

## § 226-33. Traffic Control for Excavation and Construction Projects in Public Ways.

### 1. PURPOSE AND GENERAL REQUIREMENTS

The purpose of this ordinance is to establish standards for traffic control for all construction projects in the right of way. This shall be required by all individuals, organizations, contractors, or other entities whose work in or adjacent to public rights of way affect or influence vehicular, pedestrian, or any other passage by the public through the rights of ways. Levels of traffic control may vary for each individual project, however, all construction projects shall be carried out in accordance with principles outlined in the Manual of Traffic Control Devices, 2009 or latest edition.

Any and all entities who perform construction, excavation or otherwise who perform earthwork or otherwise take any action which would hinder the free passage of vehicles, bicyclists or pedestrians on any street, sidewalk, or public right-of-way within the City of Sanford shall obtain a Highway Excavation Permit or Lane or Shoulder Closure Permit to be issued in advance by the Director of Public Works Director or his or her designee). The fee for the permit shall be as designated in Chapter 226, Article III.

### 2. HIGHWAY EXCAVATION PERMIT APPLICATION CRITERIA

An application for a Highway Excavation Permit under this section shall be made upon such forms as may be developed by the Public Works Director. All applications under this Chapter shall be filed with the Public Works Director no less than 24 hours, weekends and holidays excluded, prior to the commencement any work or the placement of any obstruction in the City of Sanford streets or rights-of way. Exceptions to this delay may be granted at the discretion of the Public Works Director, however, the Director may make provision for permits to be granted in emergency situations under such terms as he or she determines.

### 3. AUTHORITY OF THE PUBLIC WORKS DIRECTOR

The Public Works Director, or his designee, shall have authority to interpret this Article and require any amount of traffic control measures on any project requiring a Highway Excavation Permit, or other work within a public right of way, in order to provide safety to vehicular traffic, pedestrians, or other vehicles. The Public Works Director or his designee shall also have the authority to require any changes or revisions to the approved initial Traffic Control provisions or devices, including, but not limited to, requiring the presence of uniformed police officers, during the project as changing conditions and safety concerns warrant. In certain situations, and at his or her discretion, the Public Works Director may also allow reduction or relaxation of some criteria described herein. Any such reduction or relaxation shall not relieve any contractor, person or entity of their legal responsibilities to protect the public and any and all property from injury or damage. Failure by the permittee, contractor, person, or entity to provide such measures to the satisfaction of the Public Works Director may result in enforcement action as indicated herein.

- a. In addition to the requirements of Chapter 226, Article III § 226-28 D, all applicants for a Public Highway Excavation Permit shall provide a Traffic Control and Safety Plan (“the Plan”) for review and approval by the Director of Public Works, or designees. The Plan shall demonstrate the measures to be employed to control vehicular traffic and protect pedestrians, bicyclists, people in handicapped devices and the public in general. The Plan shall be a hard copy document and may consist of a narrative and sketches, aerial photograph sketches, or a diagram showing the signage, barricades, channelization devices such as barrels or cones, positions of flaggers, and other devices to be used. The narrative shall include a plain statement of what actions will be taken by the permittee to protect personal safety and property which could be affected by the work to be performed under the permit.
- b. Elements of the Plan, and implementation of the Plan or any possible variations of the Plan in the field, shall be in conformance with the Manual on Uniform Traffic Control and Devices, latest edition (hereinafter, “MUTCD”). Unless otherwise allowed by the Public Works Director, all applications under this Article shall be filed with the Public Works Director no less than 24 hours, weekends and holidays excluded, prior to the commencement of any work or the placement of any obstruction in the City streets or rights-of way. Except, however, the Director of Public Works shall make provision for permits to be granted in emergency situations under such terms as determined by him or her.
- c. The permittee shall in general maintain safe crossings for two (2) lanes of vehicle traffic at all street intersections where possible and safe crossings for pedestrians. The contractor or entity shall provide traffic control such that no traffic crosses a roadway centerline, or creates a dangerous condition at a street intersection. Channelization devices such as cones and signs for traffic direction may be employed to alter locations of the two travel lanes and create a temporary centerline if this is proposed in the Plan or allowed by the Director of Public Works or his designee. If any excavation is made across any public street or sidewalk, adequate crossings shall be maintained for vehicles and for pedestrians. It shall be the duty of every permittee cutting, performing excavation, or moving of construction equipment in or upon any public place, to place and maintain barriers, warning devices and signage necessary to provide for safety of the general public.

#### 4. PROPERLY TRAINED AND COMPETENT FLAGGER

The term “properly trained and competent flagger” shall mean a person who is either certified by Maine DOT or who otherwise meets formal training and/or experience criteria approved by the Public Works Director to be considered as being properly trained and competent. The Public Works Department shall promulgate and maintain a list of properly trained and competent flag personnel and/or their companies on file for public view. To be included on the approved list, written documentation shall be provided by the flaggers or their companies demonstrating the individuals’ training and experience. Applicants for Highway Excavation Permits shall choose flagging personnel from this list, or shall provide documentation of other flaggers they wish to employ as properly trained and competent flaggers.

## 5. REQUIREMENTS FOR MAINTAINING TWO-WAY TRAFFIC

As determined by the Public Works Director, whenever necessary to protect personal safety and property, including, but not limited to, cases where vehicular traffic crosses or is likely to cross over any roadway centerline, any permittee under this Article may be required to retain the services of either uniformed police officers or properly trained and competent flaggers as defined herein. Within the Traffic Control and Safety Plan, the permittee shall also indicate locations for any other protective or channelization devices such as barriers, traffic cones, direction signs, advance warning signs, or other measures as may be required by the Public Works Director.

Unless it is demonstrated to his or her satisfaction that two-way traffic can be allowed in both directions at the same time, the Public Works Director may permit an entity to temporarily reduce the number of travel lanes to a single lane provided properly trained and competent flaggers are used to direct and control traffic. Detours shall be allowed only with the approval of the Public Works Director. All traffic control methods and devices shall comply with the Manual on Uniform Traffic Control devices, latest edition.

## 6. UNIFORMED POLICE OFFICERS REQUIRED

Pursuant to the traffic control standards established herein, all individuals, organizations, contractors, or other entities to include work performed by or under contract with the City, the Sanford Water District or the Sanford Sewerage District, any permit issued pursuant to this ordinance may require the use of uniformed police officers under the following circumstances:

- a. The Public Works Director or his designee determines that circumstances exist creating a public safety concern such that the use of uniformed police officers shall be required. The Public Works Director shall obtain the conferment of the Chief of Police or Assistant Chief of Police in evaluating the need for uniformed police details or any additional traffic control to provide acceptable public safety measures.
- b. If the Public Works Director and Chief of Police or Assistant Chief of Police deem it necessary to protect public safety, a Police Traffic Detail in conformance with Sanford Police Department standards shall be required on the following streets: Main Street, Lebanon Street, Washington Street, Cottage Street, High Street, School Street, Oak Street, Pleasant Street, River Street, and Route 4. Other roads may be added to this list. The decision on whether a uniformed police officer detail is required shall be made by the Public Works Director, who may consult with and receive advice from the Sanford Police Chief or Assistant Police Chief.
- c. If the Public Works Director in conferment with the Chief of Police or Assistant Chief of Police deem it necessary to protect public safety, a Police Traffic Detail will be required for any traffic control activities within an intersection controlled by a traffic signal device when not operational, unless the intersection is adequately controlled using properly trained and competent flaggers and the traffic control measures meet all standards within the latest edition of the Manual on Uniform Traffic Control and Devices. In such cases, if he or she determines that public safety is still not adequate at the intersection, the Public Works Director may require that uniformed police officers are necessary for additional safety.

- d. All costs for police details that occur on any construction project in public ways shall be subject to Sanford Police Department policies and procedures.

#### 7. CITY HELD HARMLESS:

All entities initiating and performing the earthwork project in the City of Sanford, whether or not in compliance with the conditions of the Highway Excavation Permit shall bear all risk and responsibility for incidents and occurrences within the duration of said projects. The City of Sanford shall be held harmless for all events and claims arising from said projects.

#### 8. ENFORCEMENT:

The City of Sanford shall make such inspections for all working projects as are reasonably necessary in the enforcement of this Article. The City shall have the authority to promulgate and cause to be enforced such rules, policies, and regulations as may be reasonably necessary to enforce and carry out the intent of this Article.

If in their judgment, the Director of Public Works, Chief of Police or Assistant Chief of Police observe a project in a public way, or crossing a public way, and is out of compliance with the Traffic and Safety Plan or otherwise unreasonably jeopardizing public safety, the Public Works Director, Chief of Police or Assistant Chief of Police shall carry out one or more of the following procedures:

- a. Carry out or arrange for a Stop Work Order for the project until traffic control is effectively brought into compliance;
- b. Issue a written or verbal warning to the responsible permittee, contractor, person or entity stating that the project needs to comply with this Article to avoid a Stop Work Order, including, if necessary, additional traffic control and safety measures to be employed;
- c. Direct that the project's traffic control will require uniformed police officers in accordance with this Article and the Sanford Police Department's practices and procedures. The entity or contractor shall be solely responsible for fees assessed for the presence of uniformed police officers. Utilization of police officers shall not relieve any other traffic control requirements required by this Article.
- d. Any person violating the provisions of this article shall be guilty of a violation and subject to a fine or not more than \$500.