Department of Transportation
Amendments to Chapter 19-129
Hawaii Administrative Rules
July 23, 1986

SUMMARY

1. §19-129-19 is amended.

RECEIVED
JUL 29 12 39 PM '86
DEPT OF TRANSPORTATION
HIGHWAYS DIVISION

§19-129-19 Barricade design and application.
(a) Markings for barricade rails and drums shall consist of reflectorized alternate orange and white stripes.

(b) Beyond a barricade closing one or more lanes, where it is necessary to confine the traffic to certain lanes for some distance, additional traverse barricades or drums shall be placed at close intervals in the closed lane. These intervals shall be approximately one hundred twenty-foot spacings on tangents and curves of more than one thousand-foot radius, and approximately sixty-foot spacings on curves of one thousand-foot radius or less. As required by the authority, at particularly hazardous locations, a series of Type I or II barricades, cones, or drums shall be set in a longitudinal row along the edge of the closed area. Barricades shall be set continuously, and drums and cones shall be set at approximately ten-foot spacings.

(c) Steel drums shall not be used as barriers or channeling devices. [Eff 8/26/82; am AUG 0 4 1986]
(Auth: HRS §286-8) (Imp: HRS §286-8)

DEPARTMENT OF TRANSPORTATION

Amendments to chapter 19-129, Hawaii Administrative Rules, on the Summary Page dated July 23, 1986 were adopted on July 23, 1986 , following a public hearing on May 20, 1986, after public notice was given in the Honolulu Advertiser on April 24, 1986 and in the Hawaii Tribune-Herald, the Maui News, and the Garden Island News on April 25, 1986.

These amendments shall take effect ten days after filing with the Office of the Lieutenant Governor.

Wayne J. Yamasaki
Director of Transportation

Approved as to form:

Beatrice K. Dawson
Deputy Attorney General

George R. Ariyoshi
Governor
State of Hawaii

Date: 7-23-86

REC'D. BY
1986 JUL 24 AM 10 48
LT. GOVERNOR'S OFFICE

Filed

Rules Repealing Rules and Regulations Governing the Use of Traffic Control Devices at Work Sites on or Adjacent of Public Streets and Highways and Adopting Chapter 129 of Title 19, Subtitle 5, Administrative Rules

SUMMARY

1. Rules and Regulations governing the use of traffic control devices at work sites on or adjacent to public streets and highways and adopted by the Highway Safety Coordinator, Department of Transportation, State of Hawaii are repealed.

2. A new Chapter 129 of Title 19, Subtitle 5, Administrative Rules, is adopted.

HAWAII ADMINISTRATION RULES

TITLE 19
DEPARTMENT OF TRANSPORTATION

SUBTITLE 5
MOTOR VEHICLE SAFETY OFFICE

CHAPTER 129
USE OF TRAFFIC CONTROL DEVICES AT WORK SITES ON OR ADJACENT TO PUBLIC STREETS AND HIGHWAYS

§19-129-1 Purpose and scope
§19-129-2 Definitions
§19-129-3 Traffic control devices; standards
§19-129-4 Use of traffic control devices
§19-129-5 Permit required
§19-129-6 Annual permit
§19-129-7 Notification of fire department, etc.
§19-129-8 Public notice
§19-129-9 Emergency repair work
§19-129-10 Restrictions
§19-129-11 Proper devices required
§19-129-12 Construction and maintenance of devices
§19-129-13 Oil burning torches and lanterns prohibited
§19-129-14 Obstructions
§19-129-15 Signs
§19-129-16 Position of signs
§19-129-17 Erection of signs
§19-129-18 Barriers and channelizing devices
§19-129-19 Barricade design and application
§19-129-20 Traffic cone application
§19-129-21 Barrel or drum application
§19-129-22 Lighting devices
§19-129-23 Street lights
§19-129-24 Barricade warning lights
§19-129-25 Control of traffic through work areas
§19-129-26 Flagmen
§19-129-27 Flagmen station
§19-129-28 Flagging procedures
§19-129-29 Severability
§19-129-30 Enforcement
§19-129-31 Reports of violation
§19-129-32 Penalties
§19-129-33 Repeal

Historical note. This chapter is based substantially upon Rules and Regulations Governing the Use of Traffic Control Devices at Work Sites On or Adjacent to Public Streets and Highways. [Eff: 10/7/74; R AUG 26 1982]

§19-129-1 Purpose and scope. Construction, maintenance, engineering survey, and any other work being conducted on, adjacent to, above, below, or near streets and highways that may temporarily obstruct any portion of the roadway, constitutes major hazards to motorists and pedestrians as well as to workmen at the site. Therefore, traffic control devices shall be used by all persons who perform construction, maintenance, engineering survey, or any other work on, adjacent to, above, below, or near any street or highway in the State. [Eff: AUG 26 1982] (Auth: HRS §286-8) (Imp: HRS §286-8)

§19-129-2 Definitions. As used in this chapter, unless the context clearly indicates otherwise:

"Authority" means the state or county department or agency having jurisdiction over the street or highway.

"Director" means the director of transportation or his authorized representative.

"Manual" means the 1978 edition and revision of "The Manual on Uniform Traffic Control Devices for Streets and Highways" dated December 1978 published by the Federal Highway Administration, United States Department of Transportation.

"State" means the State of Hawaii.

Copies of the manual shall be available for inspection at the department of transportation of the State of Hawaii. [Eff: AUG 26 1982] (Auth: HRS §286-8) (Imp: HRS §286-8)

§19-129-3 Traffic control devices; standards. Traffic control devices shall conform to the applicable specifications, standards, and principles of the manual, except as amended or specified in this chapter. [Eff: AUG 26 1982] (Auth: HRS §286-8) (Imp: HRS §286-8)

§19-129-4 Use of traffic control devices. (a) Traffic control devices shall be employed at the site of any construction, maintenance, engineering survey, or any other work where the work may cause a hazardous and dangerous traffic conditions which will endanger passing motorists, pedestrians, or workers on the public streets or highways.

(b) Traffic control devices shall be in place prior to the start of any construction, maintenance,

engineering survey, or any other work. They shall remain in place during the time the obstruction or danger exists, and shall be removed when the obstruction or danger of obstruction is removed or ceases.

(c) Where work is performed in stages, there shall be in place only those devices that apply to the conditions and activities present during the stage in progress. Signs shall be covered or set aside out of view of traffic at times when they do not describe the activity going on or the condition of the street or highway. [Eff: AUG 26 1982] (Auth: HRS §286-8) (Imp: HRS §286-8)

§19-129-5 Permit required. All persons intending to perform any work on or adjacent to a public street or highway shall apply for and obtain a permit from the appropriate authority at least five days prior to commencing the work. The five-day requirement may be waived by the authority for justifiable reasons and upon request. The requirements of this section shall not be applicable in cases of emergency repair work described in §19-129-9. [Eff: AUG 26 1982] (Auth: HRS §286-8) (Imp: HRS §286-8)

§19-129-6 Annual permit. Persons performing periodic operations of engineering survey, service, maintenance, or inspection on the public streets and highways may apply for an annual permit authorizing such work on conditions that the work shall be done on off-peak hours, shall not exceed three hours in duration in any one instance, and shall employ all traffic control devices required by this chapter. All work exceeding three hours in duration shall require a permit as specified in §19-129-5. [Eff: AUG 26 1982] (Auth: HRS §286-8) (Imp: HRS §286-8)

§19-129-7 Notification of fire department, etc. Permittees shall notify the fire department, the police department, emergency medical services agencies, and any public transit or public utility company that may be affected by the intended work. [Eff: AUG 26 1982] (Auth: HRS §286-8) (Imp: HRS §286-8)

§19-129-8 Public notice. The authority may require the publication of public notices informing the public that work will be done in an area, and that an obstruction or danger of obstruction of

major proportions may be caused, requiring the detouring of traffic or causing unusual congestion. The authority, in its discretion, may determine the manner and number of times public notice shall be required, but generally shall provide for publication in a newspaper of general circulation in the county where the work is to be done for three consecutive issues in advance of the start of the work. [Eff: AUG 26 1982] (Auth: HRS §286-8) (Imp: HRS §286-8)

§19-129-9 Emergency repair work. Emergency repair work made necessary by sudden and unexpected circumstances may be initiated immediately in the interest of the general public welfare. A permit shall not be necessary before initiating emergency repair work. The party or parties performing the repair work shall immediately notify the police and fire departments and emergency medical services agencies of the nature and location of the work. Traffic control devices required by this chapter shall be used as in an ordinary work situation. As soon as possible, application for permit shall be made with the authority. [Eff: AUG 26 1982] (Auth: HRS §286-8) (Imp: HRS §286-8)

§19-129-10 Restrictions. The authority may restrict construction, maintenance work, or deliveries of heavy equipment or bulk materials to off-peak hours on certain designated streets. [Eff: AUG 26 1982] (Auth: HRS §286-8) (Imp: HRS §286-8)

§19-129-11 Proper traffic control devices required. All signs, markers, barricades, cones, lights, and other devices employed indicating the existence of special conditions and activities shall be kept in proper position during the existence of the special conditions and activities. Signs that do not apply to existing conditions and activities shall be removed or covered. Damaged, defaced, or dirty signs shall not be used. [Eff: AUG 26 1982] (Auth: HRS §286-8) (Imp: HRS §286-8)

§19-129-12 Construction and maintenance of devices. All traffic control devices employed shall be neatly constructed and shall not appear makeshift or hastily constructed. They shall be repaired, cleaned, or repainted, as needed, to keep up their appearance. [Eff: AUG 26 1982] (Auth: HRS §286-8) (Imp: HRS §286-8)

§19-129-13 Oil burning torches and lanterns prohibited. Oil-burning torches and lanterns shall not be used as traffic control devices. [Eff: AUG 26 1982] (Auth: HRS §286-8) (Imp: HRS §286-8)

§19-129-14 Obstructions. Special care shall be taken to ensure that weeds, shrubbery, construction materials or equipment, parked vehicles, spoil, and other obstructions do not obscure any sign, light, or barricade, or impair any driver's visibility, particularly at intersections or curves. [Eff: AUG 26 1982] (Auth: HRS §286-8) (Imp: HRS §286-8)

§19-129-15 Signs. Regulatory signs, warning signs, and guide signs used at construction, maintenance, surveying, or other work sites shall conform to the basic standards prescribed in the manual and the provisions set forth in §19-129-16 and §19-129-17. [Eff: AUG 26 1982] (Auth: HRS §286-8) (Imp: HRS §286-8)

§19-129-16 Position of signs. (a) Generally, signs shall be placed in positions where they will convey their messages most effectively and provide adequate driver response time.

(b) All advance warning signs shall indicate the character of the work being done and, where possible, the distance from the sign to the work site. Advance warning signs shall be positioned as follows:

(1) Where the speed limit exceeds forty-five miles per hour, an advance warning sign shall be placed, on each approach affected by the work, approximately two thousand four hundred feet in advance of the work site. Additional advance warning signs shall be placed approximately one thousand five hundred feet in advance of the work site and thereafter at approximately five hundred-foot intervals in advance of the work site.

(2) Where the speed limit is forty miles per hour or forty-five miles per hours, an advance warning sign shall be placed, on each approach affected by the work, approximately one thousand five hundred feet in advance of the work site. Additional advance warning signs shall be placed at five hundred-foot intervals between the

first advance warning sign and the work site.

(3) Where the speed limit is thirty miles per hour or thirty-five miles per hour, except as provided in paragraphs (4) and (5) of this subsection, an advance warning sign shall be placed, on each approach affected by the work, approximately seven hundred fifty feet in advance of the work site. Additional advance warning signs shall be placed at two hundred fifty-foot intervals between the first advance warning sign and the work site. Exceptions may be permitted by the authority upon application of the person performing the work where placement of the advance warning sign may not be feasible or may cause confusion.

(4) Where the speed limit is thirty miles per hour or thirty-five miles per hour and the work being performed is engineering survey which is confined between traffic lanes so as not to impede the passage of traffic in the adjacent lanes, a single high level warning device, such as a set of red flags or a flasher, may be used in lieu of the advance warning signs. These devices shall be placed, on each approach affected by the work, approximately three hundred fifty feet in advance of the work site. Additional high level warning devices may be placed between the first high level warning device and the work site. The flags on a device shall be at least eighteen inches in length by eighteen inches in width, and shall be red or another color approved by the director. The flasher on a device shall be amber in color. The flags or flasher shall be at least five feet above the pavement level.

(5) Where the speed limit is thirty miles per hour or thirty-five miles per hour and the work being performed is engineering survey, service, maintenance, or inspection work which is being performed during off-peak hours, does not interfere with traffic movement, and lasts no longer than three hours, a single high level warning device described in paragraph (4) of this subsection may be used in lieu of the advance warning signs. The device shall be placed, on each approach affected by the work, approximately five hundred feet in advance

of the work site. Additional high level warning devices may be placed between the first high level warning device and the work site.

(6) Where the speed limit is twenty-five miles per hour or less, except as provided in paragraph (7) of this subsection, an advance warning sign shall be placed, on each approach affected by the work, approximately two hundred feet in advance of the work site. Additional warning signs may be placed between this sign and the work site. Exceptions may be permitted by the authority upon application of the person performing the work where placement of the advance warning sign may not be feasible or may cause confusion.

(7) Where the speed limit is twenty-five miles per hour or less and the work being performed is engineering survey, service, maintenance, or inspection work which is being performed during off-peak hours, does not interfere with traffic movement, and lasts no longer than three hours, a high level warning device as described in paragraph (4) of this subsection may be used in lieu of the advance warning sign. It shall be placed, on each approach affected by the work, approximately two hundred feet in advance of the work site. [Eff: AUG 26 1982] (Auth: HRS §286-8) (Imp: HRS §286-8)

§19-129-17 Erection of signs. Where maintenance or construction operations are such that the site of the work moved slowly along the street or highway, or where only momentary (maximum thirty minutes) stops are made, a high level warning device with red flags or a rotating amber beacon mounted on the vehicle being used in the work shall be used. The flags or beacon shall be mounted at least five feet above pavement level and be clearly visible to all approaching traffic; provided that where the hazard is not clearly apparent to motorists, or the sign distance is restricted, advance warning signs shall be installed as required in §19-129-16. [Eff: AUG 26 1982] (Auth: HRS §286-8) (Imp: HRS §286-8)

§19-129-18 Barriers and channelizing devices. Barriers and channelizing devices used at work sites shall follow the basic standards prescribed in the

manual and in §19-129-19, §19-129-20, and §19-129-21. [Eff: AUG 26 1982] (Auth: HRS §286-8) (Imp: HRS §286-8)

AUG 4 1986

§19-129-19 ~~Barricade design and application.~~ (a) Markings for barricade rails and drums shall be reflectorized alternate orange and white stripes.

(b) Beyond a barricade closing one or more lanes, where it is necessary to confine the traffic to certain lanes for some distance, additional traverse barricades or drums shall be placed at close intervals in the closed lane. These intervals shall be approximately one hundred twenty-foot spacings on tangents and curves of more than one thousand-foot radius, and approximately sixty-foot spacings on curves of one thousand-foot radius or less. As required by the authority, at particularly hazardous locations, a series of Type I or II barricades, cones, or drums shall be set in a longitudinal row along the edge of the closed area. Barricades shall be set continuously, and drums and cones shall be set at approximately ten-foot spacings. [Eff: AUG 26 1982] (Auth: HRS ~~§286-8) (Imp: HRS §286-8)~~

§19-129-20 Traffic cone application. Cones shall be spaced approximately sixty feet apart; provided that on tapers and curves of one thousand-foot radius or less, cones shall be set at thirty-foot intervals. Where engineering survey is being performed and the work is confined to an area between traffic lanes, cones shall be placed at spacings of thirty feet, upon the painted stripe the entire distance between the high level warning device required by §19-129-16 and the work site. The work site shall be surrounded by cones. Where engineering survey, service, maintenance, or inspection work is being performed during off-peak hours, does not interfere with traffic movement, and is being performed within a lane in which parking is allowed, cones shall be used to surround the work site. [Eff: AUG 26 1982] (Auth: HRS §286-8) (Imp: HRS §286-8)

§19-129-21 Barrel or drum application. Drums shall be spaced approximately one hundred twenty feet apart; provided that on tapers and curves of one thousand-foot radius or less, drums shall be set at sixty-foot intervals. [Eff: AUG 26 1982] (Auth: HRS §286-8) (Imp: HRS §286-8)

§19-129-22 Lighting devices. Lighting devices used at construction and maintenance work sites shall follow the basic standards prescribed in the manual and the provisions set forth in §19-129-23 and §19-129-24. [Eff: AUG 26 1982] (Auth: HRS §286-8) (Imp: HRS §286-8)

§19-129-23 Street lights. Where existing street lights are to be removed for construction purposes, or if traffic is detoured through unlighted areas from lighted roadways within the construction area, temporary lighting at least equivalent to the existing illumination shall be provided and maintained throughout the construction period, unless waived by the authority. [Eff: AUG 26 1982] (Auth: HRS §286-8) (Imp: HRS §286-8)

§19-129-24 Barricade warning lights. Portable supports shall have a reflectorized orange and white striped panel approximately two square feet in area. [Eff: AUG 26 1982] (Auth: HRS §286-8) (Imp: HRS §286-8)

§19-129-25 Control of traffic through work areas. The control of traffic through work areas shall follow the basic standards prescribed in the manual and in §19-129-26, §19-129-27, and §19-129-28. [Eff: AUG 26 1982] (Auth: HRS §286-8) (Imp: HRS §286-8)

§19-129-26 Flagmen. When it is considered necessary, the authority may require the parties applying for a permit to perform work on or adjacent to the public highways to use flagmen or police officers for the control of traffic at work sites. [Eff: AUG 26 1982] (Auth: HRS §286-8) (Imp: HRS §286-8)

§19-129-27 Flagmen station. The flagmen's station shall be lighted for night-time operations. [Eff: AUG 26 1982] (Auth: HRS §286-8) (Imp: HRS §286-8)

§19-129-28 Flagging procedures. Flagmen and operators of construction machinery or trucks shall make every reasonable effort to allow the driving

public the right-of-way and prevent excessive delays. [Eff: AUG 26 1982] (Auth: HRS §286-8) (Imp: HRS §286-8)

§19-129-29 Severability. If any section or part of this chapter is held invalid for any reason, the invalidity shall not affect the validity of the remaining sections or parts of this chapter. [Eff: [illegible]] (Auth: HRS §286-8) (Imp: HRS §286-8)

§19-129-30 Enforcement. This chapter shall be enforced by the authority or by a police officer of the county in which the violation occurs. Arrest and citations for violations shall be as set forth in §286-10, Hawaii Revised Statutes. [Eff: AUG 26 1982] (Auth: HRS §286-8) (Imp: HRS §286-8, §286-10)

§19-129-31 Reports of violation. Violation of this chapter shall be reported to the appropriate authority or to any police officer of the county in which the violation occurs. [Eff: [illegible]] (Auth: HRS §286-8) (Imp: HRS §286-8)

§19-129-32 Penalties. Penalties for violation of this chapter shall be as set forth in §286-8, Hawaii Revised Statutes. Any person violating this chapter shall also be subject to revocation of any permits issued to him under §264-7, Hawaii Revised Statutes. [Eff: AUG 26 1982] (Auth: HRS §286-8) (Imp: HRS §264-7, §286-8)

§19-129-33 Repeal. All rules and regulations governing the use of traffic control devices at work sites on or adjacent to public streets and highways in effect prior to the effective date of this chapter are repealed. [Eff: AUG 26 1982] (Auth: HRS §286-8) (Imp: HRS §264-7, §286-8)

DEPARTMENT OF TRANSPORTATION

I, RYOKICHI HIGASHIONNA, in my capacity as the Director of Transportation of the State of Hawaii, pursuant to the authority vested in me by law, do hereby adopt the foregoing Chapter 129 of Title 19 which contains rules relating to Use of Traffic Control Devices at Work Sites on or Adjacent to Public Streets and Highways.

The rules in this chapter are being adopted following public hearings held on May 24, 25, 26, and 28, 1982, notice of which was duly published on May 3, 1982 in the Honolulu Advertiser and Honolulu Star-Bulletin, and on May 4, 1982 in the Hawaii Tribune Herald, Maui News and Garden Island News.

These rules shall take effect ten days after filing with the Office of the Lieutenant Governor.

Ryokichi Higashionna
RYOKICHI HIGASHIONNA
Director of Transportation

Date: July 28, 1982

APPROVED:

George R. Ariyoshi
GEORGE R. ARIYOSHI
Governor
State of Hawaii

Date: 8-12-82

APPROVED AS TO FORM:

Deputy Attorney General

LT. GOVERNOR'S OFFICE
1982 AUG 16 AM 8 01
REC'D. BY