
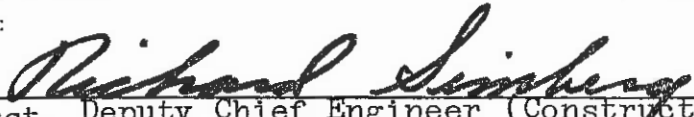


TO: MODIFIED BY EI 73-083 EFFECTIVE 11/19/1973; EI 75-007 EFFECTIVE 1/16/1975; EI 78-010 EFFECTIVE 2/9/1978	<div style="text-align: center;">  <h2 style="margin: 0;">ENGINEERING INSTRUCTION</h2> <p style="margin: 0;">NEW YORK STATE DEPARTMENT OF TRANSPORTATION</p> </div> SUBJECT: DESIGNATION OF RESTRICTED HIGHWAY Subject Code: 7.30
Distribution: <input checked="" type="checkbox"/> Main Office <input checked="" type="checkbox"/> Regions <input type="checkbox"/> Special	Code: <u>EI 73-59</u>
APPROVED: <div style="text-align: center;">  <u>Asst. Deputy Chief Engineer (Construction)</u> </div>	Date: <u>8-16-73</u> Supersedes: General Letter dtd. June 10, 1960 by B.A. Lefevre

This instruction describes procedures necessary for: 1. determining which roads must be designated as "Restricted Highway," 2. necessary project signing, and 3. proper execution of Form C 230 "Designation of Restricted Highway."

The following opinion was given by the Office of Legal Affairs: "If any one of the traffic regulations or restrictions that the Commissioner of Transportation has the power to impose under Section 1625 of the Vehicle and Traffic Law, would be different from the traffic regulations in effect at the time of commencement of the construction or reconstruction contract and are considered to be necessary in order for the contractor to perform his work under the contract, then the highway should be designated a restricted highway. This should include all sections of any highway on which work will be done under the contract."

1. All highways involved in the construction or reconstruction and all intersecting roads should be included in the description on Form C 230. Intersecting roads which require limited construction such as radius improvement, may be listed simply as ". . . and intersecting roads to the limit of work designated on the plans." Intersecting roads, where major reconstruction is involved, should be listed in a similar manner as the highway.

County and town roads and City streets which are being improved by the Department of Transportation are under the jurisdiction of the Commissioner and may be declared a restricted highway. However, only public roads should be included; private roads and driveways over which the Commissioner of Transportation has no authority should not be listed on this form. These roads will require the use of a driveway Release (CONR 222) prepared by the construction personnel at the time of construction.

Projects which involve minimum and short term interference with existing traffic regulations need not be restricted. This would include highways where work involves only the use of moveable "work zone" signs and flagmen for work off the roadway. Determination as to whether or not to restrict a highway should be made at the time of the Regional Construction review of the plans. This determination should be submitted with the P.S. & E. transmittal

Subject: DESIGNATION OF RESTRICTED HIGHWAY

to the Main Office so that the proper information can be included in the Proposal prepared for letting.


If a highway has not been designated a restricted highway and it becomes apparent after construction has commenced that the designation should be made, the Engineer-in-Charge should notify the Regional Construction Engineer to have Form C 230 processed thereby officially restricting the highway.

2. Following the award of a contract, the Engineer must have the contractor erect the appropriate signs prior to changing any existing traffic regulation on that highway. This signing must be in accordance with the plans and specifications or in accordance with the latest standard sheets. Pursuant to Section 1625 of the Vehicle and Traffic Law, all traffic control devices shall be considered as official traffic control devices and shall conform to the manual and specifications for a uniform system of traffic control devices adopted by the Department of Transportation.

The authority to make regulations on a restricted highway is delegated to the Engineer-in-Charge. The contractor has no authority to post any regulation at his own discretion. Any regulation established by the Engineer and posted by the contractor should be documented for future reference, if necessary, in enforcement proceedings or in claims action.

3. It is important that the form be executed and the restriction be in effect before the Engineer attempts to change any of the existing conditions. If the highway is to be declared a restricted highway the Form C 230 should be prepared and submitted with the P.S. & E. transmittal to the Main Office. The ENGINEERING FORMS INSTRUCTION 7.30-900-C 230 (copy attached) describes the preparation and the execution of the form.

Questions concerning this Engineering Instruction may be directed to Dudley Dorr, Construction Subdivision, 457-3539.

TO:	 ENGINEERING FORMS INSTRUCTION NEW YORK STATE DEPARTMENT OF TRANSPORTATION
Distribution:	<input checked="" type="checkbox"/> Main Office <input checked="" type="checkbox"/> Regions <input type="checkbox"/> Special
APPROVED:	Code: <u>900-C230</u> Date: <u>8-16-73</u> Supersedes:
_____ <i>Richard Limberg</i> Ass't. Deputy Chief Engineer, Construction.	

1. Purpose:

The DESIGNATION OF RESTRICTED HIGHWAY (FORM C230) is the written evidence that the Commissioner of Transportation has temporarily assumed regulatory control of all travel over the portion of those highways described and will retain this control until released by him, by the execution of Form C231, NOTICE OF CANCELLATION OF DESIGNATION OF RESTRICTED HIGHWAY.

2. Preparation:

The form is prepared at the Regional office with the Regional Director signing for the Commissioner of Transportation.

- A. List all sections of all highways involved in the space provided at top of form. Include that portion of intersecting roads affected by the construction or reconstruction. List only public roads (State, county, municipality.)
- B. Contract No. - Show the contract number(s) as shown on the plans or proposal.
- C. Dated - The date of execution of the form - must be prior to any change in traffic control as a result of the construction or reconstruction.
- D. Signature - The form is signed by the Regional Director for the Commissioner of Transportation.

3. Disposition:

- A. Original - Forward to Deputy Chief Engineer, Construction.
- B. Duplicate - Distribution list on lower left of form may be adjusted to conform to location of project.

4. Procedural Reference:

Designation of Restricted Highway Engineering Instruction, EI 73-59.

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Sample Form reduced from sheet size 8-1/2" x 11"

C 230f (7/73)

DESIGNATION OF RESTRICTED HIGHWAY

Pursuant to Section 104a of the Highway Law the following described highway:

which is being reconstructed under Contract No. _____
designated as a Restricted Highway.

is hereby

Pursuant to Section 1625 of the Vehicle and Traffic Law all movement of vehicles, persons or animals on such highway is hereby restricted and regulated in accordance with the determination of the Commissioner of Transportation as evidenced by posted signs, signals or barriers placed along said highway and/or by directions by an authorized representative of the Commissioner of Transportation.

Any action taken by the Commissioner of Transportation pursuant to Section 1625 of the Vehicle and Traffic Law shall supersede any other provisions of the Vehicle and Traffic Law where inconsistent or in conflict with respect to the following enumerated subjects:

1. Establishment of maximum and minimum speed limits at which vehicles may proceed along any such restricted highway.
2. Weights and dimensions of vehicles.
3. Use of such restricted highway by pedestrians, equestrians, and animals.
4. Parking, standing, stopping and backing of vehicles.
5. Control of persons and equipment engaged in work on such highway.

The provisions of the Vehicle and Traffic Law with respect to registration shall not apply to vehicles and equipment engaged in work on such restricted highways.

When used on such restricted highways, all traffic control devices shall be considered as official traffic control devices and shall conform to the manual and specifications for a uniform system of traffic control devices adopted by the Department of Transportation.

Dated:

RAYMOND T. SCHULER
Commissioner of Transportation

Deputy Chief Engineer
County Clerk
Town Clerk
City Clerk
Village Clerk
State Police, Albany, N.Y.
Contractor
Regional Construction Engr.
Regional Traffic Engr.
Engineer-in-Charge

By:

Regional Director

Subject: Designation of Restricted Highway

Sample Form reduced from sheet size 8-1/2" x 11"

C 230f (7/73)
Reverse

Pursuant to Section 1625 of the Vehicle and Traffic Law, the Commissioner of Transportation added the following Rules and Regulations to Title 17 of the Official Compilation of Codes, Rules and Regulations of the State of New York which were filed and effective on June 26, 1973.

Part 41

Traffic Regulations on Restricted Highways
(Statutory authority: Vehicle and Traffic Law, Section 1625.)

Section 41.1 Definition. The term *restricted highway* when used in this part shall mean any highway or portion thereof under construction or reconstruction under the supervision of the Commissioner of Transportation and which is designated by him as a restricted highway pursuant to Section 104a of the Highway Law.

41.2 Traffic control devices. Unless otherwise posted traffic control devices used on restricted highways shall conform to the requirements of the Vehicle and Traffic Law.

41.3 Flagmen. Operators of vehicles on restricted highways shall follow the directions of any flagman with respect to movement of such vehicles.

41.4 Control of persons and equipment. Construction personnel and equipment engaged in work on such restricted highway shall be afforded the widest latitude in operating within the restricted highway consistent with the safety of the traveling public. This shall include, but not be limited to, the crossing of the highway and the mall; the shutting-off of lanes of travel consistent with the contract and the orders of the Commissioner of Transportation or his duly authorized agent; the loading, unloading and manipulation of material; the movement and direction of vehicles and equipment; and, other similar operations necessary to the reasonable and practical performance of the contract.

41.5 Other requirements. The other provisions of the Vehicle and Traffic Law relating to motor vehicles shall not apply to special purpose construction equipment, such as described in section 401, subdivision 7, paragraph (f) of the Vehicle and Traffic Law, while engaged in work on a restricted highway, except that all such vehicles and equipment shall be kept in safe, mechanical operating condition at all times and reasonable caution shall be used to protect the traveling public. However, such other provisions shall apply to those vehicles that normally operate on public highways to transport persons and/or material and are ordinarily considered commercial vehicles.

41.6 Emergency or unusual conditions. The Commissioner of Transportation may by the erection of signs, signals or other traffic control devices alter or modify the provisions of this Part to adequately protect the public at locations where emergency or unusual conditions occur or exist as a result of the construction or reconstruction on a restricted highway. These alterations or modifications shall have the same force and effect as though they were specifically set forth in this Part and shall remain in force until the condition is considered by the Commissioner to be safe and the erected signs, signals or other traffic control devices have been officially removed.

41.7 Effective date. The provisions of this Part shall be effective with respect to a specific restricted highway from the date the highway is designated a restricted highway by an official designation of the Commissioner of Transportation until the restriction is removed by a notice of cancellation of such designation issued by the Commissioner of Transportation. The provisions of this Part shall also be effective with respect to all restricted highways which have heretofore been designated as restricted highways by the Commissioner of Transportation and on which the restriction has not been removed by a notice of cancellation issued by the Commissioner of Transportation.