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CONSTRUCTION MEMORANDUM

No. 01-2024

DESIGN MEMORANDUM

No. 01-2024

MAINTENANCE MEMORANDUM

TO: Chief District Engineers
TEBMs for Project Delivery and Preservation
TEBMs for Project Development
Project Development Branch Managers
Active Consultants
Section Engineers

FROM: Matthew P. Simpson, P.E.
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Division of Construction

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Director
Division of Maintenance

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DATE: February 14, 2024

SUBJECT: Best Practices for Use of Law Enforcement Officers in KYTC Work Zones

KYTC's Work Zone Safety Committee has developed Best Practices for use of Law Enforcement Officers in KYTC project work zones. These practices should be considered and utilized if determined to be applicable by KYTC project teams.

Attachment: *Best Practices for Law Enforcement Officers (LEO) in KYTC Work Zones*

MPS
Cc: KAHC

Best Practices for The Use of Law Enforcement Officers (LEO) in KYTC Work Zones

1. General

The following best practices are for the use of Law Enforcement Officers in Kentucky's work zones to reduce work zone accidents, injuries and fatalities to road users and highway workers. These practices will primarily be utilized for assisting with construction and maintenance activities on KYTC roadways.

These best practices were developed to help KYTC Engineers, Contractors and Law Enforcement Officers produce a safer work zone. The practices do not constitute any policy/procedure or any standard specifications. For information regarding policies/procedures and/or standard specifications please refer to the current edition of Standard Specifications for Roadway and Bridge Construction, current standard drawings and/or the Manual on Uniformed Traffic Control Devices (MUTCD).

Standard Specifications:

<https://transportation.ky.gov/Construction/Pages/Kentucky-Standard-Specifications.aspx>

Standard Drawings:

<https://transportation.ky.gov/Highway-Design/Pages/Standard-Drawings.aspx>

MUTCD

[Manual on Uniform Traffic Control Devices \(MUTCD\) - FHWA \(dot.gov\)](#)

The primary way a Law Enforcement Officer (LEO) will be utilized in work zones in Kentucky is:

Presence: LEO will be in work zone to alert motorists, workers, and equipment in the work zone, discourage unlawful driving in the work zone and encourage drivers to cautiously drive through work zone.

2. Determination if a Law Enforcement Officer is Needed

Early communication during the design process of each project is key. A Law Enforcement Officer's Presence is encouraged, but not limited to, the following projects:

- a.) Projects when work zone is adjacent to high-speed traffic lane (i.e., interstate and parkway projects).
- b.) Projects with poor visibility (i.e., fog) or projects with poor geometry (i.e. poor vertical or horizontal curves).
- c.) Projects where specific operations are mobile on high volume or high-speed roadways.
- d.) Projects that are being completed during nighttime hours.
- e.) Other projects determined by District Personnel.

If work is behind barrier wall, Law Enforcement Officers are not necessary. At the discretion of the Engineer, a Law Enforcement Officer may be utilized during the setup/installation and removal of barrier wall. Also, the Engineer may request the presence of LEO(s) in order to allow traffic flow to adjust to new traffic patterns.

3. Use of Law Enforcement Officer

When a LEO is requested for a project, that LEO must be an uniformed officer with a properly marked vehicle equipped with flashing blue lights to help discourage motorists with aggressive driving.

3.1 Different Type of Work Zone Environments

a.) Free Flowing Traffic- If traffic is free flowing through the work zone, the officer is preferred to be located at a reasonable safe distance in advance of the work zone.

b.) Traffic slowed or stopped-If traffic is slowing or if a significant queue is occurring, the LEO is preferred to position their vehicle in advance of the queue to slow traffic. This may cause the LEO to have to reposition several times to stay in advance of the queue or require multiple LEOs to be utilized.

c.) Mobile Operation-The LEO is preferred to be placed on the shoulder in advance of the mobile operation at a safe distance to alert motorists of the upcoming mobile operation.

In the attached appendices, recommendations have been provided for potential placement of the LEO. However, engineering judgement should be used to determine the best location for the LEO to help heighten awareness of queues when approaching a work zone as well as keeping the flow of traffic through the work zone free flowing. Areas where construction workers and/or KYTC employees are exposed to traffic should be the priority unless queues are occurring.

4. Communication

Line of communication is vital when utilizing LEO's in work zones. Law Enforcement Officer line item will be established for the project in one of two ways:

4.1 Contractor Provided LEO Service.

Law Enforcement Office line item will be included in the list of pay items for a contractor to bid on. It will be the responsibility of the contractor to establish an agreement with a law enforcement agency to provide presence in a particular work zone. The law enforcing agency shall be pre-approved for work on KYTC projects. Compensation for the Law Enforcement Officer will be measured and paid in accordance with the latest edition of section 112 of the Kentucky Standard Specifications for Road and Bridge Construction. It will be the contractor's responsibility to have an open line of communication with the law enforcement agency and implement the LEO in accordance with the project's traffic control plan. The Engineer shall be kept abreast and review/approve any changes or deviations in the traffic control plan.

4.2 KYTC provided Kentucky State Police Officers.

On other projects where there is no bid item setup in the contract or on maintenance projects, KYTC will request the use of off duty Kentucky State Police (KSP) officers utilizing intergovernmental agreements. KYTC will be responsible for the line of communication with KSP. KYTC's engineer or designee will be responsible for establishing the line of communication with KSP via TC 63-68. The Engineer will be responsible for coordinating with the KSP and the contractor on desired location and duration of the Law Enforcement Officer.

5. Scheduling and Cancellations

5.1 Law Enforcement Bid Item Is Setup In Contract

On projects where the LEO bid item is setup in the contract, the contractor will be responsible for coordinating any and all contract work that requires a LEO with the law enforcement agency. The contractor will be responsible to get approval from KYTC prior to the use of LEO. The contractor will be responsible for notifying all involved parties and any cancellations/scheduling conflicts. KYTC will only pay for hours worked in the work zone. No other payment will be made for cancellations, for any reason.

5.1 Law Enforcement Bid Item Not Setup In Contract

On projects where there are no bid items setup in the contract (such as on maintenance projects), the KYTC Engineer or designee will be responsible for scheduling contract work with KSP as well as notifying them of any cancellations of work. KYTC Engineer or designee will give as much notice as possible if a cancellation occurs on project. The KYTC Engineer or designee will also notify the contractor of any changes.

In the event that LEO's are not available during any phase of the work it will be the Engineer's judgement as to whether operations can continue without LEOs present or to delay work until LEOs are available.

6. Payment Procedures

There will be two methods of payment for law enforcement officers in work zones, depending on how the contract is set up.

6.1 LEO Contract Bid Item

First option would be that bid items are established in Proposals/Master Agreement/Contracts for the contractor to send payment directly to the law enforcement agency they choose to use. The contractor shall establish an agreement with a law enforcement agency to provide a Law Enforcement Officer to be used to warn traffic of lane closures and stopped traffic ahead. The contractor will be responsible to reimburse the law enforcement agency of the costs for this service according to the contract documents. As previously stated, the contractor will be compensated for the Law Enforcement Officer in accordance with the latest edition of section 112 of the Kentucky Standard Specifications for Road and Bridge Construction.

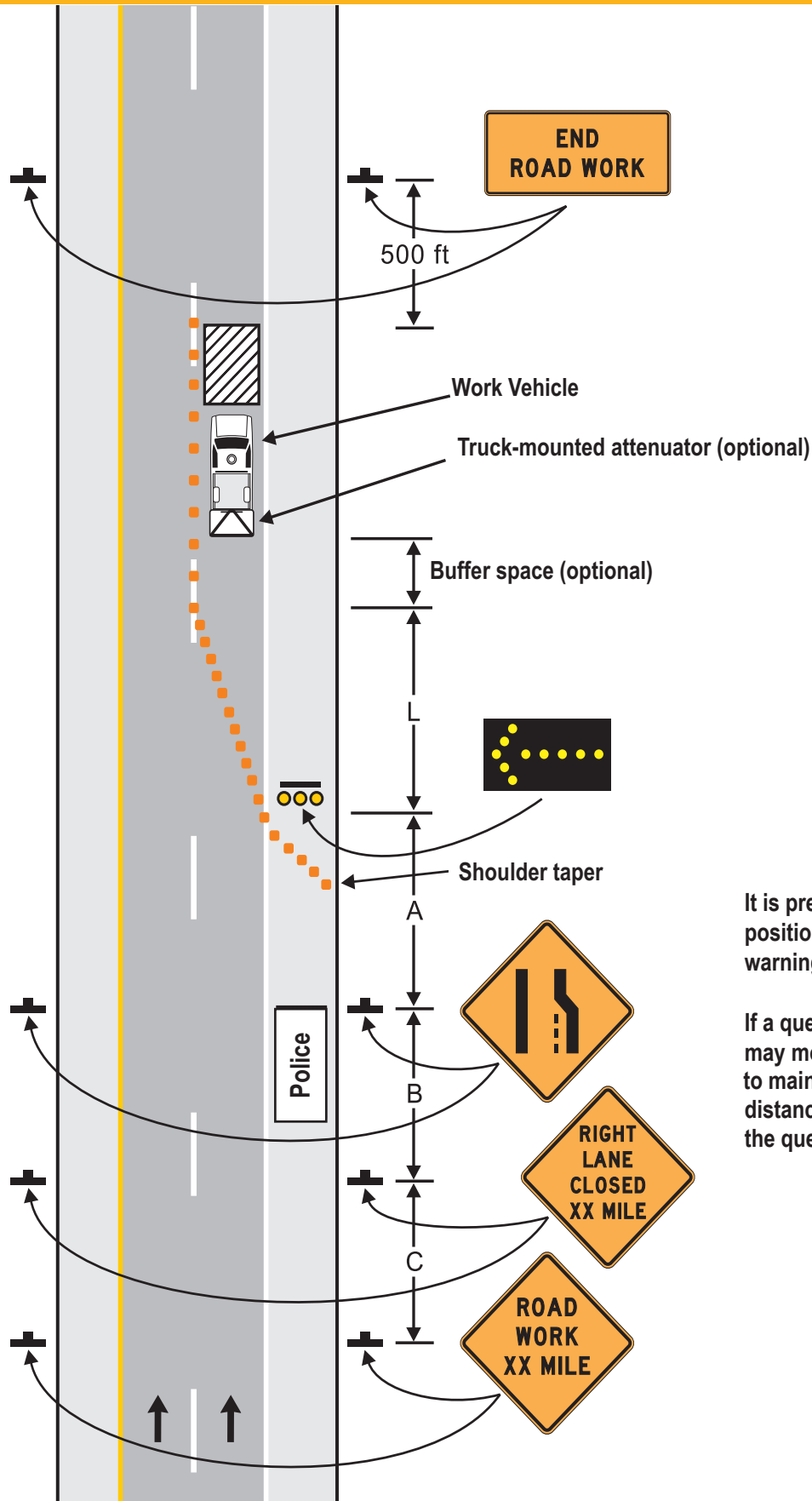
6.2 No Contract Bid Item for LEO

Second option would be if there are no bid items set up for the use of a law enforcement officer, such as maintenance work. Form TC 63-68 shall be filled and submitted as directed for review and approval. All payments to KSP will be deducted from the Project Authorization Funding and handled by the Division of Accounts.

I. APPENDIX 1

Recommended Positioning for Law Enforcement in Various Work Zones

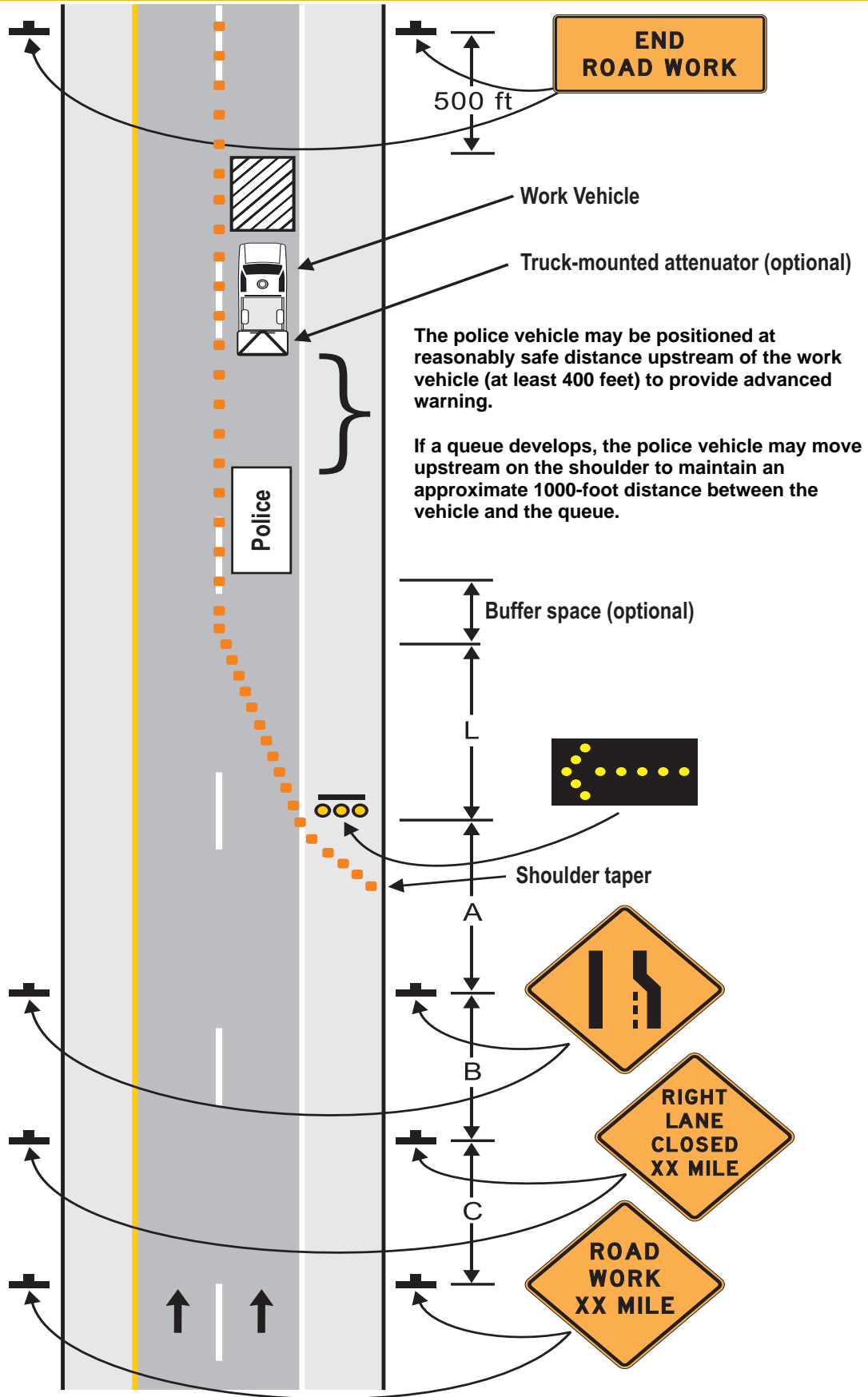
Recommended Stationary Enforcement Position: Lane Closure with Work Activity Area Less Than 1 Mile from the Merging Taper



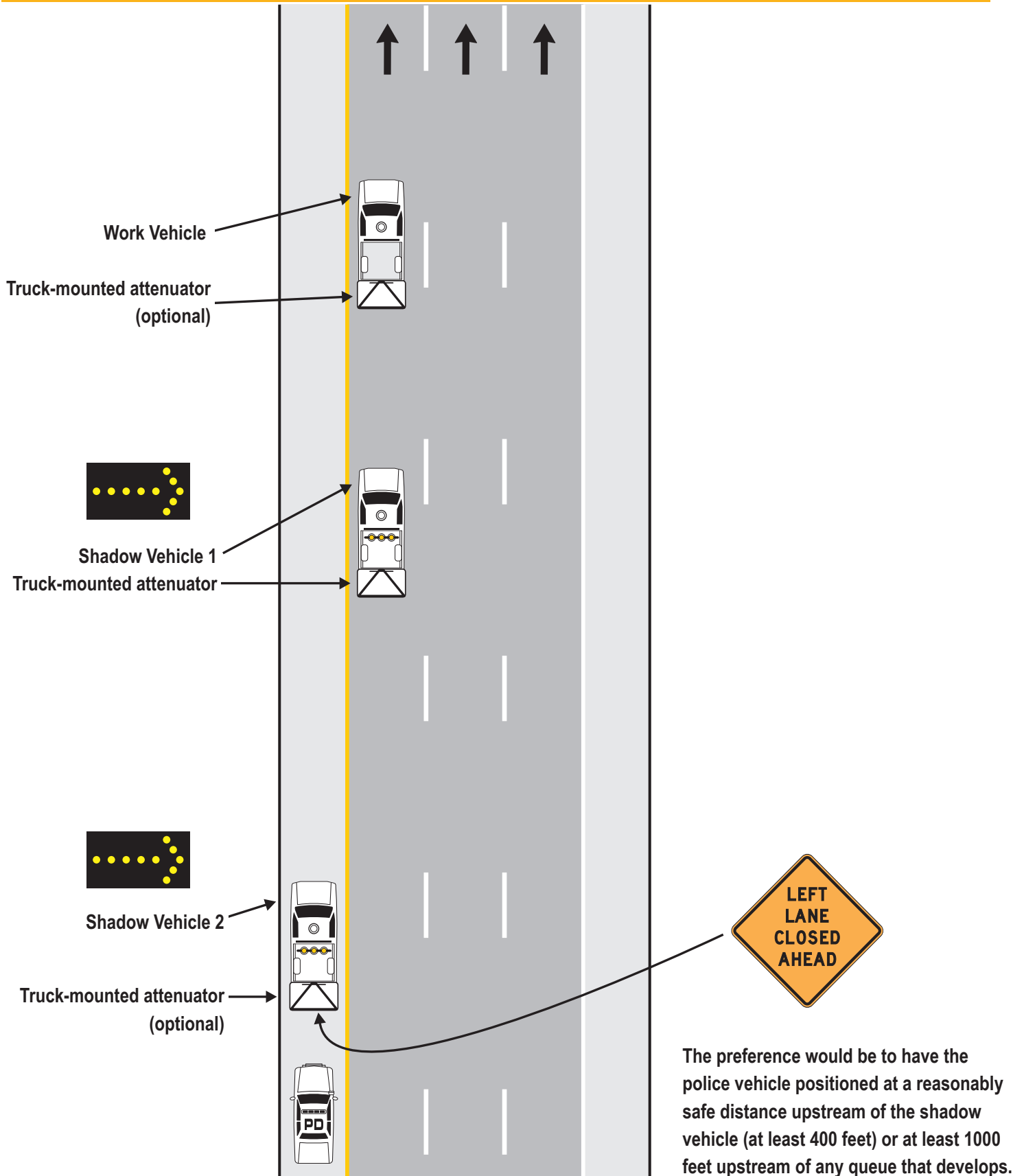
It is preferred to have the police vehicle positioned upstream of the last advance warning sign.

If a queue develops, the police vehicle may move upstream on the shoulder to maintain an approximate 1000-foot distance between the vehicle and the queue.

Recommended Stationary Enforcement Position: Lane Closure with Work Activity Area More Than 1 Mile from the Merging Taper



Recommended Enforcement Position: Mobile Operation Convoy When Continuous Shoulder Is Available for Travel



Recommended Enforcement Position: Mobile Operation Convoy When No Continuous Shoulder Is Available for Travel

