§ 630.1016 Compliance date.

States shall comply with all the provisions of this rule no later than October 12, 2007. For projects that are in the later stages of development at or about the compliance date, and if it is determined that the delivery of those projects would be significantly impacted as a result of this rule’s provisions, States may request variances for those projects from the FHWA, on a project-by-project basis.

Subpart K—Temporary Traffic Control Devices

AUTHORITY: 23 U.S.C. 109(c) and 112; Sec. 1110 of Pub. L. 109–59; 23 CFR 1.32; and 49 CFR 1.48(b).

SOURCE: 72 FR 68489, Dec. 5, 2007, unless otherwise noted.

§ 630.1102 Purpose.

To decrease the likelihood of highway work zone fatalities and injuries to workers and road users by establishing minimum requirements and providing guidance for the use of positive protection devices between the work space and motorized traffic, installation and maintenance of temporary traffic control devices, and use of uniformed law enforcement officers during construction, utility, and maintenance operations, and by requiring contract pay items to ensure the availability of funds for these provisions. This subpart is applicable to all Federal-aid highway projects, and its application is encouraged on other highway projects as well.

§ 630.1104 Definitions.

For the purposes of this subpart, the following definitions apply:

Agency means a State or local highway agency or authority that receives Federal-aid highway funding.

Exposure Control Measures means traffic management strategies to avoid work zone crashes involving workers and motorized traffic by eliminating or reducing traffic through the work zone, or diverting traffic away from the work space.

Federal-aid Highway Project means highway construction, maintenance, and utility projects funded in whole or in part with Federal-aid funds.

Motorized Traffic means the motorized traveling public. This term does not include motorized construction or maintenance vehicles and equipment within the work space.

Other Traffic Control Measures means all strategies and temporary traffic controls other than Positive Protection Devices and Exposure Control Measures, but including uniformed law enforcement officers, used to reduce the risk of work zone crashes involving motorized traffic.

Positive Protection Devices means devices that contain and/or redirect vehicles and meet the crashworthiness evaluation criteria contained in National Cooperative Highway Research Program (NCHRP) Report 350, Recommended Procedures for the Safety Performance Evaluation of Highway Features, 1993, Transportation Research Board, National Research Council. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. This document is available for inspection and copying at FHWA, 1200 New Jersey Avenue, SE., Washington, DC 20590, as provided in 49 CFR part 7. You may also inspect a copy at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741 6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

Work Zone Safety Management means the entire range of traffic management and control and highway safety strategies and devices used to avoid crashes in work zones that can lead to worker and road user injuries and fatalities, including Positive Protection Devices, Exposure Control Measures, and Other Traffic Control Measures.

§ 630.1106 Policy and procedures for work zone safety management.

(a) Each agency’s policy and processes, procedures, and/or guidance for the systematic consideration and management of work zone impacts, to be
established in accordance with 23 CFR
630.1006, shall include the consideration
and management of road user and
worker safety on Federal-aid highway
projects. These processes, procedures,
and/or guidance, to be developed in
partnership with the FHWA, shall ad-
dress the use of Positive Protection De-
vices to prevent the intrusion of mo-
torized traffic into the work space and
other potentially hazardous areas in
the work zone; Exposure Control Mea-
sures to avoid or minimize worker expo-
sure to motorized traffic and road user
exposure to work activities; Other
Traffic Control Measures including
uniformed law enforcement officers to
minimize work zone crashes; and the
safe entry/exit of work vehicles onto/
from the travel lanes. Each of these
strategies should be used to the extent
that they are possible, practical, and
adequate to manage work zone expo-
sure and reduce the risks of crashes re-
sulting in fatalities or injuries to
workers and road users.

(b) Agency processes, procedures,
and/or guidance should be based on
consideration of standards and/or guid-
ance contained in the Manual on Uni-
form Traffic Control Devices (MUTCD)
and the AASHTO Roadside Design
Guide, as well as project characteris-
tics and factors. The strategies and de-
vices to be used may be determined by
a project-specific engineering study, or
determined from agency guidelines
that define strategies and approaches
to be used based on project and high-
way characteristics and factors. The
types of measures and strategies to be
used are not mutually exclusive, and
should be considered in combination as
appropriate based on characteristics
and factors such as those listed below:
(1) Project scope and duration;
(2) Anticipated traffic speeds through
the work zone;
(3) Anticipated traffic volume;
(4) Vehicle mix;
(5) Type of work (as related to work-
er exposure and crash risks);
(6) Distance between traffic and
workers, and extent of worker expo-
sure;
(7) Escape paths available for work-
ers to avoid a vehicle intrusion into
the work space;
(8) Time of day (e.g., night work);
(9) Work area restrictions (including
impact on worker exposure);
(10) Consequences from/to road users
resulting from roadway departure;
(11) Potential hazard to workers and
road users presented by device itself
and during device placement and re-
moval;
(12) Geometrics that may increase
impact on worker exposure;
(13) Access to/from work space;
(14) Roadway classification; and
(15) Impacts on project cost and dura-
tion.

(c) Uniformed Law Enforcement Pol-
icy. Each agency, in partnership with
the FHWA, shall develop a policy ad-
dressing the use of uniformed law en-
forcement on Federal-aid highway
projects. The policy may consist of
processes, procedures, and/or guidance.
The processes, procedures, and/or guid-
ance should address the following:
(1) Basic interagency agreements be-
tween the highway agency and appro-
 priate law enforcement agencies to ad-
dress work zone enforcement needs;
(2) Interaction between highway and
law-enforcement agency during project
planning and development;
(3) Conditions where law enforcement
involvement in work zone traffic con-
trol may be needed or beneficial, and
criteria to determine the project-spe-
cific need for law enforcement;
(4) General nature of law enforce-
ment services to be provided, and pro-
ducts to determine project-specific
services;
(5) Appropriate work zone safety and
mobility training for the officers, con-
sistent with the training requirements
in 23 CFR 630.1008(d);
(6) Procedures for interagency and
project-level communications between
highway agency and law enforcement
personnel; and
(7) Reimbursement agreements for
law enforcement service.

§ 630.1108 Work zone safety man-
agement measures and strategies.

(a) Positive Protection Devices. The
need for longitudinal traffic barrier
and other positive protection devices
shall be based on an engineering study.
The engineering study may be used to
develop positive protection guidelines