

603 KAR 5:320. Safety in highway work zones.

RELATES TO: KRS 189.232, 189.2325, 189.390(4)(b), 189.394(6)

STATUTORY AUTHORITY: KRS 174.080, 189.2325

NECESSITY, FUNCTION, AND CONFORMITY: KRS 189.2325 requires the Transportation Cabinet to promulgate administrative regulations governing the posting of signs advising motorists that penalties are increased for traffic violations occurring on state-maintained streets or highways in a highway work zone. KRS 189.390(4)(b) authorizes the Transportation Cabinet to temporarily reduce established speed limits in a highway work zone without an engineering or traffic investigation. This administrative regulation establishes guidelines for the posting of signs in highway work zones and addresses the maximum reduction in speed limit the Transportation Cabinet may be able to effect without an engineering or traffic investigation.

Section 1. Definition. "Highway work zone" is defined by KRS 189.232.

Section 2. Double Fine Signs. (1) At the beginning of that portion of a highway work zone where the fines for traffic violations are to be doubled, the Department of Highways shall place a sign with the following message: "Fine Doubled in Work Zone".

(2) At the end of that portion of a highway work zone where the fines for traffic violations are to be doubled, the Department of Highways shall place a sign with the following message: "End Double Fine".

(3) The construction or manufacture of double fine signs shall be governed by the criteria set forth in the Department of Highways document "Double Fine Signs Specifications".

(4) The signs required by subsections (1) and (2) of this section shall be removed or covered so that the required message is not visible or legible to the traveling public or a law enforcement officer when the highway work zone does not have a worker present for more than a two (2) hour period of time.

Section 3. Placement of Double Fine Signs. (1) A highway work zone shall be eligible for placement of the double fine signs if:

(a) A worker is not routinely protected by a barrier wall; or

(b) A condition exists which exposes a worker to traffic hazards.

(2) The double fine signs shall only be placed to affect that portion of the highway work zone where a worker is exposed to traffic hazards.

(3) The double fine signs may be relocated as the project taking place in the highway work zone progresses.

(4)(a) If the highway on which the "double fine signs" are to be placed is not a divided highway, the fine shall be doubled for both directions of travel.

(b) The "double fine signs" specified in Section 2 of this administrative regulation shall be placed facing the on-coming traffic at both ends of the work zone on a highway which is not divided.

(5) If the highway on which the "double fine signs" are to be placed is a divided highway, the fine shall be doubled only for a direction of traffic which is signed pursuant to this administrative regulation.

Section 4. State Forces. The Department of Highways engineer overseeing a construction or maintenance project which is being accomplished with state forces may place double fine signs in accordance with this administrative regulation.

Section 5. Encroachment Permit Holders and Contractors for the Department. (1) An applicant for an encroachment permit pursuant to 603 KAR 5:150 or a contractor for the department who will have workers exposed to traffic hazards may request permission to place double fine signs in accordance with this administrative regulation.

(2) The Department of Highways engineer who approves the encroachment permit or serves as engineer for the project shall grant or deny the request to place double fine signs at a highway work zone based on the criteria established in Section 3(1) of this administrative regulation.

(3) The Department of Highways engineer who approves an encroachment permit or oversees a construction project request for work on a highway which has hazardous conditions may require the permit holder to place double fine signs at the highway work zone.

(4) The placement of a double fine sign in a work zone shall not relieve a permit holder or contractor from his duty to have an approved traffic control plan for each work location.

(5) The double fine signs placed by the permit holder or contractor shall meet the requirements of the "Double Fine Sign Specifications".

(6) A permit holder or contractor shall notify the Transportation Cabinet of the times and locations of the placement of the double fine signs.

Section 6. Reduced Speed Limits. (1) The Department of Highways may temporarily reduce the speed limit in a highway work zone.

(2) The Department of Highways shall not reduce the speed limit in a highway work zone by more than fifteen (15) miles per hour without an engineering or traffic investigation if the highway work zone is located on a section of highway with a speed limit of seventy (70) miles per hour.

(3) The Department of Highways shall not reduce the speed limit in a highway work zone by more than ten (10) miles per hour without an engineering or traffic investigation if the highway work zone is located on a section of highway with a speed limit of sixty-five (65) miles per hour or less.

(4) A temporarily reduced speed limit in a highway work zone shall be signed with a black on white regulatory sign.

(5) A black on orange sign recommending a speed shall be advisory.

(6) The Department of Highways engineer in charge of a maintenance or construction project may temporarily reduce the speed limit in a highway work zone without placing double fine signs in the zone.

Section 7. Incorporation by Reference. (1) "Double Fine Sign Specifications", August 2007 Edition, Department of Highways, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Transportation Cabinet, Department of Highways, Division of Traffic Operations, 200 Mero Street, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4:30 p.m. (23 Ky.R. 2641; eff. 2-10-1997; 35 Ky.R. 633; 1460; eff. 1-5-2009; Crt eff. 11-26-2019.)