

DEPARTMENT OF TRANSPORTATION**Federal Highway Administration****[FHWA Docket No. FHWA-1999-5387]****Transportation Equity Act for the 21st Century; Use of Uniformed Police Officers on Federal-Aid Highway Construction Projects****AGENCY:** Federal Highway Administration (FHWA), DOT.**ACTION:** Notice; request for comments.

SUMMARY: This notice invites public comments on issues relating to the legislative requirement to conduct a study and report to the Congress on the extent and effectiveness of use by States of uniformed police officers on Federal-aid highway construction projects. This is provided in section 1213 (c) of the Transportation Equity Act for the 21st Century (TEA-21).

DATES: In order for comments responding to issues raised by this notice to be considered during the critical early stages of the study, they should be submitted no later than January 3, 2000.

ADDRESSES: Signed, written comments should refer to the docket number that appears at the top of this document and must be submitted to the Docket Clerk, U.S. DOT Docket, Room PL-401, 400 Seventh Street, SW., Washington, D.C. 20590-0001. All comments received will be available for examination at the above address between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Michael E. Robinson, Office of Highway Safety Infrastructure (HMHS-20), (202) 366-2193; or Ms. Grace Reidy, Office of the Chief Counsel (HCC-32), (202) 366-6226, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday except Federal holidays.

SUPPLEMENTARY INFORMATION:**Electronic Access**

Internet users may access all comments received by the U.S. DOT Dockets, Room PL-401, by using the universal resource locator (URL): <http://dms.dot.gov>. It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

An electronic copy of this document may be downloaded using a modem and suitable communications software from

the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661. Internet users may reach the office of the **Federal Register's** home page at: <http://www.nara.gov/fedreg> and the Government Printing Office's web page at: <http://www.access.gpo.gov/nara>.

Background

Some States use uniformed police officers very extensively on their highway construction projects, while other States use virtually no police officers for work zone traffic control. Work zone safety has been a high priority issue for the FHWA, traffic engineering professionals and highway agencies. Section 1213 (c) of TEA-21, Public Law 105-178, 112 Stat. 107, 200(1998), Use of Uniformed Police Officers on Federal-aid Highway Construction Projects, requires the Department of Transportation to submit a report to Congress on the results of the study concerning use of uniformed police officers on Federal-aid highway construction sites no later than two years after the date of this section. Specific provisions are as follows:

(1) **STUDY.**—The Secretary of Transportation is required to conduct a study with States, State transportation departments, and law enforcement organizations, on the extent and effectiveness of use of uniformed police officers on Federal-aid highway construction projects.

(2) **REPORT.**—A report on the results of the study is to be submitted to Congress by June 9, 2000.

Although this study is mandated to be conducted with States, State transportation departments, and law enforcement organizations, other interested parties may comment where applicable. Comments received in response to this notice will constitute the informational basis for the study required by Section 1213(c). The results of this study will be used in the formulation of a report to Congress as to effectiveness of uniformed police officers on Federal-aid highway construction projects.

Comments and suggestions are invited concerning the extent and effectiveness of the use by States of uniformed police officers on Federal-aid highway construction projects. Of particular concern are safety, operational, and financial factors. Comments are requested specifically on the following questions; however, interested persons are encouraged to provide any information relevant to their experience and in whatever format proves most effective for conveying such information.

To the extent feasible, we encourage commenters to formulate their responses with reference to the questions provided below. This will assist the FHWA in evaluating study results and formulating an effective report to Congress. We recognize, however, that certain interested persons or organizations may wish to introduce information that is useful to our study but not conducive to the question/answer format prescribed here. We encourage and will actively consider any information responsive to the issue of stationing uniformed police officers on Federal-aid highway construction projects.

Questions

1. Please provide the name of a person in your agency that we might contact to obtain follow-up information.

NAME/RANK/ (OPTIONAL) _____

2. Law enforcement agencies please provide the following information:

ORGANIZATION _____

SIZE OF YOUR LAW ENFORCEMENT AGENCY _____

(No. of Officers)

NAME OF JURISDICTION _____

TYPE OF JURISDICTION ☐ State ☐ County
☐ Municipal ☐ Other (please provide description)

POPULATION of JURISDICTION (Check One):

☐ Less than 25,000 ☐ 25-50,000 ☐ 50-100,000 ☐ 100,000 or more

APPROXIMATE NUMBER OF HIGHWAY CONSTRUCTION PROJECTS IN WHICH YOUR AGENCY HAS BEEN INVOLVED (per year) _____

3. Does your agency have a policy to provide uniformed police officers to increase safety and operation on Federal-aid highway construction projects?

____ YES ____ NO

4. If you responded YES to Question 3, please answer the following:

☐ Please explain the policy and provide a copy.

☐ Who developed the policy?

☐ What has been the effect of the policy on the following: crashes, deaths, injuries, operations and public relations?

5. Since implementation of the policy, what has been the effect on injuries and fatalities on Federal-aid highway construction projects?

6. How many citations have been issued on Federal-aid highway construction projects in the last year?

7. Does your State conduct a training program for uniformed police officers regarding construction projects?

8. Does the training program include recognition and proper placement of

traffic control devices and other safety and operational factors?

9. Do uniformed police officers use marked police vehicles along/on highway construction projects? If yes, are the officers required to be out of the vehicles and visible to traffic?

10. Are only off-duty uniformed police officers used on Federal-aid highway construction projects or can on-duty police officers be used as well?

11. Who determines the number of uniformed police officers to be used in Federal-aid highway construction projects?

- ☐ Highway agency
- ☐ Law enforcement agency
- ☐ Joint effort (*please state between whom*)
- ☐ Other (*please describe*)

12. How is the number of uniformed police officers determined and deployed in Federal-aid construction projects?

13. Do you believe that the use of uniformed police officers on/along Federal-aid highway construction projects improves the safety and operations in work zones?

14. In addition to being in uniform, do police officers on Federal-aid construction projects wear any protective or high visibility clothing?

15. Do you believe that the use of uniformed police officers reduces the liability of the highway construction contractor?

16. Are there certain circumstances when uniformed police officers are always used (e.g., nighttime construction, high-speed/high volume highways, etc.)? Please describe those circumstances.

17. Are other law enforcement activities effective due to the use of uniformed police officers on Federal-aid highway construction projects?

18. What is the source of funding for the use of uniformed police officers on

Federal-aid highway construction projects?

- ☐ Highway construction funds
- ☐ Highway Administration funds
- ☐ Law enforcement appropriation funds
- ☐ Other (Please identify funding sources)

19. Have studies been conducted by your agency on the use of uniformed police officers in work zones?

20. Are uniformed police officers included during the planning process of a construction project?

Authority: 23 U.S.C. 315; sec. 1213(c), Pub. L. 105-178, 112 Stat. 107, 200(1998); 49 CFR 1.48.

Issued on: October 15, 1999.

Kenneth R. Wykle,

Federal Highway Administrator.

[FR Doc. 99-28517 Filed 10-29-99; 8:45 am]

BILLING CODE 4910-22-U