

CHAPTER 1
THE OBJECTIVES OF TRAFFIC DIRECTION
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TABLE OF CONTENTS

PURPOSE 1-3

REQUIREMENTS 1-3

 Emergencies 1-3

 Planned Events 1-3

OBJECTIVES OF TRAFFIC DIRECTION 1-3

 General..... 1-3

 Responsibilities 1-3

AUTHORITY 1-4

 California Vehicle Code Section 2812 1-4

 California Penal Code Section 409.5..... 1-4

RELATED PUNITIVE SECTIONS..... 1-4

 California Vehicle Code Section 2800 1-4

 California Vehicle Code Section 2818 1-4

 California Vehicle Code Section 21461 1-4

 California Vehicle Code Sections 21367(b) and 21367(c) 1-4

 California Penal Code Section 402..... 1-5

 California Penal Code Section 148..... 1-5

ANNEXES

A – TRAFFIC CONTROL LAWS 1-7

B – GENERAL ORDER 100.34, USE OF CIVILIANS FOR LOCAL
 TRAFFIC CONTROL..... 1-11

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CHAPTER 1

THE OBJECTIVES OF TRAFFIC DIRECTION

1. PURPOSE. Effective traffic control is an essential part of the service the California Highway Patrol (CHP) provides to the public. The public often measure the effectiveness of the Department by its efficient traffic management techniques. Unlike an accident investigation or an arrest, the public sees the results of the Department's efforts right away when directing traffic. Because a contact made while directing traffic is not normally punitive, it becomes an important opportunity to develop positive community relations.

2. REQUIREMENTS. There are generally two situations requiring traffic control:
 - a. Emergencies. Examples include accidents, disasters, and riots.

 - b. Planned Events. Examples include fairs, parades, and races. Peak traffic periods, such as a daily commute, or the beginning or end of a holiday period, would fall under planned events.

3. OBJECTIVES OF TRAFFIC DIRECTION.
 - a. General. Proper traffic control prevents accidents and eliminates traffic congestion by maintaining a smooth flow of traffic. The most important objective while directing traffic is to keep the officers, allied agency personnel, and the public safe at a scene. Everything else follows safety. Directing traffic is nothing more than letting drivers and pedestrians know what you want them to do. Most people have confidence in the officer and their judgment. The public will look to the officer for guidance, so it is important the officer give clear, concise instructions.

 - b. Responsibilities. The officer's responsibility begins immediately upon recognizing the need for traffic control. The job of the officer directing traffic includes, but is not limited to:
 - (1) Regulating cross traffic.

 - (2) Controlling turning movements.

 - (3) Coordinating vehicle movement with adjacent intersections.

 - (4) Detouring traffic when necessary.

ANNEX A

TRAFFIC CONTROL LAWS (*continued*)

- (5) Supervising signal obedience.
- (6) Protecting pedestrians.
- (7) Preventing pedestrians from making illegal crossings.
- (8) Preventing illegal parking.
- (9) Providing for safe passage of emergency vehicles.
- (10) Assisting people seeking information.
- (11) Carrying out general police work within the area.

NOTE: The most important thing to remember about traffic direction is SAFETY comes first.

4. AUTHORITY. Authority to direct traffic comes from Section 2410 of the California Vehicle Code (CVC). This section is unique in that it is specifically directed to the CHP: "Members of the *California Highway Patrol* are authorized to direct traffic according to law, and, in the event of a fire or other emergency, or to expedite traffic or insure safety, may direct traffic as conditions may require notwithstanding the provisions of this code."

- a. California Vehicle Code Section 2812. Authorizes the closing of public highways whenever a menace to public health or safety exists and it is necessary to close the highway to protect the public from danger.
- b. California Penal Code Section 409.5. Gives peace officers the authority to close off any area where a menace to public health and safety exists.

NOTE: Highway Patrol Manual 70.6, Officer Safety Manual, Chapter 14, Freeway Accident/Incident Procedures, and Chapter 15, Freeway Congestion, deal with traffic control at accident scenes and freeway congestion.

5. RELATED PUNITIVE SECTIONS. There are a number of sections in the CVC and the California Penal Code dealing with the enforcement of traffic control laws:

- a. California Vehicle Code Section 2800. Obedience to a traffic officer.
- b. California Vehicle Code Section 2818. Crossing a flare or cone pattern.

- c. California Vehicle Code Section 21461. Obedience to official traffic control devices.
- d. California Vehicle Code Sections 21367(b) and 21367(c). Violation of markings, signs, and directions on public highway (construction zones).
- e. California Penal Code Section 402. Sightseeing at the scene of a disaster.
- f. California Penal Code Section 148. Resisting, delaying, or obstructing an officer.

NOTE: Refer to Annexes A and B for comprehensive details of laws relating to traffic control.

ANNEX A

TRAFFIC CONTROL LAWS (*continued*)
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ANNEX A

TRAFFIC CONTROL LAWS

1. CALIFORNIA VEHICLE CODE SECTION 2812–CLOSING OF HIGHWAYS.

“Whenever poisonous gas, explosives, dust, smoke, or other similar substances, or fire exist upon or so near a public highway as to create a menace to public health or safety, members of the California Highway Patrol, police departments, or sheriff’s office may close any highway to traffic when necessary to protect the public from such dangers. Whenever a highway is closed, the governmental agency having control over the highway shall be immediately notified of the reason of the closing and the location.”

2. CALIFORNIA PENAL CODE SECTION 409.5–CLOSING OF AREAS IN EMERGENCIES.

a. California Penal Code Section 409.5(a). “Whenever a menace to the public health or safety is created by a calamity including a flood, storm, fire, earthquake, explosion, accident, or other disaster, officers of the Department of the California Highway Patrol, police departments, marshal’s office or sheriff’s office, any officer or employee of the Department of Forestry and Fire Protection designated a peace officer by subdivision (g) of Section 830.2, any officer or employee of the Department of Parks and Recreation designated a peace officer by subdivision (f) of Section 830.2, any officer or employee of the Department of Fish and Game designated a peace officer under subdivision (e) of Section 830.2, and any publicly employed full-time lifeguard or publicly employed full-time marine safety officer while acting in a supervisory position in the performance of his or her official duties, may close the area where the menace exists for the duration thereof by means of ropes, markers, or guards to any and all persons not authorized by the lifeguard or officer to enter or remain within the enclosed area. If the calamity creates an immediate menace to the public health, the local health officer may close the area where the menace exists pursuant to the conditions set forth in this section.”

b. California Penal Code Section 409.5(b). “Officers of the Department of the California Highway Patrol, police departments, marshal’s office or sheriff’s office, officers of the Department of Fish and Game designated as peace officers by subdivision (e) of Section 830.2, or officers of the Department of Forestry and Fire Protection designated as peace officers by subdivision (g) of Section 830.2 may close the immediate area surrounding any emergency field command post or any other command post activated for the purpose of abating any calamity enumerated in this section or any riot or other civil disturbance to any and all unauthorized persons pursuant to the conditions set forth in this section whether or not the field command post or other command post is located near to the actual calamity or riot or other civil disturbance.”

ANNEX A

TRAFFIC CONTROL LAWS (*continued*)

- c. California Penal Code Section 409.5(c). “Any unauthorized person who willfully and knowingly enters an area closed pursuant to subdivision (a) or (b) and who willfully remains within the area after receiving notice to evacuate or leave shall be guilty of a misdemeanor.”
- d. California Penal Code Section 409.5(d). “Nothing in this section shall prevent a duly authorized representative of any news service, newspaper, or radio or television station or network from entering the areas closed pursuant to this section.”

NOTE: *Leiserson v. City of San Diego, 1986--184 Cal. App. 3d at 51* was a landmark case that clarified statutes pertaining to media access to areas closed to the general public. Subdivision (d) applies to any duly authorized representative of the media. It also established that they may be excluded from portions of the area if either interfering with the activities of emergency or duly authorized personnel conducting their duties, or if the area or portion of the area is deemed a crime scene: “Media members do not have access rights to any immediate crime investigation, or police SWAT locations, when public safety officers or investigators believe a crime has been committed.” (*Leiserson v. City of San Diego, 1986.*)

3. CALIFORNIA VEHICLE CODE SECTION 2800—OBEDIENCE TO TRAFFIC OFFICERS. “It is unlawful to willfully fail or refuse to comply with a lawful order, signal, or direction of a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, when that peace officer is in uniform and is performing duties pursuant to any of the provisions of this code, or to refuse to submit to a lawful inspection pursuant to this code.”

4. CALIFORNIA VEHICLE CODE SECTION 2818—CROSSING FLARE OR CONE PATTERNS. “It is unlawful to traverse an electronic beacon pattern, a flare pattern, cone pattern, or combination of electronic beacon, flare, or cone patterns, provided for the regulation of traffic, or provided in a situation where public safety personnel are engaged in traffic control or emergency scene management.”

5. CALIFORNIA VEHICLE CODE SECTION 21461—OBEDIENCE BY DRIVER TO OFFICIAL TRAFFIC CONTROL DEVICES. “It is unlawful for a driver of a vehicle to fail to obey a sign or signal defined as regulatory in the federal Manual on Uniform Traffic Control Devices, or a Department of Transportation approved supplement to that manual of a regulatory nature erected or maintained to enhance traffic safety and

ANNEX A

TRAFFIC CONTROL LAWS (*continued*)

operations or to indicate and carry out the provisions of this code or a local traffic ordinance or resolution adopted pursuant to a local traffic ordinance, or to fail to obey a device erected or maintained by lawful authority of a public body or official.”

6. CALIFORNIA VEHICLE CODE SECTION 21367–TRAFFIC CONTROL: HIGHWAY CONSTRUCTION.

- a. California Vehicle Code Section 21367(a). “As provided in Section 125 of the Streets and Highways Code and in Section 21100 of this code, respectively, the duly authorized representative of the Department of Transportation or local authorities, with respect to highways under their respective jurisdictions, including, but not limited to, persons contracting to perform construction, maintenance, or repair of a highway, may, with the approval of the department or local authority, as the case may be, and while engaged in the performance of that work, restrict the use of, and regulate the movement of traffic through or around, the affected area whenever the traffic would endanger the safety of workers or the work would interfere with or endanger the movement of traffic through the area. Traffic may be regulated by warning signs, lights, appropriate control devices, or by a person or persons controlling and directing the flow of traffic.”
- b. California Vehicle Code Section 21367(b). “It is unlawful to disobey the instructions of a person controlling and directing traffic pursuant to subdivision (a).”
- c. California Vehicle Code Section 21367(c). “It is unlawful to fail to comply with the directions of warning signs, lights, or other control devices provided for the regulation of traffic pursuant to subdivision (a).”

7. CALIFORNIA PENAL CODE SECTION 402–DISTASTER: SIGHTSEEING.

- a. California Penal Code Section 402(a)(1). “Every person who goes to the scene of an emergency, or stops at the scene of an emergency, for the purpose of viewing the scene or the activities of police officers, firefighters, emergency medical, or other emergency personnel, or military personnel coping with the emergency in the course of their duties during the time it is necessary for emergency vehicles or those personnel to be at the scene of the emergency or to be moving to or from the scene of the emergency for the purpose of protecting lives or property, unless it is part of the duties of that person’s employment to view that scene or those activities, and thereby impedes police officers, firefighters,

ANNEX B

GENERAL ORDER 100.34, USE OF CIVILIANS FOR LOCAL TRAFFIC CONTROL (continued)

emergency medical, or other emergency personnel or military personnel, in the performance of their duties in coping with the emergency, is guilty of a misdemeanor.”

8. CALIFORNIA PENAL CODE SECTION 148—RESISTING, DELAYING OR OBSTRUCTING OFFICER.

a. California Penal Code Section 148(a)(1). “Every person who willfully resists, delays, or obstructs any public officer, peace officer, or an emergency medical technician, as defined in Division 2.5 (commencing with Section 1797) of the Health and Safety Code, in the discharge or attempt to discharge any duty of his or her office or employment, when no other punishment is prescribed, shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.”

ANNEX B

GENERAL ORDER 100.34, USE OF CIVILIANS FOR LOCAL TRAFFIC CONTROL

CALIFORNIA HIGHWAY PATROL

GENERAL ORDER 100.34

REVISED OCTOBER 2018

USE OF CIVILIANS FOR LOCAL TRAFFIC CONTROL

1. POLICY. Field Division commanders are delegated the authority to review and approve programs submitted by local authorities, which are designed to train persons appointed for traffic regulation duties, pursuant to the provisions of California Vehicle Code (CVC) Section 21100.

2. PROCEDURES.
 - a. California Vehicle Code Section 21100(e) permits local authorities to adopt rules and regulations for appointing persons, other than traffic officers, to direct traffic under the following circumstances:
 - (1) Whenever official traffic control devices are disabled or otherwise inoperable.
 - (2) At the scenes of accidents or disasters.
 - (3) At locations which may require traffic direction for orderly traffic flow.

 - b. California Vehicle Code Section 21100 prohibits the appointment of such persons to perform traffic regulation duties within an area where this Department exercises jurisdiction for traffic law enforcement, unless and until:
 - (1) The local authority has approved an enabling ordinance or resolution.
 - (2) The local authority has submitted a proposed training program for such persons to the Commissioner of the California Highway Patrol.
 - (3) The proposed training program has been approved by the Commissioner.

 - c. California Vehicle Code Section 21100.3 makes it unlawful to disobey traffic directions given by a person appointed or authorized by a local authority to regulate traffic, pursuant to CVC Section 21100, when such person is wearing an official

ANNEX B

GENERAL ORDER 100.34, USE OF CIVILIANS FOR LOCAL TRAFFIC CONTROL (continued)

insignia issued by the local authority and is acting in the course of their appointed duties.

d. Where the traffic regulation duties of persons appointed pursuant to CVC Section 21100(e) are to be performed at a location or area other than within the traffic law enforcement jurisdiction of this Department, the proposed training program shall be approved by the chief traffic law enforcement officer having jurisdiction within such area.

3. PROCEDURE.

a. Field Division commanders shall approve proposed training programs submitted by local authorities if it is reasonably determined that sufficient training will be provided for persons assigned the duties previously described in paragraph 2.a.

b. The Department is not responsible for conducting the training required by CVC Section 21100. However, assistance may be provided to local authorities in the development of their individual training programs.

c. Local authorities may develop their own traffic control program. In lieu of a locally developed program, the Department's training program may be used.

(1) Local authorities may purchase a copy of Highway Patrol Guide 70.3, Techniques of Traffic Control, by contacting the Publications Unit at (916) 843-3640.

(2) Requests for assistance in developing the required training program should be referred to the Academy, Vehicle Code Unit, at (916) 309-6300.

(3) The Academy will provide, upon request of the authority, a sample cadet lesson plan for traffic control and direction.

OFFICE OF THE COMMISSIONER

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2