



## Legislation Text

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**File #:** 18-0860, **Version:** 1

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**DATE:** January 8, 2019

**TO:** Board of Mayor and Aldermen

**FROM:** Eric Stuckey, City Administrator  
Vernon Gerth, Assistant City Administrator - Community/Economic Development  
Shauna Billingsley, City Attorney

**SUBJECT:**

Consideration of Ordinance 2018-32, an Ordinance to Amend Title 16, Chapter 10, Section 16-1004 Relative to the Use of City Police Officers Required Under an Approved Traffic Control Plan. (Deferred from 12/11/18 and 1/08/19 WS; 1/22/19 WS, 02/12/19 BOMA 8-0) SECOND AND FINAL READING

**Purpose**

The purpose of this memorandum is to provide information to the Franklin Board of Mayor and Aldermen (BOMA) concerning the notification process and use of MUTCD (Manual on Uniformed Traffic Control Devices) trained personnel when traffic control is required and provided by a private entity authorized to perform work within the City of Franklin right-of-way.

**Background**

This section of the Municipal Code had required private companies performing work within the City right-of-way to contact and hire City of Franklin Police Officers when traffic control was required. Since the City's Police Officers were not always readily available, private companies would subsequently hire someone to direct traffic or had their own employees direct traffic who may not have received the proper training, acted inappropriately when directing traffic, and/or gave the appearance they were police officers.

This ordinance amendment requires companies who perform work within the City of right-of-way and, are required to implement traffic control to notify the City Traffic Operations Center, be dressed in a manner to not give the impression they are affiliated with the police and be trained as a MUTCD flagger. This amendment would still allow (but would no longer require) private companies to hire off-duty City of Franklin police officers to control traffic but does allow companies to hire a private company that specializes in traffic control or other individuals who have been trained to control traffic. City of Franklin Police Officers will still respond to emergency type situations and control traffic until the City's Police Officers can be relieved.

**Financial Impact**

This amendment has minimal financial implications. Private and Public Utility Companies who perform work with the City of Franklin right-of-way are already required to apply for and obtain a permit from the City for a

nominal fee prior to commencing work. Based on the location and type of work being performed, a traffic control plan may be required as part of the application that includes having a MUTCD trained flagger directing traffic. The costs associated with having a MUTCD flagger directing traffic is the responsibility of the company performing the work, except when City of Franklin Police Officers respond to an emergency.

**Recommendation**

Staff recommends approval of Ordinance 2018-32.