

TRAFFIC MANAGEMENT SYSTEM



FUNCTION CODE: 1000
EFFECTIVE DATE: 11-09-99

Contents:

- I. Policy
- II. Traffic Management System
- III. Analysis of Traffic Data
- IV. Selective Traffic Enforcement
- V. Pedestrian and Bicycle Traffic Enforcement
- VI. Guidelines for Traffic Enforcement
- VII. Officer/Violator Contacts
- VIII. Re-Examination of Drivers
- IX. Off-Road Vehicles
- X. Safety Equipment Repair Order - MSP 157
- XI. Community Speed Watch Program
- XII. Proponent Unit
- XIII. Cancellation

Appendix A: MCP 24, "Warning Notice"

I. Policy

It is the policy of this department to promote the safe and efficient movement of traffic within the county. This will be accomplished by instituting a coordinated department-wide Traffic Management System. The goals of the system are to facilitate the safe and expeditious flow of vehicular and pedestrian traffic and to reduce traffic collisions and their resultant fatalities and injuries.

It is the policy of this department to take enforcement action when traffic laws are violated. The level of enforcement should be commensurate with the severity of the traffic offense. Enforcement will be accomplished in an impartial and courteous manner using verbal warnings, written warnings, citations, and/or physical arrests. All uniformed officers are responsible for traffic law enforcement, unless a specific situation dictates otherwise. (CALEA 61.1.2)

II. Traffic Management System

- A. The Traffic Management System employs the following strategies to meet its goals:
 - 1. Enforcement of motor vehicle laws,
 - 2. Selective traffic enforcement,
 - 3. Collision investigation,
 - 4. Utilization of breath test equipment,

- 5. Traffic direction and control,
- 6. Parking congestion control,
- 7. Use/supervision of crossing guards,
- 8. Traffic safety education,
- 9. Liaison with traffic safety groups,
- 10. Motor Carrier Safety Program,
- 11. Traffic engineering, and
- 12. Traffic ancillary services.

B. The Chief of Police will establish the goals of the Traffic Management System. The Chief, Field Services Bureau, will establish objectives and strategies designed to meet the department's traffic management goals.

C. Each district commander will be responsible for developing and implementing a District Traffic Management System in concert with the department's traffic management goals. Annually, district commanders will submit a written report to the Chief of Police that will include: (CALEA 61.1.1)

- 1. An annual analysis of traffic collisions,
- 2. An annual analysis of traffic enforcement activities,
- 3. Implementation of selective enforcement techniques and procedures,
- 4. Deployment of traffic enforcement personnel,
- 5. An evaluation of selective traffic enforcement activities, and
- 6. Locations where traffic citations are issued. (CALEA 82.3.3.b)

D. District traffic squad operations will be consistent with the goals and strategies of the Traffic Management System. Each district commander will establish specific duties at the district level for district traffic squad operations. (CALEA 61.1.1.d)

III. Analysis of Traffic Data

- A. The Director, Special Operations Division, will disseminate traffic data to the district commanders. Data will be obtained from a variety of resources including the U.S. Department of Transportation, the Maryland State Highway Administration, the Maryland

State Police, the Maryland Judicial Information System, and the Montgomery County Department of **Public Works and Transportation**.

- B. Traffic data analysis will be the responsibility of the district traffic sergeants.
- C. The products of this analysis will be distributed to the appropriate personnel. These products will define traffic hazard and management problems by causative factors, volume of accidents/violations, geographic location, day of the week, time of day, and seasonal factors.
- D. Traffic records will be part of the department's centralized record system. The processing, maintenance, distribution, retention, and release of these records will be handled pursuant to **Information and Support Services** Division Standard Operating Procedures. (CALEA 82.3.3)

IV. **Selective Traffic Enforcement**

Selective enforcement techniques will be utilized for the purpose of reducing traffic collisions, traffic violations, and community complaints. Selective traffic enforcement will be an integral component of the District Traffic Management System. (CALEA 61.1.1.c)

V. **Pedestrian and Bicycle Traffic Enforcement** (CALEA 61.1.5.1)

- A. Pedestrian and bicycle traffic enforcement should be conducted in such a manner as to facilitate the safe and efficient movement of traffic within the county. Pedestrian and bicycle related traffic issues will be considered in the District Traffic Management System.
- B. Chapter 7, Montgomery County Code, permits the impoundment of an unregistered bicycle. When a bicycle is impounded pursuant to this law, the officer will complete the MCP 1030, "Unregistered Bicycle Impoundment Receipt."

VI. **Guidelines for Traffic Enforcement** (CALEA 61.1.2, 61.1.5)

- A. Officers are given discretion in the enforcement of traffic laws. In some instances, a warning (written or verbal) may be appropriate. In other instances, the issuance of a citation may

be appropriate. More serious violations may require a physical arrest.

- B. A verbal warning is appropriate when the violator commits a violation which is due to ignorance of a recently enacted law or where a minor equipment defect is apparent.
- C. **The MCP 24, "Warning Notice," (see Appendix A) may be a** proper alternative in response to a minor traffic infraction committed in an area where traffic accidents have been minimal. (CALEA 61.1.2.c)
- D. The issuance of a citation is applicable in the majority of cases where the violator has jeopardized the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations, parking violations, and operating unsafe and/or improperly equipped vehicles.
- E. Officers may effect a physical arrest for those violations listed in Section 26-202 of the Transportation Article. The decision to effect a physical arrest should be based upon sound legal justification.
- F. When determining the appropriate level of enforcement, officers should consider:
 1. Whether or not the violation resulted in injury.
 2. Whether or not the violation resulted in a property damage accident.
 3. The degree of danger to the public posed by the violation.
 4. The use of alcohol or drugs by the violator.
 5. The degree to which speed limits were violated.
 6. Safety/vehicle equipment violations.
 7. Whether or not the violator was a commercial carrier.
 8. The commission of multiple violations,
 9. Whether or not the violation was of a newly enacted law.
 10. Whether or not the area has been designated as a selective enforcement location.
 11. Whether or not the violation was intentional.
- G. The above guidelines cannot cover each and every situation. In some cases, the officer must decide what enforcement action is proper based upon a combination of training and experience.

VII. Officer/Violator Contacts
(CALEA 61.1.7, 61.1.8)

A. Stopping Violators

1. Officers should use their emergency equipment when stopping a violator. After the stop has been made, officers should continue to use their emergency lights. The proper use of emergency equipment can increase safety for the officer, the public, and the violator. Whenever possible, officers should direct the violator to move their vehicle off the traveled portion of the roadway. This will ensure the continued safe and orderly flow of traffic.
2. When making a traffic stop, officers are encouraged to notify ECC of their location and the make, color, and license number of the car being stopped.
3. During hours of darkness, officers should consider using both their take-down lights and spotlights. Officers should focus their spotlight on the violator's rear view mirror. After talking with the violator and determining that the violator presents no threat, the officer may elect to turn off the spotlight.
4. These procedures should also be followed when stopping to render assistance to a motorist.
5. The police vehicle public address system should be considered for use in order to communicate with a driver when the dangers presented by the violator negates approaching the vehicle safely. It may also be used when unusual conditions exist, such as the roadway being temporarily closed, to alert pedestrians to hazardous conditions and communicating with other persons on the traffic scene.

B. Approaching the Violator

Officer safety is the prime consideration when approaching a violator and officers are encouraged to take all reasonable precautions. Procedures for approaching a vehicle will be in accordance with current training procedures promulgated by the Training Division. When approaching a traffic violator, officers will:

1. Approach in a manner that enhances officer safety.
2. Present a proper and professional demeanor.
3. Be certain of the alleged violation.

4. Have the necessary equipment available, e.g., flashlight, pen, etc.
5. Greet the violator with the time of day, state your name, inform the individual of the violation for which the violator was stopped, and request the violator's license and registration. For example, "Good evening, Sir. I am Officer Glynn. I've stopped you for exceeding the posted 35 MPH speed limit. May I see your license and registration, please."
6. Avoid arguing with the violator over the validity of the violation.
7. Prior to making a physical arrest of the violator for failure to sign a citation, Section 26-203 of the Transportation Article requires that the officer request the violator sign the citation and should they refuse, inform them that a refusal to sign the citation may lead to their arrest. The option of a physical arrest should be exercised as a last resort.
8. Observe the violator for signs of physical impairment, emotional distress, and alcohol and/or drug use.
9. Explain the procedures for either paying the citation or requesting a court date.
10. If necessary, assist the violator in safely reentering the traffic flow.

VIII. Re-Examination of Drivers (CALEA 61.1.12)

- A.** A request for the re-examination of a driver who appears to be mentally or physically incapable of safely operating a motor vehicle will be made on a form provided by the Motor Vehicle Administration (MVA Form DC91).
- B.** In order to preclude officers from having to appear at MVA hearings, it is essential that the form be completed carefully and in its entirety.
- C.** The form is self-explanatory, however, physical defects of the driver must be documented so that reasonable grounds for the re-examination can be conclusively established.
1. The issuing officer and the district commander must sign the form.
 2. District commanders will forward re-examination requests to MVA and retain the file copy for three years.

Function Code: 1000
Effective Date: 11-09-99

IX. Off-Road Vehicles (CALEA 61.1.5.e)

The use of off-road vehicles is governed by Article 27, Section 578, of the Annotated Code of Maryland. This section prohibits the use of off-road vehicles on both public and private property unless it is either with the permission of the owner or is specifically permitted by law.

**X. Safety Equipment Repair Order (MSP 157)
(CALEA 61.1.2.c, 61.1.5.f)**

- A. The MSP 157 may be used to document and correct defective vehicle equipment.
- B. An MSP 157 may be issued for defective safety equipment on all classes of permanently Maryland registered motor vehicles, trailers, and semi-trailers, except those bearing historic, dealer, transporter, recycler, any temporary finance, or special mobile equipment registration. Out-of-state registered vehicles and any other vehicle not issued a permanent registration may not be issued an MSP 157 for defective equipment.
- C. The issuance of an MSP 157 will be in accordance with policies and procedures established by the Maryland State Police. Copies of the "Guidelines for the Issuance and Certification of Safety Equipment Repair Orders" are available from the Central Supply Section.

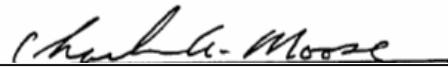
XI. Community Speed Watch Program

- A. The Community Speed Watch Program is intended to address citizen-generated speeding complaints. The program involves the loan of radar instruments to interested citizens who use them to identify and document speeding vehicles in their neighborhood. The information gathered by the citizen is forwarded to the respective district traffic squad supervisor who coordinates with transportation officials an appropriate course of action.
- B. A citizen or community group interested in participating in the program should be instructed to contact the Montgomery County Department of Public Works and Transportation at **(240) 777-2190**. Brochures describing the program in detail are available at the various police facility lobbies.

XII. Proponent Unit: Field Services Bureau
Administration

XIII. Cancellation

*This directive cancels Function Code 1000,
effective date 12-09-98.*



Charles A. Moose, Ph.D.
Chief of Police