

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

*(Revised 01-15-26)***Description**

This work shall consist of providing a Law Enforcement Officer, LEO, to assist with the safe, efficient, and orderly movement of traffic. LEOs shall be used, along with properly utilized and implemented maintenance of traffic devices, to enhance safety during construction activities. The primary functions of LEO efforts within work zones shall be to provide queue protection, reduce aggressive driving through focused enforcement, and patrol the site. Any accepted and utilized LEO shall be in accordance with 103.05. If a private company is used, the Contractor shall enter into a subcontract agreement with the private company in accordance with 108.01. A subcontract agreement will not be required if the LEO is obtained directly from a law enforcement agency.

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 IMUTCD. The use of a LEO shall not be a substitute for the appropriate implementation of temporary traffic control devices in accordance with the IMUTCD and CFR 23 630.1108(d).

The Contractor shall schedule pre-shift meetings to be held on-site and involve the LEO, all Contractor representatives involved in LEO placement, and appropriate Department field staff. The intent of the pre-shift meeting shall be to exchange contact information, discuss specific problematic situations of the work zone, develop solutions to those situations, and focus on other pertinent aspects of the maintenance of traffic plan for the jobsite involving the LEO. If requested in writing, pre-shift meeting requirements may be waived in part or in full subject to the acceptance of the Engineer.

A LEO used on a project shall concentrate on:

- a) queue protection,
- b) focused enforcement to reduce aggressive driving, and
- c) patrolling the site.

A LEO may also be directed to provide advance warning on the project for:

- a) maintenance of traffic set ups, tear downs, and substantial traffic shifts when there are significant risks to workers and the traveling public,
- b) new lane closure arrangements initiated for long-term lane closures or shifts,
- c) the first and last days of major changes in traffic control set ups, and

- d) other unique project uses specified to enhance overall safety during construction activities.

The use of a LEO will be allowed at the contract cost only with the prior acceptance of the Engineer. The LEO shall not be used where the IMUTCD specifies flaggers shall be used.

LEO Personnel

A LEO shall:

- a) Be an off-duty, non-Indiana State Police Law Enforcement Officer.
- b) Wear an official agency issued full police uniform with an agency issued badge. The uniform shall have the appropriate law enforcement department patches affixed.
- c) Be a graduate of an Indiana approved Law Enforcement Academy.
- d) Be a police officer or deputy actively employed by a law enforcement agency within Indiana.

LEO Limitations

The duties of an off-duty LEO hired under this special provision:

- a) shall be limited to those duties that the police officer normally performs while on active duty, and
- b) shall not include the duties of a:
 - 1. flagman, or
 - 2. security Officer.

LEO Equipment

LEO equipment shall include:

- a) The use of an official law enforcement agency issued vehicle with blue and red flashing lights.
- b) A radio or portable radio capable of accessing and communicating over the mutual aid channels within the area where the LEO is working.
- c) The necessary tools to issue citations and to process crashes and incidents within, and in a reasonable distance from, the work zone.
- d) The correct ANSI certified high-visibility safety apparel, provided by their agency, when the LEO is out of the agency issued vehicle.

LEO Responsibilities

A LEO shall:

- a) Be the sole occupant of the agency issued vehicle, unless otherwise directed by the Engineer.
- b) Report to the Contractor and the Engineer prior to the start of the operational shift to exchange contact information,

obtain the placement location within the work zone, and discuss any additional specific work assignments.

A LEO shall remain at the construction site for the duration of the assigned operational shift unless called to return to active duty. If a LEO has completed the specific work assignments, as described above, and time remains in the shift, the LEO may be directed to:

- a. be placed at a location for queue protection,
- b. provide enforcement focused on slowing traffic through the work zone, or
- c. patrol through the work zone, with flashing lights off.

At the end of the shift, the LEO shall notify the Contractor and the Engineer before leaving the construction site.

A LEO shall follow the procedures for infraction and ordinance violation enforcement established by IC 9-21-5-11 while working within the work zone, including issuing citations, written warnings, or verbal warnings for infractions. Detaining individuals in violation of traffic laws may also be an option, when and where appropriate.

A LEO's enforcement actions are encouraged to enhance motorist compliance and increase driver awareness. If a motorist's actions are considered reckless, or endangering workers or the motoring public, then pursuit of the motorist shall be appropriate.

A LEO shall respond to incidents including, but not be limited to, situations involving public safety, crashes, and answering emergency service calls within, and in a reasonable distance from the project limits to ensure the safety of the parties involved and the motoring public. ISP may be called if backup is necessary.

When a LEO is called to active duty by their agency and it becomes necessary for the LEO to leave the construction site, the LEO shall notify the Contractor and the Engineer as soon as possible.

It is the intent of the contract to provide effective use of LEO resources to work the construction zone by providing queue protection, reducing aggressive driving through speed enforcement, and patrolling the site. An officer's presence behind a barrier wall is not an efficient use of the LEO resource.

When planning to work on contracts involving interstate operations, the LEO, in addition to the responsibilities described above, shall:

- a. Be responsible for indicating their interstate experience to the Contractor and the Engineer prior to the start of any project work zone shift involving interstate operations. If, in the opinion of the Engineer, the officer does not possess appropriate interstate experience, the officer shall not work the intended interstate shift.
- b. Communicate with the Indiana State Police, ISP, dispatch prior to the start of the operational shift to exchange contact information, placement location within the work zone, and any additional specific work assignments.

- c. Communicate with ISP at the end of an operational shift or if it becomes necessary to leave the construction site.

For interstate shifts, the LEO officer shall communicate with ISP through an ISP Dispatch radio channel or by cell phone. Proper radio etiquette, in accordance with 18 US Code §1464, shall be maintained at all times.

1. When the LEO has the ISP Dispatch radio channel on their radio, the LEO shall mark on at the start of the interstate operational shift. The LEO shall then monitor this channel for the duration of the shift and mark off at the end of the shift.
2. When the LEO does not have the appropriate ISP dispatch channel, the LEO shall contact the correct ISP dispatch center, by phone, for the work area. ISP Dispatch shall be provided with:
 - a. the LEO's name and contact number,
 - b. the LEO's planned work location, and
 - c. the LEO's interstate operational shift hours.

A list of ISP dispatch centers is located on the Department's Law Enforcement Officers for Work Zone Safety website located at:

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

Once contacted, the ISP Dispatch operator will assign a mutual aid channel that is available on the LEO's radio.

The LEO shall monitor this assigned channel for the duration of the interstate operational shift. The LEO shall mark off the channel at the end of the shift.

The LEO shall use the ISP radio channel for interstate incident communications, to relay information, or to receive instructions and other information.

Contractor Responsibilities

The Contractor shall secure the services of a LEO with a police agency or private company capable of supplying officers that meet the requirements for a LEO as stated herein. If a private company is used, the Contractor shall enter into a subcontract agreement with the private company in accordance with 108.01. A subcontract agreement will not be required if the LEO is obtained directly from a police agency. In either case, a Letter of Concurrence shall be required. A copy of the Letter of Concurrence is available on the Department's Law Enforcement Officers for Work Zone Safety website.

The Contractor shall:

- a) be responsible for securing, planning, placement, coordinating, and obtaining the acceptance of the Engineer for any selected LEO used for a project,

- b) be responsible for ensuring any selected LEO officer meets the personnel and equipment requirements listed herein,
- c) be responsible for the conduct and experience of any selected LEO in accordance with 108.07,
- d) maintain communications with the Engineer concerning all planned LEO activities, any issues that may arise, and when the LEO leaves the construction site for any reason,
- e) verify that the LEO remains at the construction site for the entire duration of the operational shift and reports back at the end of the shift, unless directed otherwise by the Engineer, and
- f) upon request, provide a copy of the subcontract agreement for the utilization and implementation of the LEO to the Engineer.
- g) obtain a Letter of Concurrence between the LEO and their agency and supply the Engineer with a copy of the Letter.

All planned duties and placement of the LEO will be subject to the acceptance of the Engineer.

The Contractor shall initiate and maintain communications with the LEO and the Engineer. The communications shall include the planning and coordination of the intended duties of the LEO. The Contractor and the LEO shall follow the placement of a LEO in work zones set forth by the Strategy for Law Enforcement in Work Zone Visor Card available on the Department's Law Enforcement Officers for Work Zone Safety Website located at:

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

The Contractor shall establish direct communication with the LEO and the Engineer prior to the start of LEO operational shifts. The methods of communication shall be consistent for the contract 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 which shall be returned to the Contractor at the end of the LEO's shift.

The Contractor shall have no authority over a LEO when the LEO is called away from the project and acting in an official law enforcement agency capacity not related to the contract.

Engineer Responsibilities

The Contractor's choice of activities and placement of a LEO associated with the project work zone shall be subject to the acceptance and direction of the Engineer, in accordance with 105 and 108.

The Engineer may direct a LEO to perform additional queue protection, enforcement, or other patrolling activities to encourage motorists to respect the work zone. Other activities of a LEO will not be allowed without prior acceptance of the Engineer.

The Engineer may request a copy of the subcontract agreement from the Contractor for the utilization and implementation of the LEO.

The Engineer will have no authority over a LEO when the LEO is called away from the project and acting in an official law enforcement agency capacity not related to the contract.

Training

Training for the LEO, the Contractor, and the Engineer will be conducted as stated herein.

a) LEO Training:

Any individual LEO designated to perform a work zone shift shall provide evidence acceptable to the Engineer of valid and successful completion of either Tier 1 or Tier 2 police academy training.

b) Contractor and Engineer Training:

The Contractor and the Engineer shall successfully complete the Department's Part 1 web based "Law Enforcement Officers in INDOT Work Zones Training" available on the Department's Law Enforcement Officers for Work Zone Safety website located at:

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

c) Additional Training

In addition to the individual training listed above for each group, the LEO, the Contractor, and the Engineer shall review the Department's Part 2 Training and agree to adhere to the requirements contained in the specific training entitled "Instructions and Procedures For Non-ISP Law Enforcement Officers When Working in INDOT Work Zones".

All individuals shall sign the signature page located at the end of the Part 2 Training document. By signing, individuals will be confirming the successful completion of the individual training requirements and Part 2 of the law enforcement training.

The Part 2 training document is available on the Department's Law Enforcement Officers for Work Zone Safety website located at:

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

Method of Measurement

The use of a LEO for work zone safety will be measured by the number of hours during traffic control phases requiring a LEO and accepted by the Engineer. Each portion of an hour worked on an accepted shift will be measured as a whole hour.

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

Training will not be measured for payment.

Basis of Payment

Law Enforcement Officers utilized for work zone safety will be paid for at the contract unit price of \$75 per hour for those hours accepted by the Engineer. Each portion of an hour worked on an accepted shift will be paid for as a whole hour.

Payment will be made under:

Pay Item	Pay Unit Symbol
Law Enforcement Officer.....	HR

All costs associated with obtaining and implementing a qualified Law Enforcement Officer shall be included in the cost of the pay item.
