



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Katy Allen

**SUBJECT: OPTIONS FOR CONSTRUCTION
FLAGGING**

DATE: May 19, 2009

Approved

Christine J. Shipp

Date

5/21/09

BACKGROUND

This memorandum is prepared in response to a question that was raised during budget discussions regarding available options for construction traffic control as an alternative to deploying regular or reserve police officers. In addition, this memorandum provides the status of ongoing efforts to provide those options.

City contracts and encroachment permits involving construction in the public right of way have historically specified that contractors use San Jose regular or reserve police officers (regulated by the Secondary Employment Unit) to provide traffic control for construction activities at or near signalized intersections. For construction activities within the public right of way, but not at or near signalized intersections, the common practice for other municipalities has been to use flaggers.

Officer availability, shift minimums, public perception and consideration of cost factors create a need to revisit how and when traffic control officers are specified for providing safe traffic control through construction zones.

ANALYSIS

The Manual on Uniform Traffic Control Devices (MUTCD), published by the Federal Highway Administration, defines the standards used by road managers nationwide to install and maintain traffic control devices on all streets and highways. The California Department of Transportation has amended the MUTCD for use in California to prescribe uniform standards and specifications for all official traffic control devices in the state. This action was taken pursuant to the provisions of the California Vehicle Code Section 21400 and the recommendation of the California Traffic Control Devices Committee (CTCDC).

The California Code of Regulations Title 8, §1599 requires the use of trained flaggers to control traffic through construction zones that cannot be effectively controlled through barricades and warning signs. Flaggers are trained in the use of signs, hand signals, flagging methodology and operations, placement of traffic control devices, dealing with hostile drivers, and the use of reflectorized garments and safety equipment. All 50 states require the use of trained flaggers,

with most states requiring some form of certification through the American Traffic Safety Services Association (ATSSA) or the National Safety Council (NSC).

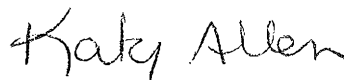
City contracts and permits for construction require the contractor to be responsible for the safe passage of traffic through construction zones by the use of approved traffic control devices such as delineators, cones, barricades, warning signs, changeable message signs, and through the use of trained flaggers. Traffic control plans are submitted to the City for review before construction begins in order to ensure that traffic will be managed in a safe and efficient manner. Most contractors have access to trained flaggers and use them routinely on construction projects.

The State does not have an officially recognized certification program; however there are a number of industry associations that have programs that are recognized elsewhere in the country. In San Jose, the Departments of Public Works and Transportation propose to expand the use of *certified* flaggers for routine traffic control through signalized intersections while maintaining the discretion to require the use of police officers when prudent. The use of certified flaggers provides greater availability, flexibility and cost efficiency while ensuring that traffic through routine construction zones is controlled in a safe and efficient manner. The potential for cost savings would be realized by developers, utility companies, Capital Improvement Projects, and possibly City maintenance functions. This also provides an option that nearly all other cities allow, so contractors and utility companies won't need to continue to be subject to different rules in San Jose.

The California Vehicle Code Section 21100 gives the City broad authority to adopt rules and regulations regarding the regulation of traffic. To provide complete legal clarity, the City Attorney's Office recommends that the current Municipal Code language be amended to provide specific authorization for the use of flaggers, such as that shown in the attachment. The proposed ordinance addressing this change will be sent to City Council for adoption in June. Upon Council adoption of the ordinance, the Departments of Public Works and Transportation propose to move forward utilizing certified flaggers in a manner that is used successfully in nearly all other California cities and states and throughout the country.

COORDINATION

This issue and proposal have been coordinated with the Police Department, the Department of Transportation and the City Attorney's Office.



Katy Allen
Director of Public Works

Attachment

For questions or more information, please contact TIMM BORDEN, Deputy Director of Public Works, at (408) 535-8499.

ATTACHMENT

Proposed Construction Contract and Encroachment Permit Language:

"Temporary Traffic Control systems and devices shall be in conformance with the "California Manual of Uniform Traffic Control Devices (CA MUTCD) for Streets and Highways, September 26, 2006", published by Caltrans. Traffic control plans are required to be submitted to the City for review prior to construction.

Certified flaggers or City of San Jose Police Officers shall direct traffic through construction zones where warning signs, cones, delineators, barricades and other temporary traffic control devices cannot effectively control moving traffic.

Flaggers shall be sufficiently trained and equipped in accordance with California Code of Regulations, Title 8, Section 1599. In addition, flaggers shall be certified by the American Traffic Safety Services Association (ATSSA) or the National Safety Council (NSC)."