

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

*(Revised 09-16-21)***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 and the MUTCD. Utilization of the LEO may include providing advanced warning for:

1. Maintenance of traffic set up, tear down, and substantial traffic shifts.
2. New lane closure arrangements initiated for long term lane closures or shifts.
3. The first and last day of major changes in traffic control set up, and queue protection.
4. Other unique contract uses specified to enhance overall worker and motorist safety.

Use of a LEO by the Contractor will not be allowed at contract cost without prior approval by the Engineer. The LEO shall not be used where the MUTCD specifies flaggers are to be used.

LEO Personnel Requirements

The LEO shall be:

- a) an off-duty, non-Indiana State Police Law Enforcement Officer in full police uniform, and
- b) a graduate of an Indiana approved Law Enforcement Academy, and
- c) a police officer or deputy actively employed by a police agency in Indiana.

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. At a minimum, the marked police vehicle shall be equipped with 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.

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 as approved by the Engineer. The Contractor and the LEO shall follow the standards for placement of the LEO in work zones set forth by the NCHRP Report 746.

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. Contractor provided dedicated communication devices shall be returned to the Contractor at the end of the LEO's shift.

Training

Training for the LEO, the Contractor, and the Engineer will be conducted in two parts. Both parts shall be completed prior to involvement in traffic maintenance operations on the contract. The first part of the training will be web based and provide concepts and reasoning for the use of LEOs on Department contracts. The second part of the training will provide supplementary guidance for LEOs working within Department work zones.

Part 1

Prior to involvement in maintenance of traffic operations, the LEO, at least one representative of the Contractor who will be onsite when the LEO is present, and the Engineer shall complete the Department's web based "Law Enforcement Officers in INDOT Work Zones Training". The training consists of three modules and is available on the Work Zone Safety website located at

<https://www.in.gov/indot/safety/work-zone-safety/law-enforcement-officers-for-work-zone-safety/>.

Part 2

The LEO, the Contractor, and the Engineer are also 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". The training document is available on the Work Zone Safety Website located at

<https://www.in.gov/indot/safety/work-zone-safety/law-enforcement-officers-for-work-zone-safety/>.

All individuals completing Parts 1 and 2 training shall sign the signature page located at the end of the Part 2 training document. By signing, individuals shall be confirming they have completed Parts 1 and 2 of the law enforcement training requirements.

The Part 2 training instruction document, any training 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 a law enforcement agency capacity. The Engineer may direct the LEO to perform enforcement and other unspecified activities to encourage motorists to respect the work zone. Other unspecified activities of the LEO will not be allowed without prior approval of the Engineer.

Contractor Responsibilities

The Contractor shall be responsible for the LEO's duties and placement. The Contractor shall inform the Engineer of all planned LEO activities, any issues that may arise, and when the LEO leaves the construction site for any reason. Duties and placement of the LEO are subject to approval by the Engineer. The Contractor shall verify that the LEO remains at the construction 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 remain at the construction site for the entire duration of their 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. At the end of the shift, the LEO shall notify the Contractor before leaving the construction site.

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. This shall include 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 to enhance motorist compliance and increase driver awareness. 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 respond to any incident or situation involving public safety, including but not limited to crashes, near or within the contract limits to ensure the safety of the parties involved, and the motoring public. When it is necessary for the LEO to leave the construction site under these circumstances, the LEO shall notify the Contractor as soon as reasonably possible.

Method of Measurement

Law enforcement officer for work zone safety will be measured by the number of hours during traffic control phases requiring a LEO. 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 not related to the contract, the time away from the contract involved in responding to that situation will not be measured for payment.

Law enforcement officer training will not be measured for payment.

Basis of Payment

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

Training shall be included in the cost of other items.

Payment will be made under:

Pay Item

Pay Unit Symbol

Law Enforcement Officer.....HR
