

TOWN OF AUBURN

TOWN ORDINANCE

TRAFFIC CONTROL IN CONSTRUCTION WORK ZONES

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1.0. Statement of Purpose

The purpose of this ordinance is to establish standards for the use of appropriate traffic control techniques when, in the course of repairs or construction on public roads or the laying or repairing of sewers, electrical, telephone, gas lines, water or any type of telecommunications equipment, cable TV or other types of underground utilities or the installation of above ground utilities which would interfere with the normal or regular flow of traffic within the Town of Auburn, or the flow of vehicular or pedestrian traffic is impeded or displaced. In all cases, the priority shall be to provide for the safety and security of the general public and the workers in the work zone.

2.0. Authority

New Hampshire RSA 41:11, 47:17 VII, VIII and XVIII provides the Board of Selectmen with full authority to control traffic in highway/bridge construction zones on Class IV, V and VI roads within the community.

New Hampshire RSA 228:21, 236:1 and 228:37 provides the Commissioner of the NH Department of Transportation with full authority to control traffic in highway/bridge construction zones on Class I, II and III highways.

3.0. Traffic Control Operations and Requirements

To the extent possible, the Town of Auburn shall utilize dynamic traffic control that can continuously adjust to meet changing work zones needs and traffic demands.

All traffic control efforts shall meet standards established by the nationally recognized Manual on Uniform Traffic Control Devices (MUTCD), the NH Department of Transportation Flagger and Uniformed Officer Guidelines and NH Department of Labor Administrative Rules (LAB 1403.21 and LAB 1403.58).

Traffic control operations may consist of:

- MUTCD Signage, barricades, traffic lights or other devices and delineation
- Centerline cones
- Portable rumble strips
- Automated speed signs
- Alternating one-way traffic, lane control and closure
- Road closures and detour routes
- Flaggers
- Uniformed Officers and marked cruisers

Roadways in the Town of Auburn shall fall under one of three designated minimum requirements for traffic control:

- Uniformed law enforcement officers with marked cruiser
- Flaggers
- Cones, signage, barricades (per MUTCD guidelines)

Appendix A to this ordinance is a map of the Town of Auburn showing by color code each road's or section of road's minimum designated type of traffic control, while Appendix B to this ordinance is an alphabetical list by road name of the designation assigned to that road or section of road.

Contractors must provide the minimum traffic control as designated on the map, but may choose to use a higher level of control, or a combination of controls, as desired. Where a work zone includes two or more different designated control level areas, the higher level of traffic control shall prevail for the entire work area. The cost of all traffic control measures shall be borne by the contractor performing the work.

4.0. Operational Standards

- 4.1 All flaggers and uniformed law enforcement officers engaged in the duty of traffic control under this ordinance shall have been trained by an American Traffic Safety Services Association (ATSSA) or National Safety Council (NSC) certified instructor or equivalent within the preceding four years. A record of successful course completion shall be provided to, and kept on file, at the Board of Selectmen's Office.
- 4.2 All flaggers and uniformed law enforcement officers engaged in the function of traffic control, per this ordinance, shall use a STOP/SLOW paddle meeting the specifications of MUTCD Section 6E.03 or equivalent and shall wear high visibility clothing per MUTCD Section 6E.02 or equivalent.
- 4.3 All flaggers and uniformed police officers while performing their duties under this ordinance shall stand in a conspicuous position on the shoulder adjacent to the traffic being controlled or in the barricaded lane facing the approaching traffic.
- 4.4 The primary duty of flaggers and uniformed police officers while on a work zone site shall be the active safe control of traffic and pedestrians. Use of electronic communication devices, other than two-way radios or cell phones that are directly required to affect those duties, shall be prohibited.
- 4.5 While engaged in the duties of traffic control, uniformed police officers shall not be used for other duties. They may offer immediate assistance within the limits of the work zone. For example, in the event of a motor vehicle accident occurring within the work zone, the officer may make an initial determination of whether injuries are involved and/or what additional services are required. If additional services are needed, the officer on traffic control shall call-in for the additional services needed and request an on-duty officer to handle any additional needs. To the extent that the officer learns of an emergency event requiring police presence which occurs outside the work zone, the officer may not leave the work zone to attend to the emergency unless authorized to do so by the Chief of Police. The Chief of Police may authorize a uniformed officer to leave the work zone to attend to an emergency elsewhere only when there is insufficient assistance available from the on-duty police officer(s), and the risk presented by the officer leaving the work zone unattended is outweighed by the need for police assistance at the emergency scene outside the work zone.

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- 4.6 In cases where private contractors are used to meet the requirements of this ordinance, a certificate of liability insurance in the amount of \$1,000,000 shall be submitted to the Board of Selectmen's office prior to commencing work.

5.0. Procedure

- 5.1 Except in cases of emergencies, 24 hour prior to commencement of work falling under this ordinance, the party responsible for performing the work shall notify the Town of Auburn through the Chief of Police of the work to be performed. Notification shall include the location, expected duration and nature of work, and the method of traffic control to be implemented. Subsequently, the Chief of Police shall make notification to the Board of Selectmen's Office, Auburn Fire Department, Road Agent and School Department (in cases of road closure) of the planned work.
- 5.2 In cases of emergencies requiring immediate response, the requirement for 24-hour notification shall be waived. However, within one-hour of arrival on site, the party performing the work shall notify the Chief of Police as described above. Appropriate traffic control per this ordinance shall be implemented.
- 5.3 Work of less than one hour (Short Duration per MUTCD 6G.02) and operations where equipment and personnel are primarily conducting operations off the travel portion of the road and not impeding traffic shall be exempt from providing notification. Appropriate signage, cones and vehicle mounted high intensity warning lights or strobes shall be used.
- 5.4 In cases where possibly unsafe conditions are reported, the Chief of Police, after personally reviewing the job site, may require that a higher level of traffic control be implemented. In such cases, the Chief of Police shall, within 48 hours, provide a written report to the Board of Selectmen's Office, with copy to the Police Commission, outlining the additional controls required and the reasons for doing so.
- 5.5 In cases where disputes arise, the Board of Selectmen shall have ultimate authority over interpretation and implementation of this ordinance.

6.0. Exemptions

- 6.1 The NH Department of Transportation shall be exempt from the provisions of this ordinance when performing construction work on Class I, II or III

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highways or bridges, either contracted or with State forces, pursuant to the provisions of RSA 228:21, 236:1 and 228:37.

- 6.2 The Town of Auburn shall be exempt from the provisions of this ordinance when performing construction work on its own streets and bridges, either contracted or with the Town of Auburn Road Agent. However, the Town will adhere to the minimum type of work zone traffic control outlined in Appendix A and Appendix B.

7.0. Penalty

Any contractor(s) or their employees who willfully violate this ordinance shall be guilty of a violation, punishable by a fine not exceeding Five Hundred (\$500.00) dollars per day and may be assessed for each day the violation continues.

8.0. Appeal Process

Any individual, company or group may appeal the Chief of Police's administrative decision authorized under Paragraph 5.4 to require a level of traffic control greater than the minimum required under this ordinance to the Board of Selectmen within 15 days of the decision. The appealing party must demonstrate to the Board why the Chief of Police's recommendation should not be followed and how all safety concerns and requirements would be met in order to ensure the safety of all those within the work zone and those traveling through the work zone.

9.0. Severability

If any Section or part of a section or paragraph of this ordinance is declared invalid or unconstitutional, it shall not be held to invalidate, or impair the validity, force or effect of any other sections, or part of a section or paragraph of this ordinance.

10.0. Supersession

Upon the vote of the Board of Selectmen, this ordinance shall take effect August 27, 2012, and shall supersede all previous rules, regulations, customs and/or past practices that may be in use on the effective date. This ordinance will specifically repeal the "Flagman Ordinance" adopted by the Auburn Board of Selectmen recorded on May 11, 1992.

11.0. Amendment Procedure

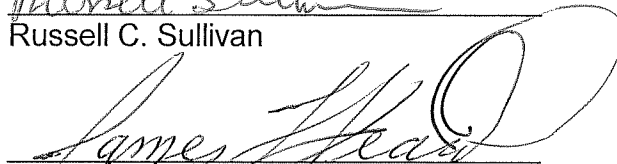
This ordinance may be amended and changed from time to time as conditions require and as deemed appropriate by the Board of Selectmen.

Any proposed amendments shall be presented to the Board of Selectmen for action. However, any amendment(s) must be the subject of at least one public hearing and shall not be rejected or adopted until at least fourteen (14) days after the public meeting.

Adopted by the Board of Selectmen the 13th day of August, 2012.



Russell C. Sullivan

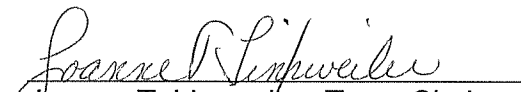


James F. Headd



Paul M. Raiche
AUBURN BOARD OF SELECTMEN

Received and recorded this 22 day of August, 2012



Joanne T. Linxweiler, Town Clerk

APPENDIX B
Town of Auburn Traffic Control in Construction Work Zone
Alphabetical Listing by Street Name

Road Name	Reason(s)	Level of Traffic Control
Acorn Avenue	Low volume	Traffic Control Device(s)
Allen Avenue	Low volume	Traffic Control Device(s)
Appletree Road	Development street, low volume	Traffic Control Device(s)
Auburndale Lane	Low volume	Traffic Control Device(s)
Audubon Way	Low volume	Traffic Control Device(s)
Beaver Brook Road	Traffic volume, good sight distance	Flagging
Berry Patch Lane	Low volume	Traffic Control Device(s)
Birch Road	Low volume	Traffic Control Device(s)
Boxwood Drive	Development street, low volume	Traffic Control Device(s)
Brookside Drive	Low volume	Traffic Control Device(s)
Bunker Hill @ Dearborn to Gardner	Sight distance	Police Detail
Bunker Hill Road from Dearborn to Route 121	Traffic volume, visibility	Flagging
Bunker Hill Road from Gardner to Route 121 (Chester)	Traffic volume, visibility, road condition	Police Detail
Buttonwood Drive	Development street, low volume	Traffic Control Device(s)
Calef Road	Low volume	Traffic Control Device(s)
Cambridge Drive	Development street, low volume	Traffic Control Device(s)
Cameo Court	Development street, low volume	Traffic Control Device(s)
Candia Road	Low volume	Traffic Control Device(s)
Cardinal Road	Low volume	Traffic Control Device(s)
Cedar Crest Lane	Development street, dead-end, low volume	Traffic Control Device(s)
Champagne Lane	Low volume	Traffic Control Device(s)
Chester Road (Route 121)	Traffic volume	Police Detail

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Road Name	Reason(s)	Level of Traffic Control
Chester Turnpike	Low volume	Traffic Control Device(s)
Cohas Drive	Low volume	Traffic Control Device(s)
Coleman Road from Eaton Hill to Dearborn	Good sight distance but higher speeds	Flagging
Colonial Drive	Low volume	Traffic Control Device(s)
Commercial Court	Dead-end, low volume	Traffic Control Device(s)
Cottage Avenue	Dead-end, low volume	Traffic Control Device(s)
Country Circle	Low volume	Traffic Control Device(s)
Crickett Lane	Low volume	Traffic Control Device(s)
Dartmouth Lane	Dead-end, low volume	Traffic Control Device(s)
Dearborn Road – from five corners to Raymond Road	Road condition, visibility	Police Detail
Dearborn Road from 5 corners to the bridge (heading toward Bunker Hill)	Good sight distance, but higher volume	Flagging
Dearborn Road to Bunker Hill Road (from the bridge)	Traffic volume, visibility, road condition	Police Detail
Dearborn Road to Candia town line	Good sight distance	Flagging
Deerneck Road	Private Road	Traffic Control Device(s)
Depot Road	Low volume	Traffic Control Device(s)
Deschenes Road	Private Road	Traffic Control Device(s)
Dollard Road	Dead-end, low volume	Traffic Control Device(s)
Drouin Circle	Low volume	Traffic Control Device(s)
Eaton Hill Road @ 213 Eaton Hill Road to Colonial Drive	Visibility, traffic speed, blind spot	Police Detail
Eaton Hill Road @ Auburn Village School	High volume of traffic but good sight distance	Flagging
Eaton Hill Road @213 Eaton Hill to Raymond Road	Good sight distance, traffic volume	Flagging

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Road Name	Reason(s)	Level of Traffic Control
Finch Lane	Low volume	Traffic Control Device(s)
Flag Court	Private Road	Traffic Control Device(s)
Forest Drive	Private Road	Traffic Control Device(s)
Fox Lane	Private Road	Traffic Control Device(s)
Gardner Road	Low volume	Traffic Control Device(s)
Gold Ledge Drive	Low volume	Traffic Control Device(s)
Gospel Path Road	Class VI Road	Traffic Control Device(s)
Granite Lane	Low volume	Traffic Control Device(s)
Grapevine Drive	Low volume	Traffic Control Device(s)
Grey Point Avenue	Low volume	Traffic Control Device(s)
Griffin Mill Road	Dead-end, low volume	Traffic Control Device(s)
Grove Court	Low volume	Traffic Control Device(s)
Harvard Avenue	Development street, dead-end, low volume	Traffic Control Device(s)
Haven Drive	Low volume	Traffic Control Device(s)
Hawthorne Drive	Development street, low volume	Traffic Control Device(s)
Heather Circle	Low volume	Traffic Control Device(s)
Hemlock Spring Road	Low volume	Traffic Control Device(s)
Hickorytree Road	Development street, low volume	Traffic Control Device(s)
Highwood Drive	Development street, low volume	Traffic Control Device(s)
Hills Road	Development street, low volume	Traffic Control Device(s)
Hook Road	Low volume	Traffic Control Device(s)
Hooksett Road	Traffic volume, road condition	Police Detail

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Road Name	Reason(s)	Level of Traffic Control
Hummingbird Drive	Low volume	Traffic Control Device(s)
Hunting Road	Development street, low volume	Traffic Control Device(s)
James Drive	Low volume	Traffic Control Device(s)
Jennifer Lane	Low volume	Traffic Control Device(s)
Joan Drive	Low volume	Traffic Control Device(s)
Kimball's Point Road	Low volume	Traffic Control Device(s)
King Street	Dead-end, low volume	Traffic Control Device(s)
Lakeview Way	Low volume	Traffic Control Device(s)
Lantern Lane	Low volume	Traffic Control Device(s)
Leppert Way	Dead-end, low volume	Traffic Control Device(s)
Liberty Court	Private Road	Traffic Control Device(s)
Lilak Drive	Low volume	Traffic Control Device(s)
Londonderry Turnpike (By-pass 28)	Traffic volume, road condition	Police Detail
Lovers Lane	Low volume	Traffic Control Device(s)
Manchester Road (Route 121)	Traffic volume, road condition	Police Detail
Maple Farm Road	Low volume	Traffic Control Device(s)
Margate Drive	Development street, low volume	Traffic Control Device(s)
Massabesic Drive	Private Road	Traffic Control Device(s)
Matthew Drive	Low volume	Traffic Control Device(s)
Maverick Drive	Development street, low volume	Traffic Control Device(s)
Mcevoy Drive	Low volume	Traffic Control Device(s)
McQueston Drive	Development street, dead-end, low volume	Traffic Control Device(s)

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Road Name	Reason(s)	Level of Traffic Control
Meadow Lane	Low volume	Traffic Control Device(s)
Miner Road	Low volume	Traffic Control Device(s)
Morgen Drive	Development road, low volume	Traffic Control Device(s)
Mountain Road	Low volume	Traffic Control Device(s)
Myles Drive	Road condition and traffic volume Amount of commercial vehicles	Police Detail
Neal Avenue	Low volume	Traffic Control Device(s)
Noll's Farm Road	Low volume	Traffic Control Device(s)
Nutt Road	Low volume	Traffic Control Device(s)
Oaktree Road	Development street, low volume	Traffic Control Device(s)
Old Candia Road	Road condition is good, sight distance is good, road is more rural	Flagging
Old Chester Turnpike	Low volume	Traffic Control Device(s)
Olde Towne Road	Low volume	Traffic Control Device(s)
Orchard Street	Low volume	Traffic Control Device(s)
Palomino Drive	Development street, low volume	Traffic Control Device(s)
Paradise Lane	Low volume	Traffic Control Device(s)
Parker Way	Development street, dead-end, low volume	Traffic Control Device(s)
Pasture Drive	Development street, dead-end, low volume	Traffic Control Device(s)
Peachtree Road	Development street, low volume	Traffic Control Device(s)
Penny Lane	Low volume	Traffic Control Device(s)
Pinetree Road	Development street, low volume	Traffic Control Device(s)
Pingree Hill Road @ Steam Mill	Sight distance, traffic speeds	Police Detail

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Pingree Hill Road from Calef Road to Steam Mill Road		Flagging
Pingree Hill Road from Steam Mill to Derry Town Line		Flagging
Pingree Hill Road to Calef Road	Good sight distance	Flagging
Pleasant Court	Low volume	Traffic Device(s) Control
Pond View Drive	Development street, low volume	Traffic Device(s) Control
Prescott Lane	Low volume	Traffic Device(s) Control
Pricilla Lane	Low volume	Traffic Device(s) Control
Quarry Court	Private road	Traffic Device(s) Control
Rattlesnake Hill Road	Sight distance, curves in road	Police Detail
Raymond Road	Low volume	Traffic Device(s) Control
Reading Street	Low volume	Traffic Device(s) Control
Remar Court	Low volume	Traffic Device(s) Control
Ridge Court	Low volume	Traffic Device(s) Control
Rockingham Road & Myles Travel Plaza	Road condition and traffic volume Amount of commercial vehicles	Police Detail
Rockwood Terrace	Low volume	Traffic Device(s) Control
Ryan Road	Low volume	Traffic Device(s) Control
Sagharbor Drive	Low volume	Traffic Device(s) Control
Sandy Knoll Drive	Low volume	Traffic Device(s) Control
Shea's Drive	Low volume	Traffic Device(s) Control
Sherlock Trail	Low volume	Traffic Device(s) Control
Shore Drive	Private road	Traffic Device(s) Control

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Road Name	Reason(s)	Level of Traffic Control
Silver Hill Road	Class VI	Traffic Control Device(s)
Sonya Drive	Low volume	Traffic Control Device(s)
Southside Road	Low volume	Traffic Control Device(s)
Sparrow Lane	Low volume	Traffic Control Device(s)
Spofford Road – from the gorge	Gorge, twisty road; light population but a bad road to travel	Police Detail
Spofford Road near 96 Spofford	Road condition	Flagging
Spruce Lane	Low volume	Traffic Control Device(s)
Squirrel Drive	Development street, dead-end, low volume	Traffic Control Device(s)
Star Circle	Low volume	Traffic Control Device(s)
Steam Mill Road	Low volume	Traffic Control Device(s)
Stoney Brook Road	Development street, low volume	Traffic Control Device(s)
Sun Valley Road	Development street, low volume	Traffic Control Device(s)
• Sun Valley @ Wilson's Crossing	Blind spot	Police Detail
Tanglewood Terrace	Low volume	Traffic Control Device(s)
Tower Hill Road	Low volume	Traffic Control Device(s)
Union Court	Private Road	Traffic Control Device(s)
Vici Drive	Low volume	Traffic Control Device(s)
Walnut Drive	Low volume	Traffic Control Device(s)
Wellesley Circle	Development street, low volume	Traffic Control Device(s)
Wellington Road	Low volume	Traffic Control Device(s)
Westford Drive	Development street, low volume	Traffic Control Device(s)

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Westminister Lane	Development street, low volume	Traffic Control Device(s)
Whitetail Crossing	Development street, low volume	Traffic Control Device(s)
Wildwood Drive	Dead-end, low volume	Traffic Control Device(s)
Willow Court	Low volume	Traffic Control Device(s)
Wilson's Crossing Road	Vehicle speed	Police Detail
Windsor Drive	Development street, low volume	Traffic Control Device(s)
Windy Court	Low volume	Traffic Control Device(s)
Winters Way	Development street, low volume	Traffic Control Device(s)
Wood Hill Drive	Private Road	Traffic Control Device(s)