractor Responsibilities

The Contractor shall be responsible for the LEO's duties and placement, and shall inform the Engineer of any issues that may arise. Duties and placement of the LEO are subject to approval by the Engineer. The Contractor shall ensure that the LEO remains at the project site for

the entire duration of their shift and reports back at the end of the shift unless directed otherwise by the Engineer.

LEO Responsibilities

The LEO shall report to the Contractor prior to the start of the shift in order to receive instructions regarding specific work assignments. The LEO shall stay at the project site for the entire duration of their shift and report to the Contractor at the end of the shift. If the LEO has completed the duties described above and still has time remaining on their shift, the LEO may be asked to patrol through the work zone, with flashing lights off, or be placed at a location to deter motorists from speeding or following too closely. When it is necessary to leave the project site, the LEO shall first notify the Contractor. The Contractor shall then notify the appropriate Department personnel.

All LEOs shall follow the procedures for infraction and ordinance violation enforcement established by IC 9-21-5-11 while working within the work zone, such as issuing citations for infractions or detaining individuals in violation of traffic laws when and where appropriate.

The LEOs shall not forgo their traffic control responsibilities to apprehend motorists for routine traffic violations, except that enforcement action is encouraged as a mechanism to enhance motorist compliance and increase driver awareness. However, if a motorist's actions are considered reckless or endangering to the workers or to the motoring public, then pursuit of the motorist is appropriate. LEOs shall also provide a response to any incident or situation that involves public safety near or within the project limits to ensure the safety of the parties involved, and the motoring public.

Method of Measurement

Law enforcement officer for work zone safety will be measured by the number of hours during the phase or phases of traffic control that require the LEO's presence. Each portion of an hour will be measured as a whole hour.

If a LEO is directed by their agency to respond to a situation that is not related to the contract, the time involved in responding to that situation will not be measured for payment.

Law enforcement officer training, when required, will be measured by the number of approved individuals successfully completing the National Highway Institute web based training.

Basis of Payment

Law enforcement officers will be paid for at the contract unit price of \$60 per hour.

Law enforcement officer training will be paid for at the current verified training price, obtained from the NHI website, for the approved number of individuals successfully completing the National Highway Institute web based training, FHWA-NHI-133119. The current verified training cost shall be the cost of training individuals during the duration of the contract and the pay quantities will be in units of dollars.

Payment will be made under:

Pay Item Pay

Unit Symbol

801-R-672

Law Enforcement Officer.....HR
Law Enforcement Officer Training.....DOL
