

# PRACTICAL ASPECTS REGARDING CONDITIONS OF CLOSING TRAFFIC AND SETTING TRAFFIC RESTRICTIONS FOR BOTH THE EXECUTION OF WORKS IN PUBLIC ROADS AREA AND/OR THE PROTECTION OF ROADS

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## ABSTRACT

*Institutions and authorities involved in organizing, structuring and signaling traffic are represented, on one hand, by the Romanian Police through its structures of traffic police as the main body with responsibilities in the field and, on the other, by the administrators of public roads depending on material and territorial competence.*

*The administrators of public roads are those mentioned in the Government Ordinance no. 43/1997 regarding the legal regime of roads, as amended to date, namely: the National Company of Administration of Roads Infrastructure subordinated to the Ministry of Transportation – for national roads, the County Councils – for county roads and the Local Councils – for local interest roads, national or county road sectors, including artwork, arrangements and related accessories, located in built-up urban areas.*

*In their turn, the County and Local Councils operate in the organization and systematization of traffic by both the Commission of Systematization of Roads and the committees of single agreement.*

**KEYWORDS:** road systematization, road signs, road administrator, legislation

## 1. Aspects Regarding the Conditions of Closing Traffic and Setting Traffic Restrictions for the Execution of Works in Public Roads and/or to Protect Roads

The road administrators referred to in the Articles 21 and 22 of the Government Ordinance no.43/1997 regarding the roads, approved by the Law no. 82/1998 and republished, may approve, with the consent

of the traffic police, to close or set restrictions for vehicles and pedestrians on the road sectors specified for a limited period of time for the execution of legally authorized works taking place in public roads or to protect them and road users (MAI & MT, 2000).

Closing or setting temporary traffic restrictions in order to protect roads and road users are made in the following **situations:**

a) **during the blizzard, heavy snow, icy roads, flooding or in other weather conditions which generate the blocking of roads**, vehicle access to affected areas is prohibited in order to operatively rehabilitate the situation using specialized equipment;

b) **during the winter-spring period, there can be put “thaw barriers” in order to protect the road system** by prohibiting vehicle access with a maximum authorised load exceeding a certain value and by restricting speed, except, as appropriate, public passenger transportation.

The public road administrator is obliged to ensure its viability (The Romanian Government, 2006).

In line with the Article 4 of the Regulation implementing G.E.O. no. 195/2002 on public roads, republished, **the closure or creation of restrictions of traffic for vehicles or pedestrians on public roads can be done only by limiting traffic levels for the protection of road sectors or for the execution of works, as determined by law.**

In case of traffic incidents or if road safety is at risk due to **natural phenomena**, the traffic police or the public road administrator with the consent of the traffic police, may order temporary **restrictions of traffic, informing road users about the ban, duration and diverted routes.**

Also, the Article 5 of the aforementioned law stipulates that public road administrator is obliged to take immediate measures to eliminate the causes of road incidents due to the configuration, status or failure of the technical equipment.

In case of traffic incidents, the public road administrator is required to clean to remove the obstructions on the carriageway and rehabilitate the road as before.

The applicant of closing or setting restrictions of traffic for the execution of works in public roads, natural or legal persons will address in writing to the authorities who are responsible to issue consents and permits.

The competences of issuing and approving the **closure of traffic** are presented in the table below:

**Table no. 1**

*The competences of issuing and approving the closure of traffic*

No.	Category of public road	Duration	Competences of issue	
			consent	approval
1	Motorways and (E) European national roads	Any	The Traffic Police Department in the General Inspectorate of Police	The National Administration of Roads
2	Other national roads than the „E”* roads	More than 5 days	The Traffic Police Department in the General Inspectorate of Police	The National Administration of Roads
3	Other national roads than the „E” roads	Up to 5 days	The Traffic Police Department in the County Inspectorate of Police	The Regional Body of Roads and Bridges
4	County and village roads	Any	The Traffic Police Department in the County Inspectorate of Police or the Traffic Police Brigade in the General Department of Police of Bucharest	The road administrator
5	Proximity roads	Any	The Police in town/village**	The road administrator
6	Streets***	Any	The Police in town/village**	The road administrator

The competences of issuing and approving the establishment **of traffic restrictions** are presented in the table below:

**Table no. 2***The competences of issuing and approving the establishment of traffic restrictions*

No.	Category of public road	Category of works	Competences of issue	
			consent	approval
1	Motorways and national roads	– rehabilitation of roads – increase the traffic capacity – modernization – set “barriers thaw”	The Traffic Police Department in the General Inspectorate of Police	The National Administration of Roads
2	(E) European national roads	– works that affect the road area, other than those mentioned at no. 1	The Traffic Police Department in the County Inspectorate of Police	The Regional Body of Roads and Bridges
3	Other national roads	– works that affect the road area, other than those mentioned at no. 1	The Traffic Police Department in the County Inspectorate of Police	The National Roads Department
4	County and village roads	All kind of works	The Traffic Police Department in the County Inspectorate of Police or the Traffic Police Brigade in the General Department of Police of Bucharest	The road administrator
5	Proximity roads	All kind of works	The Police in town/village	The road administrator
6	Streets	All kind of works	The Police in town/village	The road administrator

The application and documentation to close or set **restrictions of traffic** will be submitted as follows:

- **The Regional Body of Roads and Bridges Subordinated to the National Company of Administration of Road Infrastructure** which administrates the respective road sector, for the situations mentioned in Table 1 – no. 1, 2, 3 and no. 6\*\*\* (as appropriate) as well as those in Table 2 – no. 1, 2 and 6\*\* (as appropriate) (\*\*excepting the streets belonging to national routes and that are in line with the provisions mentioned at point 1, 2 and 3 as appropriate.);

- **The Department of National Roads** which manages the respective road sector for the situations mentioned in Table 2 – no. 3;

- **The road administrator** for the situations referred to at no. 4, 5 and 6 of the Tables 1 and 2.

The original application and documentation will be submitted at least 30 days before works begin, if the competence of issuing documentation and approval for closure or setting of restrictions of traffic fall under the responsibility of the Traffic Police Department or to the **National Company of Administration of Road Infrastructure**, and, at least 20 days before in other cases.

If the competences of issuing documentation falls under the responsibility of the Traffic Police Department of the General Inspectorate of the Romanian Police and the approval, in its turn, under the responsibility of the National Company of Motorways and National Roads in Romania, the documentation accompanied by proposals of the Traffic Police Department and the Regional Body of Roads and Bridges will be submitted to the National Company of Motorways and National Roads by the

Regional Body of Roads and Bridges, at least 20 days before the proposed deadline of the closure or setting restrictions of traffic.

The National Company of Administration of Road Infrastructure in Romania, based on the documentation submitted, requests the consent of the Traffic Police Department of the General Inspectorate of the Romanian Police for the approval of the closure or setting of restrictions of traffic.

**The demand** for closure or setting restrictions of traffic will include the following information: the applicant's full name, address, telephone number, fax, and data identification document for natural persons or tax code for legal persons; the road category (national, county, municipal, proximity street) and the kilometer positions to limit the sectors where works will develop, or the number of buildings, in case of streets; the category of work to be executed, the execution duration and the period for which they request the closure or setting restrictions of traffic; the impact on traffic: the closure or setting restrictions of traffic; the work contractor, if this is not done by the applicant, specifying the data referred to in point 1; the designated person must be responsible for compliance and enforcement measures contained in the act of approval: the parents' name, surname, series and number of identity document issued by the competent authority, home, office.

**The documentation will include:** the presentation memorandum of the works category and execution technology; signalization schemes in the area concerning road works that are made in compliance with the plots in the annexes of these rules (MAI & MT, 2006), with any additions, depending on the actual situation in the field; the outline of the proposed diverted routes, in case of traffic diversion, where it is specified the category of functional and administrative – territorial roads on these routes and completed with signalization guide concerning the diverted

traffic; the reports of observation signed by the representatives of the applicant, the road administrator and the traffic police, after checking the field, completed obligatorily with data referring to the type and condition of pavement, category and technical condition of bridges, geometrical elements of roads, route gradients, etc.; if traffic is diverted on routes that involve several administrative – territorial categories of roads, the documentation and consent will include the consent of these roads administrators.

When implementing control in the field and writing the report, the representatives of both all these road administrations and the Road Service within the County Police Inspectorate will obligatorily participate.

In order to approve the closure or setting restrictions of traffic, the representatives of the public road administrator and the traffic police will review the documentation submitted and will determine appropriate measures to be met to achieve safely road works.

If the documentation referring to the technical process and solutions of execution do not meet the demands of the road traffic, the representatives of the road administrators and/or the traffic police may require modification and completion of the documentation, aiming at shortening execution duration and restrict the proper road area where works take place.

The document of approving the closure or setting restrictions of traffic will be written in three copies, one for the applicant, one for the public road administrator and one for the traffic police. Diagrams or sketches of temporary road signalization will not be changed by the road administrator and the traffic police.

The public road administrator running under its own the works in the road or in the area he administrates, will obtain the consent of the traffic police in order to close or set restrictions of traffic, before works start, as specified.

**The closure or setting restrictions of traffic for works for new roads, modernization, rehabilitation and increase capacity of movement** are based on the **Management Traffic Project**, prepared by the general contractor who is responsible for the work, acquired by the consultant and approved jointly by the National Administration of Road Infrastructure within the Department of Traffic Police in the General Inspectorate of Romanian Police as far as national roads are concerned or by the road administrator together with the Department of Traffic Police from the County Police Inspectorate as far as other categories of public roads are concerned.

When the traffic safety or state of public roads are affected by the destruction or accidental degradation of construction and the existing facilities in the area, other than those of road, the owner of either construction or these installations will start work intervention without delay, providing road signs in line with the schedules of these rules, announcing the public road administrator and the traffic police in up to 4 hours from the identification of the incident in urban areas and in up to 12 hours in other cases.

The contractors of works taking place in public road will have the following **obligations**:

- *to start the work only after obtaining the approval of the road administrator under the consent of the traffic police to close and divert the traffic or set restrictions of traffic and ensure all conditions for their implementation, except the cases as provided in paragraph 12 of the Methodology Rules (MAI & MT, 2000);*
- *to keep permanently at the work place the copies of the authorization of location in the road and of the approval for closing or setting restrictions of traffic, accompanied by the scheme of signalization that will not change;*
- *to respect the time and the implementation deadlines set out in the approval document;*
- *to respect the technical process and the solution of the execution documentation under which the approval of the traffic police and road administrator were issued;*
- *to carry out arrangements for traffic safety, install, maintain, complete operatively and maintain the means of signalization and protection of the road, throughout the execution of works;*
- *to arrange special lanes on the carriageway of public road for pedestrians where works affect the sidewalk;*
- *to achieve and maintain the approved road deviation in conditions of traffic safety;*
- *to ensure protective – warning equipment for staff working in public road;*
- *to ensure full reset of traffic by releasing the platform and the road immediately after work or working hours if the roadway is no longer affected by works;*
- *to dismantle the temporary road signs on the road sector with the completion of the rehabilitation of the road platform, and restore the original signal or, as appropriate, to ensure appropriate signalization of new driving conditions;*
- *to repair parts of the road affected by works, removing any degradation occurring during the warranty period;*
- *at the end of works, it is elaborated a report between the representatives of the road administrator and the traffic police. This report will contain the record of completion of all works in order to restore traffic safely.*

If, during works, the applicant for approval of closure or setting restrictions of

traffic finds that he can not respect the deadlines set out in the approval due to **fundamentally justified causes and objectives**, he will ask the road administrator to extend the closure or setting restrictions of traffic.

Those involved in the execution of works in public road will be equipped with yellow-orange vests, if they work on the carriageway. If works are performed overnight, the protective – warning equipment will be necessarily provided with orange or white retro-reflective elements.

Prior to closure or setting restrictions of traffic, the public road administrator will inform road users by written mass media, radio, television, concerning the traffic conditions on the road sections concerned and, possibly, on alternative recommended routes.

The public road administrator and the traffic police must **control** how the conditions and measures set out in the act of approval are respected. If they find infringement or deficiencies which endanger the safety and the flow of vehicle traffic or pedestrians, they will take measures to punish those responsible in line with law and they may invalidate the approval of the closure or setting restrictions of traffic, the contractor being required to rehabilitate immediately the traffic road in good condition. Punitive measures will be applied in case the contractor does not eliminate the occurred degradation in works area during their warranty period.

The traffic accidents recorded and caused by either temporary incomplete road signalization or lack of it fall under the guilt of the contractor, attracting liability, civil or penal law as appropriate. But the provisioned measures are not limitative, so that it is possible to set and enforce other measures, as appropriate, in order to improve road safety in line with the legal provisions in force.

Thus, according to the Article 8 of the Regulations for the application of the G.E.O. no. 195/2002, republished, regarding public roads traffic, works in public roads are

executed by the road or railway administrator under the conditions which are set out in the authorization and with the approval of the traffic police.

The contractor developing works in public road traffic is obliged to make arrangements approved in the project in order to allow the safe flow of traffic participants.

If works are carried out on the pavement and the traffic is hardened, the works contractor is obliged to build passages for pedestrians, separated from the carriageway and adequately protected. At the end, the contractor must bring the road to its original condition or to that established in the project.

The public road or railway administrator is obliged to control and receive the executed works in public road only if they meet the quality standards required by both the law and the permits obtained priorly.

## **2. Recommendations for Users of Rules, Principles of Application of Temporary Road Signalization**

The factors who are responsible for work safety and temporary road signalization of works will take the necessary time to decide on the equipment and useful means for this purpose.

This decision is one of the objectives to be considered in preparing works.

The rules in the field contain a number of ways of temporary road signalization of work areas. It should be remembered that the signalization diagrams are not limited to. The particularity of the traffic and the situation in the field may require appropriate modifications and additions to be acquired by bodies issuing consent or approval.

The most common modification or addition refers to distances of placing road signs which often must be readjusted for reasons of timely perception of their significance by road users.

Due to their frequent manipulation, the occurrence of accidents, deeds of vandalism or other reasons, some of the temporary traffic signs are damaged, destroyed or may disappear. Thus, to replace them operatively, the works contractor will provide a permanent reserve stock.

The staff in work area must wear mandatory protective – warning equipment and so does the staff of supervision and control.

In case of a road accident due to inadequate technical condition of public road, to the absence of proper or improper signalization, to the existence of obstacles or works to be executed on this public road, the administrator, the contractor or the operator of works are responsible, as appropriate, from the contravention, civil or legal liability perspective, in line with the provisions of law (The Romanian Government, 2002). In this case, the legal liability occurs according to legal norms as stipulated in penal, civil and contravention code, etc. (Tarnu, 2014).

### Principles of Temporary Road Signalization

The temporary road signalization must be in permanent compliance with the nature of danger which it relates to and with the category of road users to whom it addresses. Thus, signaling a work that occupies part of the pedestrian sidewalk and that addresses to pedestrians will be different from the one which addresses to drivers of vehicles in case of works which occupy part of the surface of the carriageway.

#### A. Principle of Adjusting to the Characteristics of Roads

According to *function*, roads or streets are:

- **roads in extravilan area;**
- **urban roads.**

In the following figure is presented the clasification of roads according to national law

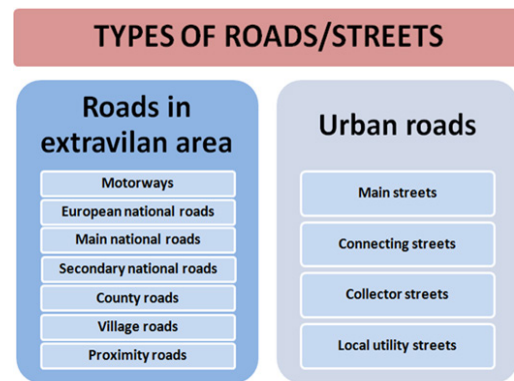


Figure no. 1: Clasification of roads/streets according to national law

#### The characteristics of traffic road are:

- road traffic intensity;
- traffic structure;
- traffic density;
- road traffic capacity;
- average traffic speed for all traffic;
- nature of the traffic (seasonal tourism).

#### B. Principle of Coherence

It is possible that temporary road signalization contradicts the current existing public road. In this situation, it is mandatory and necessary to remove the permanent signs that contradict the temporary road signs or to cover their faces with a mask throughout the closure or setting temporary traffic restrictions.

#### C. Principle of Valorification

The temporary road signalization must inform road users about the true situation they will encounter (location and extent of works, traffic conditions in work area) in a credible manner.

It is also necessary that the situation should be as road users expect, following the message of pre-signalization and temporary signalization.

So, for this purpose, certain conditions and aspects must be fulfilled:

- *signalization must comply with the legislation and the technical regulations in force;*

- *the meanings of the signs meet the real needs required to work;*
- *signalization must follow the progress of work time and in space;*
- *temporary signalization does not restrict the flow more than it is strictly necessary;*
- *temporary signalization must be removed at the end of works;*
- *current signalization must be restored and, if necessary, carried out in line with the new conditions arising from the execution of that work.*

#### **D. Principle of Perceiving the Meaning of Signalization**

So that the road users should perceive in due time the meaning of the temporary road signalization and the time needed to perform the necessary maneuvers should be ensured, the signs must be located in series above or on the left side of the road (especially for the one-way roads, curves, etc.) and the following **conditions must be respected**:

- a) to be carried out in line with the relevant standards (size, symbols, words and retro-reflection);
- b) to be judiciously placed;
- c) to be grouped into a limited number, maximum two indicators on the same support or side by side;
- d) to be clean and in good condition.

### **3. Conclusions**

The road safety is an absolute human considerable purpose, which mostly often is ignored. Being a major problem in our society, road security and safety affect daily life and they require continuous and permanent mobilization of public authorities in this extremely important domain.

The systematization of road traffic involves a series of tasks and responsibilities for all the institutions and authorities involved in the field of road safety and security, but these duties and responsibilities can not be established and defined clearly because of the multitude and diversity of special rules on systematization of road traffic. Also, these rules are usually divided, necessarily complementing other rules of the same law or other.

As far as the responsibilities of the institution of the national police and the traffic police in this area are concerned, it is expected that, once with the development of the local police subordinated to local authorities, they will be taken largely by this institution in order to develop a closer relationship between all authorities and institutions involved.

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