

# Reducing Liability Risks in Temporary Traffic Control

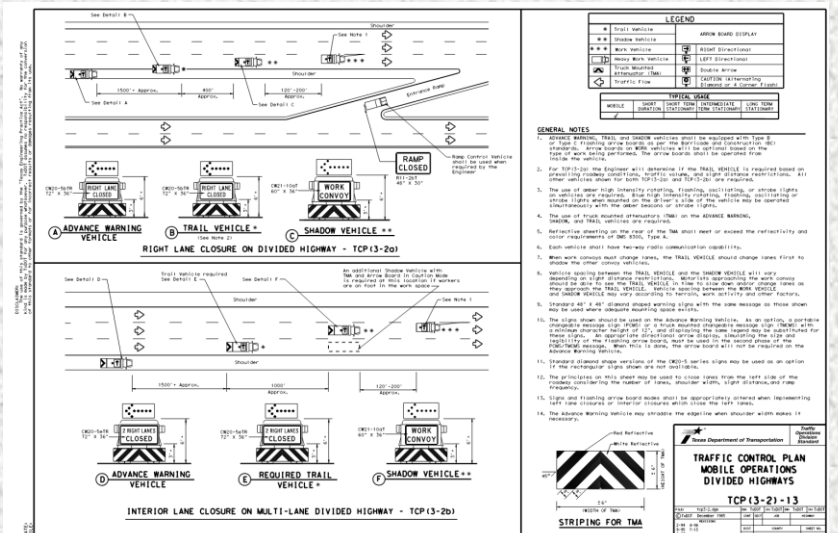
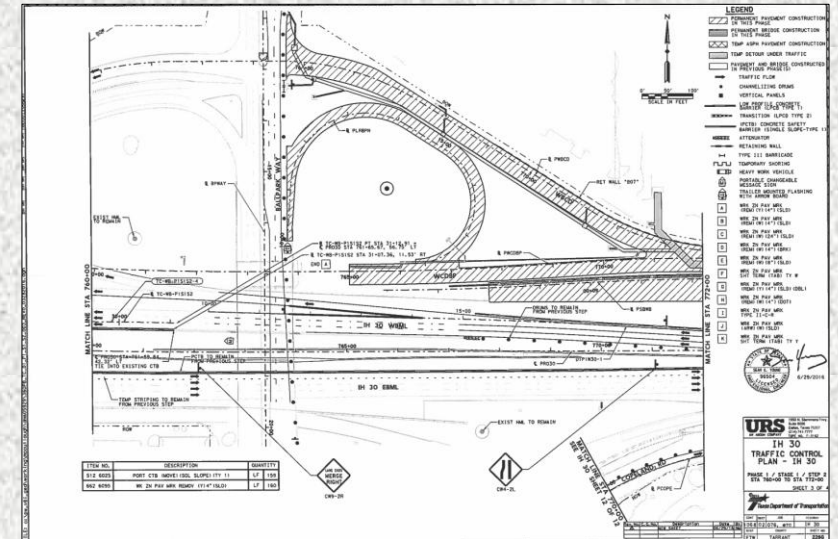
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# Key Contributors to TTC Litigation Risk

- Not having a TCP
- Not properly implementing a planned TCP
- Not maintaining an implemented TCP
- Others





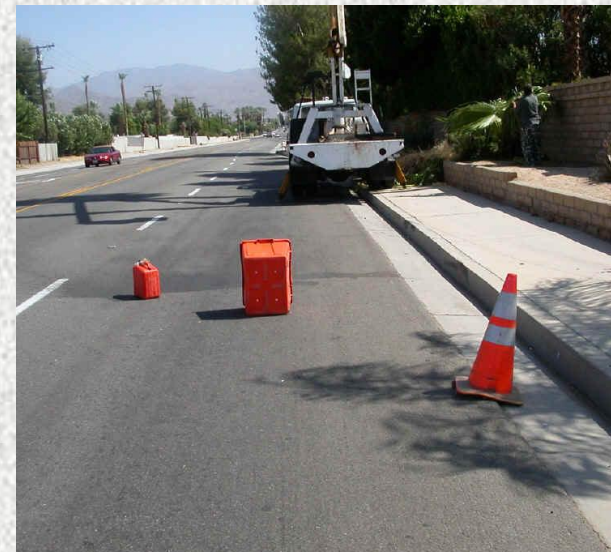
# Not Having a TCP – Equipment Mobilization

- If “..road user conditions are changed...” (MUTCD 6B.02(01))
- If so, it is a mobile operation
- Agency contractual requirements govern



# Not Having a TCP – Utility Work

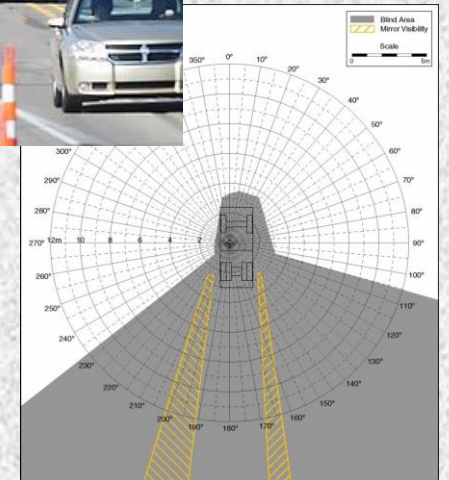
- Overreliance on “...simplified control procedures may be warranted for short-duration work.”
- Consider implications if short duration activity would happen to exceed 1 hour





# Not Having a TCP – Ignoring Equipment Positioning and Relocating Needs

- Short-term maintenance work can impact side streets and opposing traffic lanes
- Equipment operators may have limited visibility of approaching traffic



# Improper TCP Implementation – Incorrect TTC Devices and Placement

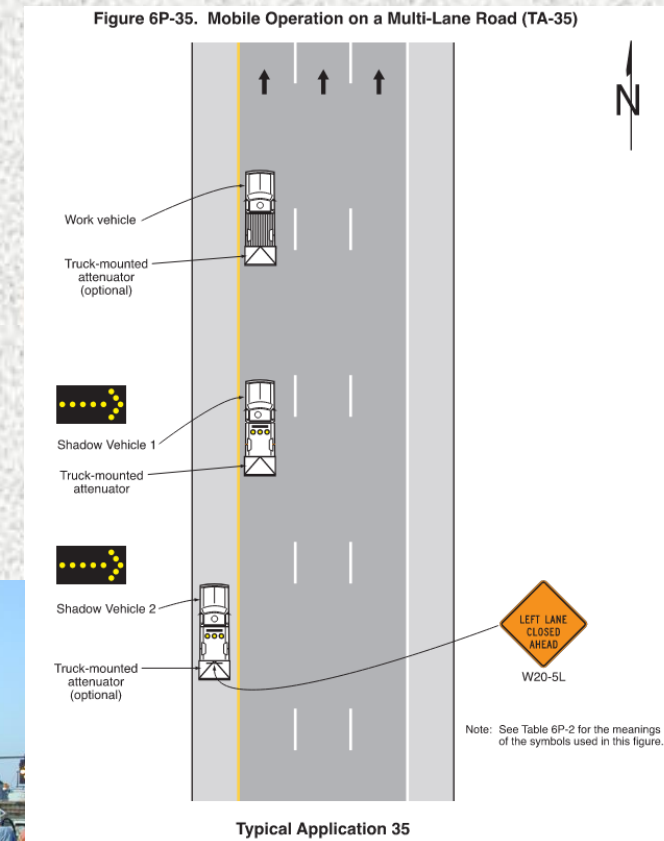
- Wrong signs
  - Left v Right
  - Sizes
- Wrong tapers
- Failure to cover existing signs
- Unauthorized changes to the signed traffic control plan





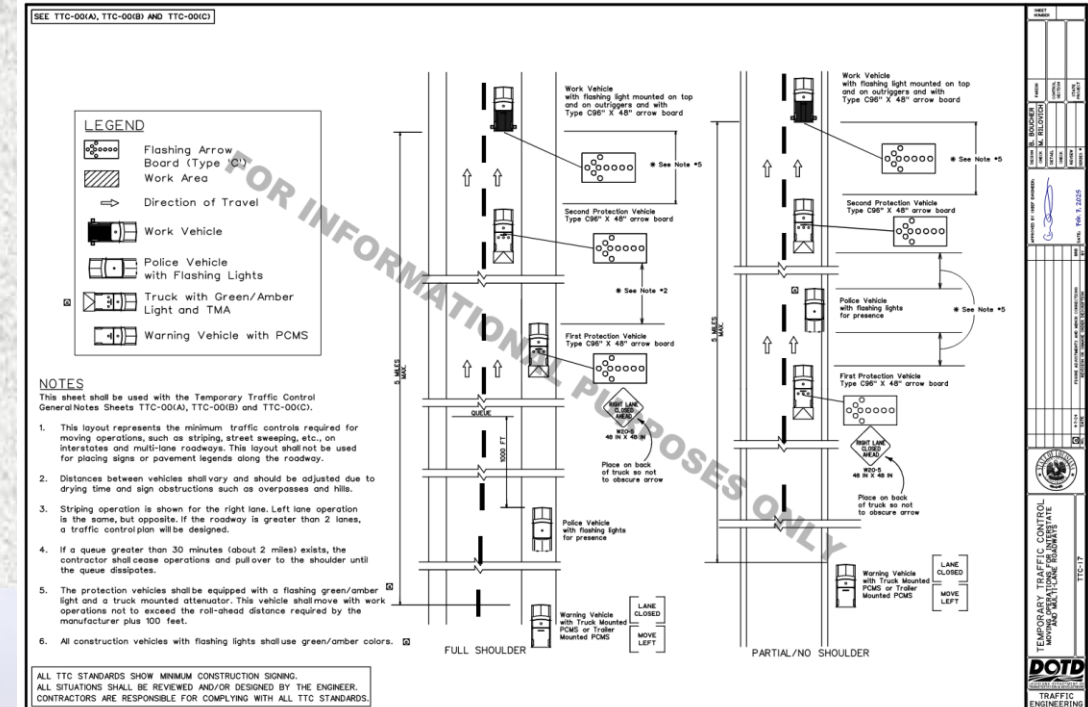
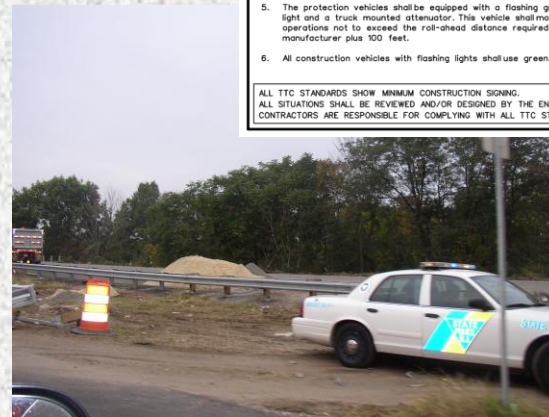
# Improper TCP Implementation – Incorrect Position of Shadow Vehicles and TMAs

- Missing vehicles
- Closing a lane for a roadside work operation
- Positioning in front of law enforcement vehicles in travel lane



# Improper TCP Implementation – Law Enforcement Positioning

- Failure to use if required in contract
- Positioning directly behind shadow vehicles/TMAs
- Positioning of multiple LE vehicles when queues present





# Improper TCP Implementation – Unauthorized TTC Additions/Changes

- Unexpected sight distance restrictions
- Improper barrier installation



# Improper TCP Maintenance – Not Adjusting Advance Warning for Traffic Queues

- Contractual requirements influence level of responsibility
- What constitutes “warning” may vary





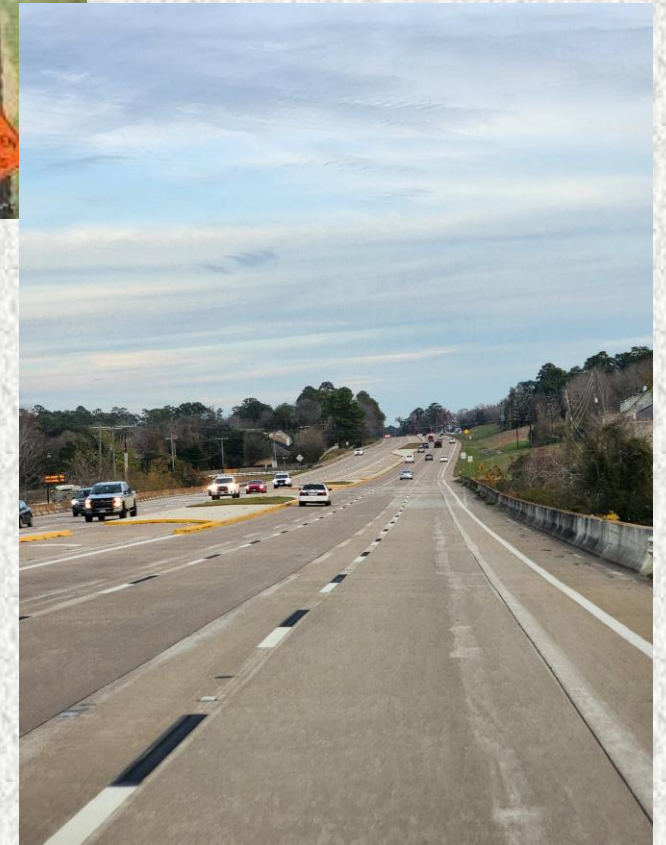
# Improper TCP Maintenance – TTC Devices





# Improper TCP Maintenance – Pavement Markings

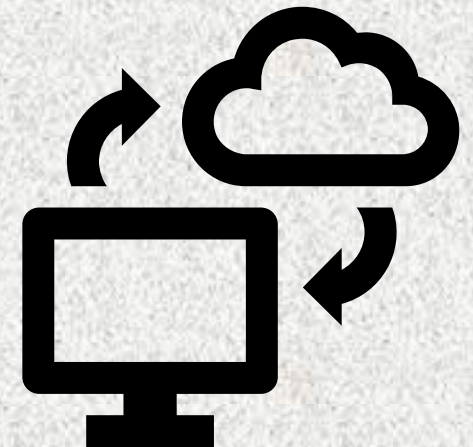
- Contractual requirements regarding replacement
- Removal quality





# Other – Lack of Documentation

- “Handshake” agreements
- Field conversations of contractual changes
- Lack of digital backups



# Other – Not Complying with Contractual Requirements

- Allowable workdays and times
- Lane closure permits
- Training documentation

[illegible]



# Other – Lack of Smart Work Zone Operation Documentation



G1 : X ✓ fx Implied Speed: 45mph congestion- Slow / 30mph congestion- Stopped / Free Flow: 52.5 (70% of Speed Limit): Road work ahead									
	A	B	C	D	E	F	M	N	O
1	Device	Name	Locatio	Latitud	Longitu	Message	Message Activation Time/Date	Range + 15 Minutes	Range - 15 Minutes
2									
3	9 EB PCMS			30.11994	-93.8317	SLOW TRAFFIC 2 MILES^SLOW TRAFFIC 2 MILES	2/26/2021 12:29	2/26/2021 12:44	2/26/2021 12:
4	9 EB PCMS			30.11994	-93.8317	ROAD WORK AHEAD^ROAD WORK AHEAD	2/26/2021 12:36	2/26/2021 12:51	2/26/2021 12:
5	9 EB PCMS			30.11994	-93.8317	SLOW TRAFFIC 2 MILES^SLOW TRAFFIC 2 MILES	3/1/2021 10:55	3/1/2021 11:10	3/1/2021 10:
6	9 EB PCMS			30.11994	-93.8317	STOPPED TRAFFIC 2 MILES^STOPPED TRAFFIC 2 MILES	3/1/2021 10:58	3/1/2021 11:13	3/1/2021 10:
7	9 EB PCMS			30.11994	-93.8317	SLOW TRAFFIC 2 MILES^SLOW TRAFFIC 2 MILES	3/1/2021 10:59	3/1/2021 11:14	3/1/2021 10:
8	9 EB PCMS			30.11994	-93.8317	ROAD WORK AHEAD^ROAD WORK AHEAD	3/1/2021 11:00	3/1/2021 11:15	3/1/2021 10:
9	9 EB PCMS			30.11994	-93.8317	SLOW TRAFFIC 2 MILES^SLOW TRAFFIC 2 MILES	3/2/2021 7:57	3/2/2021 8:12	3/2/2021 7:
10	9 EB PCMS			30.11994	-93.8317	ROAD WORK AHEAD^ROAD WORK AHEAD	3/2/2021 8:01	3/2/2021 8:16	3/2/2021 7:
11	9 EB PCMS			30.11994	-93.8317	SLOW TRAFFIC 2 MILES^SLOW TRAFFIC 2 MILES	3/2/2021 8:02	3/2/2021 8:17	3/2/2021 7:
12	9 EB PCMS			30.11994	-93.8317	ROAD WORK AHEAD^ROAD WORK AHEAD	3/2/2021 8:05	3/2/2021 8:20	3/2/2021 7:
13	9 EB PCMS			30.11994	-93.8317	SLOW TRAFFIC 2 MILES^SLOW TRAFFIC 2 MILES	3/3/2021 11:26	3/3/2021 11:41	3/3/2021 11:
14	9 EB PCMS			30.11994	-93.8317	STOPPED TRAFFIC 2 MILES^STOPPED TRAFFIC 2 MILES	3/3/2021 11:41	3/3/2021 11:56	3/3/2021 11:
15	9 EB PCMS			30.11994	-93.8317	SLOW TRAFFIC 2 MILES^SLOW TRAFFIC 2 MILES	3/3/2021 11:46	3/3/2021 12:01	3/3/2021 11:
16	9 EB PCMS			30.11994	-93.8317	STOPPED TRAFFIC 2 MILES^STOPPED TRAFFIC 2 MILES	3/3/2021 11:52	3/3/2021 12:07	3/3/2021 11:
17	9 EB PCMS			30.11994	-93.8317	SLOW TRAFFIC 1 MILE^SLOW TRAFFIC 1 MILE	3/3/2021 11:54	3/3/2021 12:09	3/3/2021 11:
18	9 EB PCMS			30.11994	-93.8317	STOPPED TRAFFIC 2 MILES^STOPPED TRAFFIC 2 MILES	3/3/2021 12:03	3/3/2021 12:18	3/3/2021 11:
19	9 EB PCMS			30.11994	-93.8317	SLOW TRAFFIC 2 MILES^SLOW TRAFFIC 2 MILES	3/3/2021 12:08	3/3/2021 12:23	3/3/2021 11:
20	9 EB PCMS			30.11994	-93.8317	STOPPED TRAFFIC 2 MILES^STOPPED TRAFFIC 2 MILES	3/3/2021 12:10	3/3/2021 12:25	3/3/2021 11:
21	9 EB PCMS			30.11994	-93.8317	SLOW TRAFFIC 2 MILES^SLOW TRAFFIC 2 MILES	3/3/2021 12:13	3/3/2021 12:28	3/3/2021 11:
22	9 EB PCMS			30.11994	-93.8317	SLOW TRAFFIC 1 MILE^SLOW TRAFFIC 1 MILE	3/3/2021 12:16	3/3/2021 12:31	3/3/2021 12:
23	9 EB PCMS			30.11994	-93.8317	STOPPED TRAFFIC 1 MILE^SLOW TRAFFIC 1 MILE	3/3/2021 12:17	3/3/2021 12:32	3/3/2021 12:
24	9 EB PCMS			30.11994	-93.8317	SLOW TRAFFIC 1 MILE^SLOW TRAFFIC 1 MILE	3/3/2021 12:27	3/3/2021 12:42	3/3/2021 12:
25	9 EB PCMS			30.11994	-93.8317	SLOW TRAFFIC 2 MILES^SLOW TRAFFIC 2 MILES	3/3/2021 12:29	3/3/2021 12:44	3/3/2021 12:
26	9 EB PCMS			30.11994	-93.8317	STOPPED TRAFFIC 2 MILES^STOPPED TRAFFIC 2 MILES	3/3/2021 12:30	3/3/2021 12:45	3/3/2021 12:
27	9 EB PCMS			30.11994	-93.8317	SLOW TRAFFIC 1 MILE^SLOW TRAFFIC 1 MILE	3/3/2021 12:35	3/3/2021 12:50	3/3/2021 12:
28	9 EB PCMS			30.11994	-93.8317	SLOW TRAFFIC 2 MILES^SLOW TRAFFIC 2 MILES	3/3/2021 12:37	3/3/2021 12:52	3/3/2021 12:

ORANGE I-10 0025-14-091 MESSAGE EB WB +

5 Windows Search [Taskbar icons: File Explorer, Edge, Word, Excel, PowerPoint, etc.] 3:32 PM 9/30/2025

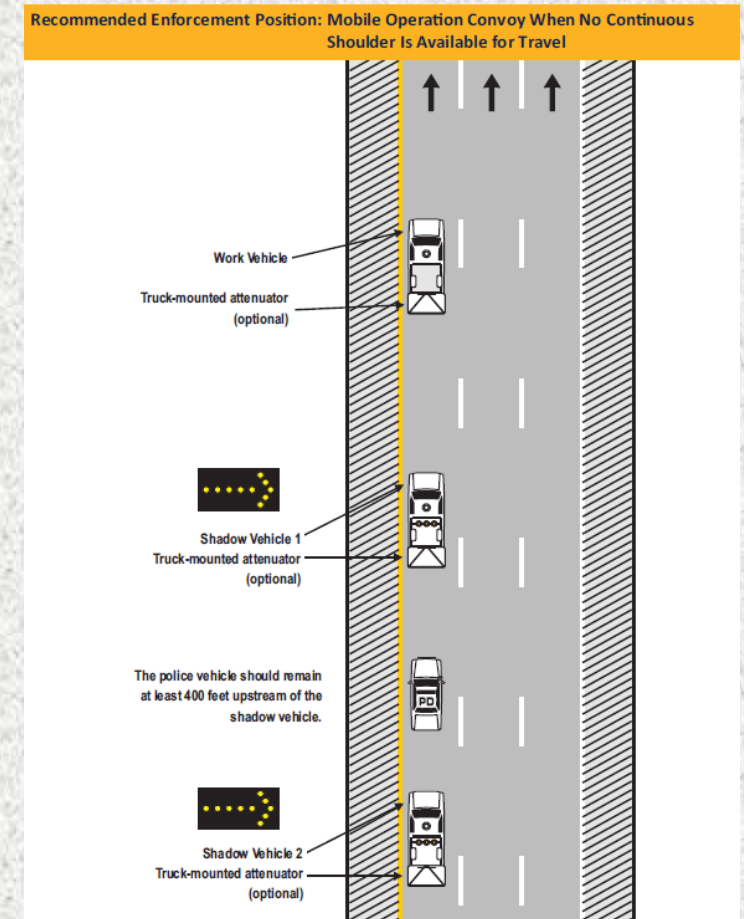
# Other – Inadequate Training

- Over-reliance upon on-the-job training
- Keep an eye on non-roadway-specific subcontractors





# Other – Lack of/Inadequate Communications Capabilities



# Key Takeaways

- Know what's in the contract (and adhere to it ad infinitum)
- Driver error does not guarantee contractor “immunity” against litigation
- Inspect, inspect, inspect
- Document, document, document
- Emphasize constant situational awareness in staff training





# Questions?

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