

REGULATIONS FOR
CHAPTER 45, ARTICLE XVIII
HOUSTON CITY CODE

TRAFFIC CONTROL

ISSUED:

October 2004

Office of the Chief of Police

Houston Police Department

City of Houston



CITY OF HOUSTON

Traffic Control Personnel Ordinance Regulations and Guidelines

1200 Travis, Houston, TX 77002
Phone #: 713-308-9056

Summary of Traffic Control Ordinance

In an effort to maintain traffic mobility that is coordinated and functions in the best interests of the public, the City of Houston has enacted Ordinance No. 2004-798 "The Use of Traffic Control Personnel". The intent of this Ordinance is to increase traffic flow and improve mobility through the training and regulation of traffic control personnel, namely those off-duty peace officers generally employed to direct traffic in and around private office buildings' parking lots, etc.

This Ordinance applies to all who desire to use Traffic Control Personnel to direct traffic in manyl situations within the City of Houston. This Ordinance also requires all applicants to follow the rules and regulations as stated herein and in the Traffic Control Ordinance. It is recommended that interested persons obtain a copy of Ordinance No. 2004-798 to familiarize themselves with its provisions.

Traffic Control Personnel Ordinance Regulations

These Regulations ("these Rules") have been issued by the Police Chief ("the Chief") of the City of Houston ("the City") pursuant to Article XVIII of Chapter 45 of the City of Houston Code of Ordinances ("the Ordinance"). The issuance of Permits for Traffic Control and other activities authorized or required under the Ordinance will be governed by the terms of the Ordinance.

It is not the purpose of these Rules to restate the provisions of the Ordinance. Rather, these Rules establish an operational and procedural framework for administration of the Ordinance as contemplated by § 45-452 of the Ordinance. Therefore, these Rules should be read in conjunction with the Ordinance. Copies of these Rules and the Ordinance maybe downloaded from the Houston Police Department Web site at www.houstonpolice.org. or picked up at the Special Operations Division, 1900 Rusk. For the convenience of the user, applicable terms that are defined in the Rules, Ordinance or elsewhere in the Code of Ordinances have been capitalized in these Rules. Additionally, these Rules have, to the extent practicable, been organized by section numbers that correspond to the equivalent section numbers of the Ordinance.

EFFECTIVE DATE. The Ordinance became effective October 26th, 2004, as provided by Section 5 of Ordinance 2004-798. Notwithstanding the effective date set forth above, the Chief and other officials responsible for administering this Ordinance shall commence accepting applications and taking other actions required to implement this Ordinance in October 2004. As provided therein, previously commenced Traffic Controls by businesses will require a Permit by January 2005.

Definitions

As used in these Rules, the following terms shall have the meaning ascribed unless the context of their usage clearly indicates another meaning.

Applicant means any person or business who seeks a permit to provide Traffic direction for the purpose of facilitating ingress or egress to a street in the city from another street, a private street, parking lot, parking garage or other private property.

If the proposed Traffic Control involves efforts of two or more individuals/businesses such as a two adjacent businesses sharing a common parking garage, then they shall join as co-applicants, and the required information shall be provided for each.

Permittee means a person/business or persons/businesses who holds a permit: the singular term includes the plural if two or more persons/businesses jointly hold the permit, where applicable.

Peace Officer is defined as Sheriffs and their deputies; Constables and deputy constables; Marshals or police officers of an incorporated city, town, or village; or as otherwise provided by Article 2.12, Code of Criminal Procedure, as amended.

On-duty officer means while performing functions or activities during work hours assigned by the jurisdiction through which the officer holds his commission and for which the officer receives wages that are paid by that jurisdiction.

Uniformed Peace Officer shall mean a person who has full-time employment as a peace officer and who receives compensation as an individual employee or independent contractor, which may not be a reserve peace officer.

Traffic control permit means a current and valid permit issued by the Chief to conduct traffic direction.

Traffic direction means any activity by which a peace officer directs vehicular or pedestrian traffic upon a street or upon other property situated in such proximity to a street that the activity affects the flow of vehicular or pedestrian traffic for the purpose of facilitating ingress or egress to a street in the City from another street, a private street, parking lot, parking garage or other private property.

Traffic direction includes, but is not limited to control of traffic by hand signals, whistle or verbal directions, or control of the functions of an otherwise automated traffic signal light or control device. The term shall not include the traffic direction in connection with any construction occurring within or upon a street by personnel employed for that purpose, as authorized by Chapter 472, Texas Transportation Code.

SUBSTANTIVE PROVISIONS.

- 1.** Permits are required between the hours of 6:00 am and 7:00 pm, other than a holiday observed by the closure of city offices.
- 2.** The actor can be an employee of the City of Houston performing temporary traffic direction while conducting City's business.
- 3.** A fee of \$100 will be assessed for the permit. This fee will be reviewed annually to cover any additional costs. If a traffic study is required, the Public Works Traffic Engineer will assess an additional fee. The condition in which a traffic study is required is outlined in the Guidelines Section of this document.
- 4.** Applicants must represent that only off-duty peace officers having reviewed appropriate training material will perform traffic direction under this permit.

5. All fees generated under this article, except those assessed by Traffic Engineering Department, shall be allocated to the police special services fund administered by the police department.

6. Any applicant who is aggrieved by the engineering recommendations resulting in failure to approve an application or in terminating a Traffic Control Permit under this article shall be entitled to a hearing on the matter. Hearings under the Ordinance shall be conducted by a hearing officer designated by the Police Chief. The hearing officer may be an employee of the Houston Police Department Legal Division but shall not be the person who was assigned to review the applicant's original request or who has otherwise participated in any decision or action giving rise to the hearing. Hearings shall be informal and shall be conducted in a manner that is consistent with principles of due process. Each party shall have the right to be represented by legal counsel, to present evidence and to examine witnesses presented by other parties. The party initiating the hearing, which would, for example, be the Applicant in matters of Permit issuance or the City in matters of remedial actions against Permittees, shall have the burden of proof by a preponderance of credible evidence.

Unless otherwise provided in the Ordinance, hearings shall be conducted upon ten (10) days notice if initiated by the City or within ten (10) days of the date of request if initiated by another party. The notice or request shall set forth the grounds or basis for the hearing. Aggrieved parties may request a hearing upon an expedited basis, and such requests will be honored if determined to be justified by the hearing officer. Requests for hearings shall be made in writing, addressed to:

City of Houston
Houston Police Department
1200 Travis
Houston, TX 77002

The outside of the envelope should be conspicuously marked "REQUEST FOR HEARING - TRAFFIC CONTROL PERSONNEL." The hearing officer shall issue his or her decision in writing within ten (10) City work days following completion of the hearing.

The permit holder or applicant shall have the burden to comply with Rule 12, Section 2-2 of the Code of Ordinances if an appeal of the hearing officer's findings and decision is desired.

7. Upon receipt of completed application, the permitting office will notify applicant within ten (10) working days as to status of the application.

Permit applications shall be filed at the Houston Police Department. Application forms will be made available on the City's Internet Website (<http://www.houstonpolice.org>).

8. A valid Traffic Control permit will have a maximum time limit of 1 year from the date of issuance. It is the responsibility of the applicant or permit holder to renew the Traffic Control permit and pay the designated renewal fee.

9. The responsibility of obtaining/maintaining a valid permit solely lies with individuals who desire to hire off-duty traffic control personnel. A fine of up to five hundred dollars (\$ 500.00) will be assessed to those who provide traffic control as outlined in this provision without a valid or expired permit.

Traffic Control Personnel Ordinance Guidelines

These regulations are intended to provide minimum standards for the conditions that evolve during the traffic directions by off-duty peace officers for any person, business, or event.

Engineering Review

Once a traffic control permit has been issued, the permit holder will have the responsibility to ensure that traffic flow on the street is not impeded. If a Houston Police Department (HPD) supervisor, HPD Traffic Liaison officer, or personnel from Public Works & Engineering Traffic and Transportation Division believes an adverse traffic condition exists at a permit holder's location, HPD will notify the permit holder of the condition and recommend corrective action. The process of permit issuance to corrective action will be as follows:

- HPD receives a permit application and map of the location with a description of traffic control personnel post placement.
- HPD sends a copy of the application and map to PWE Traffic and Transportation Division (TTD).
- Traffic and Transportation Division will review the traffic control personnel post placements and send comments to HPD with changes and/or concurrence with approval of the permit.
- HPD will issue a permit to the applicant along with instructions and training materials.
- If a complaint is filed by the HPD Supervisor or HPD Traffic Liaison, including personnel from PWE TTD, HPD will notify the applicant of the issue with recommendations for corrective action. If the problem is a result of the traffic control officer, the officer will be counseled. If corrections are not implemented, the permit holder will replace the officer with another officer. HPD and the permit holder will work together to resolve administrative problems related to personnel. If the permit holder does not correct the personnel issues, HPD may revoke the permit.

If a chronic traffic condition exists at the permit holder's location that cannot be resolved by retraining personnel or logistical changes, HPD may require the permit holder or applicant to conduct a traffic engineering study at the permit holder's expense. HPD, Public Works & Engineering Traffic & Transportation Division (PWETTD), and the applicant will agree on the scope of the traffic engineering study and the time frame for delivery of the study. A fee of no less than fifty dollars (\$50) will be assessed by PWETTD for review of the traffic study. HPD will recommend interim measures to be taken at the affected location until the results of the survey are obtained and corrective action taken.

Traffic Control Law Enforcement Personnel

Any peace officer working traffic assignment in the City of Houston shall wear the following attire:

- Recognizable police uniform
- Prepare for the weather with proper uniform items (rain gear, coat, etc.)
- Hat, flashlight, reflective vest or coat and whistle

Traffic Control Responsibilities

Much like an officer's responsibility to take action when observing a crime or disturbance type problem, officers should when possible take immediate action when confronted with a traffic congestion problem or they recognize that a problem is likely to occur. Action taken should include, but not limited to, reporting

the problem, assessing the situation and taking steps to correct the problem. The key to traffic control responsibilities is to take some type of proactive action. Deflecting minor traffic and congestion problems will prevent major problems later in the day.

Rush Hour/Peak-Hour Traffic Post

Unless otherwise posted, morning rush hour periods are normally from 6 am to 9 am and evening rush hour periods are normally from 3 pm to 7 pm. Peace officers directing traffic under the issuance of this permit or as part of on-duty assignment will be encouraged to take "ownership" of their assigned intersection or off-duty assignment so that they become familiar with pedestrian and traffic flow. These officers will help facilitate traffic movement by actively directing traffic in intersections, manipulating the traffic control boxes through the use of pigtailed and preventing gridlock by not allowing motorist to block intersections.

Pigtail Usage

It is important for the peace officers who are in contract with the Permittee to provide traffic direction not to focus solely on the traffic entering and exit the parking facilities. In an effort to provide better traffic flow and reduce unnecessary congestion, the peace officers must coordinate their efforts of directing traffic in and out of parking facilities with upstream and downstream traffic signals.

Traffic control personnel are encouraged to use the pigtailed as a mean to keep traffic moving and to relieve heavily congested areas. Traffic control personnel should note that pigtailed are also beneficial to control pedestrians while moving vehicular traffic. Although pigtailed are devices that can systematically enhance the flow of traffic, if used improperly can hinder the flow of traffic, thus causing over flow of traffic and gridlock. The following are examples of when pigtailed may become necessary:

- Expedite traffic movement and relieve congestion;
- Coordinate signals with other officers;
- Clear the approach lanes or roadway;
- Roadway problems-closed, malfunctioning traffic signal lights, etc.

Off-duty peace officers wishing to use pigtailed during their traffic control assignment must indicate on the application their desire to use them and at what location. Any officer who wishes to receive general instruction on proper procedures of working the traffic control box should contact:

Traffic Liaison Unit of the Special Operations Division.
1900 Rusk
Houston, Tx 77002
832-394-0065

Traffic and Transportation will train an HPD trainer for pigtail operation.

Traffic Control at Parking Garages, Surface Lots, Private Property, or Construction Sites

- Any peace officer working parking garages, surface lots, or private property in the City of Houston **shall direct the vehicles into the closest lane** leaving the garage to facilitate the flow of traffic.
- Traffic control personnel **WILL NOT** impede the normal flow of traffic already regulated by traffic control signals to allow vehicles to enter or exit from the parking garage, surface lot, or private property.

- Unless a proper permit is obtained by the City of Houston, devices including but not limited to cones, barricades, or barrels **WILL NOT BE USED** to close lanes for exiting traffic.

Accident Scene Investigations

All peace officers will be advised to move all vehicles (except possible fatality accidents) that are involved in auto accidents off the major streets to enable regular traffic to keep moving. A timely response to the scene and moving the vehicles out of the roadway will minimize traffic congestion related to all accidents.

THE FOLLOWING ARE THE “DO’S & DONT’S REGARDING TRAFFIC CONTROL PERSONNEL ACTIVITY & THE PROPER HAND SIGNALS USED FOR TRAFFIC DIRECTIONS:

DO:

- Take control of your area. Become familiar with traffic movement, signals, pedestrian movement. Prevent gridlock and report malfunctioning traffic signals to 3-1-1.
- Take proactive action if traffic congestion becomes a problem in the street.
- If malfunctioning traffic signals are creating a major traffic congestion report this to the dispatcher by calling 713-884-3131.
- All officers should be aware that anyone working in the street are required to have lane closure permits for NON-EMERGENCY lane closures. These permits indicate the number of moving lanes of traffic allowed to be closed and the permitted dates and times. If lane closures are creating traffic congestion, Officers should check the permit to make sure it is valid. If you have questions regarding the permit call the Special Operations Traffic Liaison Office at 713-394-0000.
- If possible, move vehicles that have been involved in an accident out of moving lanes of traffic.
- Be attentive and active when working the traffic post.
- If pigtail operation is approved, you need to know how to correctly operate them. If you are not familiar with their operation contact the Special Operations Traffic Liaison officers.
- Work private lane traffic onto lane immediately adjacent the exit on a RED LIGHT CYCLE. (Exception would be if main lanes of traffic are completely clear then the private traffic may enter on green light cycle.)

DON’T

- IMPEDE THE NORMAL FLOW OF TRAFFIC SIMPLY FOR ENTERING OR EXITING VEHICLES.
- STOP MOVING LANES OF TRAFFIC TO ALLOW ENTERING OR EXITING VEHICLES TO CROSS MULTIPLE LANES OF TRAFFIC.
- PARK POLICE VEHICLE OR PERSONAL VEHICLE BLOCKING A MOVING LANE OF TRAFFIC TO ASSIST IN TRAFFIC CONTROL.
- ALLOW VEHICLES TO BLOCK AN INTERSECTION OR CROSSWALK.
- TURN YOUR BACK ON MOVING VEHICLES.
- STAND BETWEEN VEHICLES STOPPED IN STREET.

- ALLOW JAY-WALKING OR OTHER ILLEGAL STREET CROSSING.

Traffic Direction Hand Signals Daytime

To Stop Traffic.....



Whistle: Use One Long Blast
Hand and Arm Movement:

Point at the driver you want to stop. (get eye contact) Extend all fingers on your "pointing hand" and raise palm facing driver to the stop signal.

To Start Traffic.....



Whistle: Use Two Short Blast
Hand and Arm Movement:

Point at the driver you want signal. (get eye contact) Turn your hand palm up and bend at elbow, direct arm "up and over" to indicate the driver is to proceed.

Traffic Direction Hand Signals Daytime

Turning Movements (left or right).....



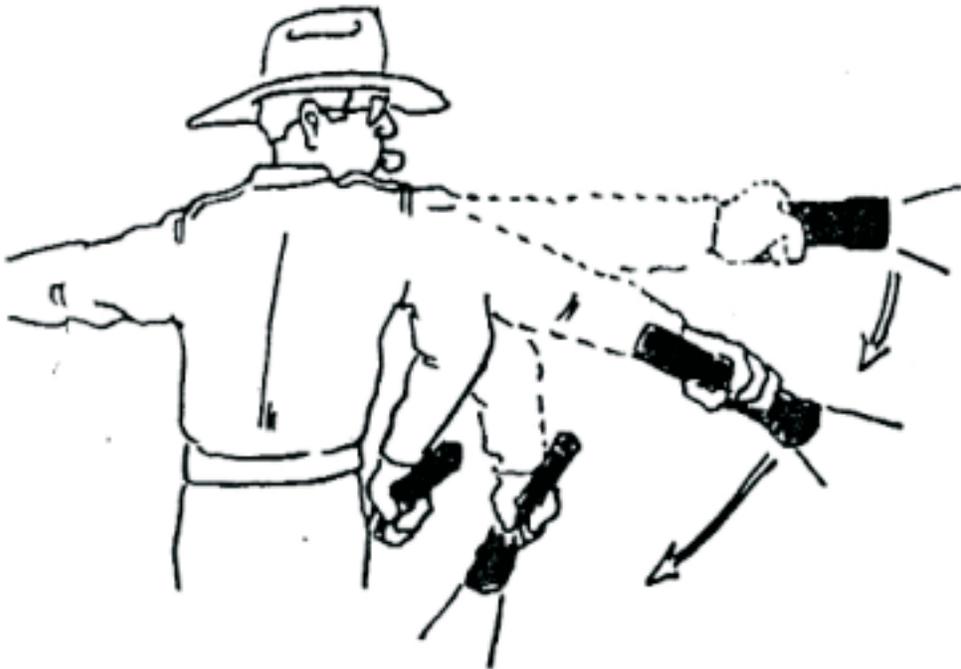
Whistle: Three short blast
(to get attention)
Arm and Hand Movements:
Stand sideways to traffic.
Point with one arm (turn
direction), signal with the
whistle, and point at the
driver with the other hand,
bend the elbow and point
toward the turn direction.

Slow Down Signal.....



Whistle: Three short blast
(to get attention)
Arm and Hand Movement:
Stand facing traffic. Point at
the driver with right hand and
hold left arm away from your
body. Slowly pump the left
arm and hand up and down.
(dribbling a ball)

Traffic Direction Hand Signals Nighttime



Starting Traffic with a flashlight.....

Whistle: Two short blast
Arm and Hand Movements:
Point the flashlight at the driver that is to start and signal with the whistle. Direct the flashlight beam downward on the pavement and in the direction of the intended movement. Other hand can be used to point.

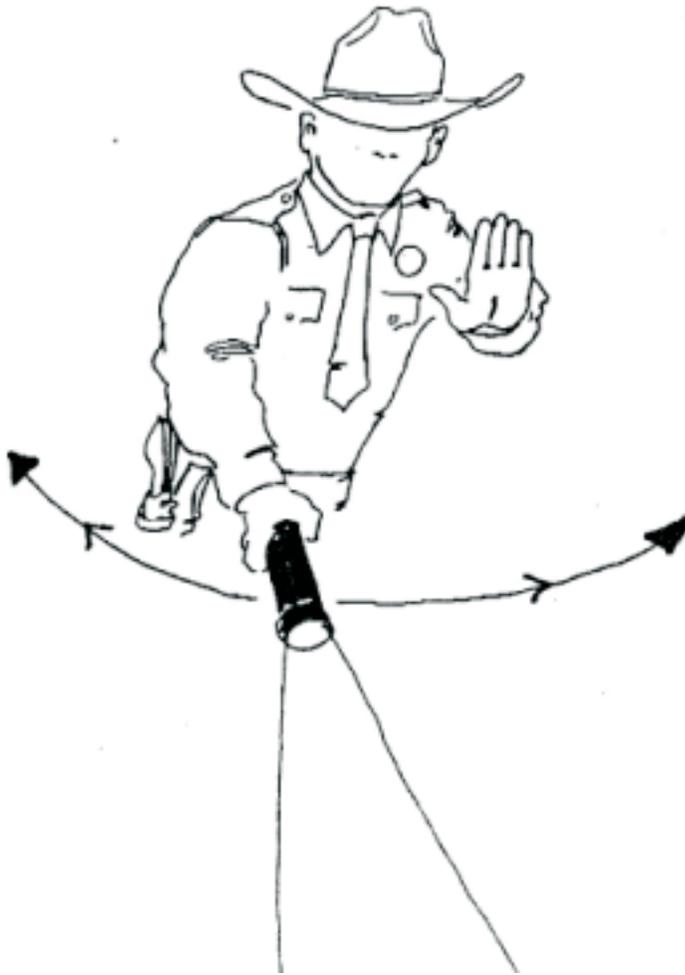
Traffic Direction Hand Signals Nighttime

Stop signals with a flashlight.....

Whistle: One long blast

Arm and Hand Movements:

Wave (sweep) the flashlight in a side to side movement on the pavement in front of your position at a 45 degree angle. Hold your other hand in the stop signal position.



To process the Traffic Control Permit, the following information shall be included with each application:

1. Down load application from https://www.houstontx.gov/police/traffic_control/ website, or Pick up at Risk Management Division - 1200 Travis, Houston TX, 77002.
2. Complete application for each location.
3. Complete a written description of location including each officer post, hours of operation, and officers responsibility.
4. Complete a basic map of the area including location, surrounding streets, exits to be worked, officer positions, etc.
5. Turn in or mail complete application package: application, written description, & map to the Risk Management Division - Traffic Liaison Office, 1200 Travis, Houston TX, 77002.
6. Packet will be reviewed by HPD and Public Works Traffic & Transportation. The packet will then be forwarded to the HPD Records Division who will contact the applicant.
7. The Applicant will then come to the HPD Records Division, 1200 Travis, pay the \$100 fee and receive the permit.