Federally-Mandated Worker Visibility Regulation Summary

Summary Provided by Art Barton
HWS Consulting Group, Inc.

Editor’s note: Even though your agency may not perform work within the right-of-way of Federal-aid highways, worker safety should be of paramount concern for all of us while working in any right-of-way. Studies have shown that Class 2 and 3 safety garments provide workers with greater visibility to oncoming motorists, and as such should be considered for all of your personnel that work in the field.

The Federal Highway Administration (FHWA) has enacted a worker visibility regulation (Part 634; Title 23; Code of Federal Regulations) to decrease the likelihood of worker fatalities or injuries from motor vehicles while working within a right-of-way on Federal-aid highways. This rule, issued on November 18, 2006, will become mandatory on November 24, 2008. The compliance period is meant to provide agencies, incident responders, and contractors sufficient time to purchase garments that comply with the new standards.

The new regulation requires the wearing of high-visibility ANSI Class 2 or Class 3 safety garments by workers performing tasks within the right-of-way on Federal-aid highways. A worker is defined as those people on foot whose duties place them within the right-of-way of a Federal-aid highway, such as highway construction and maintenance personnel, survey crews, utility crews, responders to incidents, and law enforcement personnel when directing traffic, investigating crashes, and handling lane closures, obstructed roadways, and disasters.

In addition, mowing crews, gardeners, Adopt-A-Highway workers, etc. will also have to wear the high-visibility clothing to be in compliance with the new rule. The only exception will be law enforcement personnel during manhunts, traffic stops, and searches.

A Federal grant is available to help agencies purchase the required safety clothing; it is the State and Community Highway Safety Grant Program, Section 402, Chapter 4 of Title 23.

More details about the grant program are available at:
<http://www.nhtsa.dot.gov/portal/site/nhtsa/menutem.c5f2b2d02df83a9d304a4c4446108a0c/>

For Part 634; Title 23; Code of Federal Regulations, visit:
<http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/E6-19910.htm>

The new FHWA regulations will require the use of Class 2 or 3 safety apparel for all agency employees working within the right-of-way of any Federal-Aid roadway.
Editor’s Corner

I’ve dedicated this issue to two major topics - the new Michigan Tech TTAP website, and the new FHWA regulation stating that anyone in your organization working within the right-of-way of Federal-aid-highways must wear high-visibility ANSI Class 2 or Class 3 safety garments. We also have new resources in our library, and a couple upcoming events worth looking into.

-Scott

EPA Announces New Web-Based Tribal Compliance Center

The U.S. Environmental Protection Agency's (EPA) Office of Enforcement and Compliance Assurance is pleased to announce that a web-based Tribal Compliance Assistance Center <http://www.epa.gov/tribalcompliance> is now available to provide comprehensive compliance assistance and pollution prevention information for regulated activities in Indian country.

The web-based center is designed to help tribal environmental professionals, facility owners, and operators comply with environmental regulations and get information on topics including waste management, air and water resources, drinking water, and public safety.

From the Tribal Center, viewers can report a complaint to EPA, find out the compliance status of facilities in Indian country, learn how to apply for federal grants, and locate EPA personnel who can answer your environmental compliance questions. If access to the Internet is limited, much of the Tribal Center's information is found in the Profile of Tribal Government Operations which can be ordered by calling 1-800-490-9198.

The deadline for contributing suggestions, corrections, or information for publication in the next Pathways, Volume 13, No. 4, is November 30, 2007. Any contributions made after that date will appear in Volume 13, No. 4. You may contribute information for publication on www.ttap.mtu.edu at any time.
NEW in the TTAP Library
These documents are available for FREE in print or online.

The 2007 Roadmap to State Highway Safety Laws
"This report highlights gaps in Advocates' list of 15 essential and lifesaving highway safety laws and is a call to action for Governors and state legislators. Motor vehicle crashes continue to cause over 43,000 deaths and 3 million injuries per year and cost the nation over $230 billion. Passage of the 15 laws identified in Advocates' report will help prevent these tragedies and, at the same time, will save the states billions of dollars in economic costs associated with highway crashes.

In January 2004, Advocates published its first State Roadmap Report to provide guidance to each state on where it stood relative to the rest of the nation in implementing highway safety laws. This year, with few new laws to report, Advocates urges states to set an aggressive highway safety legislative agenda to stem the tide of deaths and injuries on our nation's roadways. More than any other action, public policy interventions change behavior and have immediate impact on improving outcomes. The laws recommended by Advocates save lives and save money."

Advocates for Highway and Auto Safety
Michigan Tech TTAP Library Reference No. 1594

Tribal School Zone Safety: Video & Toolkit
"Native Americans have the highest rates of pedestrian injury and death of any other group in the United States. In fact, adult pedestrian death rates for Native Americans are almost 3.5 times that of the general population. For Native American children, the pedestrian death rate is almost four times that of the overall population of the United States.

The need to educate younger road users (including drivers, riders, and pedestrians) never ends. To address this need, the US Department of Transportation Federal Highway Administration (FWHA) teamed with several partners to create a series of resources to help address these issues among the tribal population.

The "Tribal School Zones Safety: Video & Toolkit" DVD consists of two parts. The first part contains "Safety Doesn't Happen By Accident" - an 8-minute video aimed at the 9-12 age group, but may also be appropriate for older and younger children. The video can be shown in the classroom, or at other school or community events. It also contains, "Pedestrian Safety: A New Tradition" - a 9.5-minute video aimed at the adult population including Tribal/Community Elders, parents, school board members, policy makers and older teens.

The second part of the Toolkit contains "Tribal School Zones Safety Video Toolkit" (pdf document) – complements the above videos as it provides additional educational materials, promotional tips, and resource information. The second part also contains "Tribal School Zones Safety Literature Review" (pdf document) - a comprehensive review that shows facts and statistics and was used, in part, as the basis for development of the above materials."

Federal Highway Administration, in cooperation with
The University of North Carolina Highway Safety Research Center
Project FHWA-FLH-07-004, FHWA-FLH-07-001, FHWA-FLH-07-002
Michigan Tech TTAP Library Reference No. 1756
Numerous resources are available online, ranging from more background information to suppliers of safety apparel. Search for ANSI 107-2004 using your favorite search engine.

For more information, or to order a copy of the ANSI 107-2004 specifications, refer to the Safety Equipment website at <http://www.safetyequipment.org/hivisstd.htm>

3M Safety Products has a number of very good resources available at <http://solutions.3m.com/en_US/> - simply search for 107-2004 using their search tool at the upper right-hand corner of their page.

Section 6 of the MUTCD can be found at <http://mutcd.fhwa.dot.gov/pdfs/2003/Ch6A-E.pdf>

Section 6 of the 2003 Edition of the Manual on Uniform Traffic Control Devices (MUTCD) contains a new section on the latest industry standards for high visibility apparel for workers and flaggers in work zones on public roads and refers to the ANSI standards.

Class 2 vs. Class 3

The ANSI standard defines a number of performance classes based on the amount of garment background and retroreflective materials, as well as the design and placement of those materials. Considering that the new FHWA regulations require the use of Class 2 and Class 3 garments, we'll focus on those.

In practical terms, Class 2 and Class 3 garments are differentiated by the requirements for the amounts of background and retroreflective material that they need to meet specified performance criteria. As shown in Table 1, Class 3 garments have higher requirements for the amount of background and retroreflective materials. In addition, the width and placement of the retroreflective material, along with the design of the garment, differentiate the two classes.

Class 3 garments have the greatest visibility of the two classes and have more retroreflective material used in their construction than the Class 2. They must have sleeves with retroreflective material between the shoulders and elbow. Both classes of garments must have 360° visibility with at least one retroreflective band encircling the torso. Colors can be either the florescent yellow-green or orange - the final color choice should be determined by your agency to provide the greatest contrast as compared to typical workzone conditions and equipment.

Table 1. Minimum Areas of Visible Material

<table>
<thead>
<tr>
<th>Performance Class 3</th>
<th>Performance Class 2</th>
<th>Headwear</th>
</tr>
</thead>
<tbody>
<tr>
<td>Background Material</td>
<td>1240 in$^2$ (0.80 m$^2$)</td>
<td>775 in$^2$ (0.50 m$^2$)</td>
</tr>
<tr>
<td>Retroreflective or Combined Performance Material used in Conjunction with Background Material</td>
<td>310 in$^2$ (0.20 m$^2$)</td>
<td>201 in$^2$ (0.13 m$^2$)</td>
</tr>
<tr>
<td>Minimum Width of Retroreflective Material</td>
<td>2 in. (50 mm)</td>
<td>1.375 in. (35 mm)</td>
</tr>
<tr>
<td>Minimum Number of Yards per Retroreflective Material Width</td>
<td>4.3 yards of 2 in. (50 mm) width</td>
<td>4.0 yards of 1.375 in. (35 mm) width or 2.8 yards of 2 in. (50 mm) width</td>
</tr>
</tbody>
</table>

References

TTAP Website Gets Another Face-lift

We’ve given the Michigan Tech TTAP Website a complete overhaul and added new features, functionality, and personalization to make it easier for you to interact with us.

Scott Bershing
TTAP Editor

If you’ve visited the Michigan Tech TTAP website lately, you may have noticed that we recently gave the site a total overhaul. We’ve taken the features and functionality from the previous website and improved upon them. In addition, we’ve cleaned up the navigation while adding a completely new set of features, functionality, and personalization.

While there isn't space to go into every possible feature of the website, it is worth pointing out the new features.

Current Announcements

We have added two new features to the latest announcements and event listings area of our home page. The first is that the items are now color-coded to make it easier to find the type of listing you're looking for. The second is that you'll notice the RSS image at the top of the listings. RSS is an acronym for Really Simple Syndication. Without getting too technical, this is a way for us to distribute an automatically updated and interactive version of our announcements and events directly to you. You can subscribe to this RSS "feed" using most of the newer browsers, including Internet Explorer 7, Firefox 2.0, Apple Safari 2.0, and Opera 8.5. Additionally, there are numerous stand alone news reader applications available on the web.

Subscribe to the MTU TTAP News Feed using Firefox

1. Click the RSS icon in the location bar of your browser, or on the RSS icon located above the announcements. The location bar is where you type internet address and is usually located near the top of your browser window.
2. Pick the application that you would like to use to view the feed. The Live Bookmarks option will open the feed directly in Firefox.
3. Click the "Subscribe Now" button, choose a name and location for the feed, and click the "OK" button.

Subscribe using Internet Explorer 7

1. Click the RSS Feed button in the tool bar, or on the RSS icon located above the announcements. The tool bar is usually located near the top of your browser window.
2. Click on the RSS "Subscribe to this feed" link at the top of the page.
3. Choose a name and location for the feed and click the "Subscribe" button.

If you have any questions regarding the function or use of the Michigan Tech TTAP website, or have suggestions for further enhancements, feel free to send an email to <ttap@mtu.edu>.
Registering

Registering is easy – just click the "Login/Register" link in the left navigation menu. On the login screen that appears, click on the "Not Registered? Register here" link at the bottom of the page.

From there, enter the username and password that you want to use for the site, your contact information, and whether you’d like to subscribe to the Pathways newsletter, or be notified when we are having a workshop in your area.

You will notice that we are using a strange looking box at the bottom of the registration screen. This is a common type of challenge-response test that is a security measure to ensure that the registration is being done by a human. The reason for this is to prevent automated spammers from flooding the database with erroneous user data. You simply need to figure out the words that are distorted in the image and enter them in the space provided. You can enter both words with or without a space between them – the program is able to figure out whether you've entered the correct words either way.

Once you hit the submit button, a notification is sent to us to confirm your registration. Once your registration is confirmed, you can then log in and you'll have full access to all of the new features of the website.

Logging In

To log in, click the "Login/Register" link and enter the username and password you created when you registered. You will notice that once you log in, a new navigation menu will appear at the top-left of the page above the main navigation panel on the left of your screen.

New Features

My Personal Information

This option will show you the contact information that you provided when you initially registered. You can edit this information, add new information, modify the options for receiving the Pathways newsletter and workshop information, or change your password.
My History

This screen will provide a listing of your historical activity on the website. You can view listings of the workshops you have registered for, along with the Library materials that you have requested. Please keep in mind that these listings are as of July 27, 2007, which is when this new system became available.

Workshop Registration

The Workshop Registration screen enables you to view the workshops that you are currently registered for, and to view a listing of the upcoming workshops that you are able to register for (not all of our upcoming workshops are available for online registration). To register for a workshop, simply click the "Register" link to the left of the workshop.

There are a couple things worth noting on this screen. The first is that based on feedback from our users, we have provided a way for you to unregister yourself from a free workshop. Simply click the "Unregister" link to the left of the workshop listing and you will be removed from the class list. The second item of note is that we occasionally provide workshops that we must charge a registration fee for. In order to register for these workshops, you must "validate" your registration information by clicking the "Validation Request" link located in the text above the list of available workshops. You only have to validate your registration once. Related to this, if you would like to unregister for a paid workshop, you must call the TTAP office or send us an email at <ttap@mtu.edu> requesting to be removed. Please be sure to note which workshop you would like to be removed from, and whether or not there is someone else from your organization that will be attending in your place.

Library Requests

You can use this screen to request library resources and to view requests that you have previously submitted. Just click through the links to find what you would like to request.

Organization Information

This is a menu option that will only be visible to users that request access via email. This will allow a user or users to have control over all of the user data associated with their particular organization. They can also easily register multiple users from their organizations for workshops.

We continually improve this website based on your input and our own ideas. We welcome your input, so please call or write us whenever you have an idea or new content for the TTAP website.

If you haven't visited recently, feel free to stop by and check it out. We also encourage you to register on the site so you can take advantage of all the new features.

To take a look for yourself and register on the site, visit us at: <http://www.ttap.mtu.edu>.
Last Call for Training Requests for 2008!

Upcoming Events

10th Annual National Tribal Transportation Conference
November 6-9, 2007
Denver Marriott West Hotel
Golden, CO
For conference registration, visit http://ttap.colostate.edu
For additional information:
email - TTAP@business.colostate.edu
1-800-262-7623 ext. 1

13th Annual National Intertribal Transportation Association Conference
December 11-14, 2007
Golden Nugget Hotel, Las Vegas, NV
For hotel reservations:
1-800-634-3454
Conference registration form available at: