

New Worker Visibility Regulations

Anytime highway construction or maintenance is conducted in your municipality, your highway workers are exposed to traffic and the risk of injury or death from accidents caused by inattentive drivers. Making sure your workers are highly visible is one of the most important steps you can take to protect them when near moving vehicles or equipment. The sooner a worker in or near the path of travel is seen by a driver or equipment operator, the more time the driver or operator has to avoid an incident.

To support this safety concept, the Federal Highway Administration enacted regulations in November 2006 that will require workers to wear high-visibility safety apparel when working in the right-of-way of a federal-aid highway. This new requirement, which requires States to comply by November 24, 2008, but has already been adopted by Pennsylvania, is designed to decrease the likelihood of fatalities or injuries to workers on foot who are exposed either to traffic or to construction vehicles or equipment.



figure 1

WHAT DOES THE REGULATION REQUIRE?

Under the new regulation, workers will be required to wear high-visibility safety apparel satisfying Performance Class 2 or 3 requirements of the ANSI/ISEA 107-2004 publication entitled “American National Standard for High-Visibility Safety Apparel and Headwear,” when working in the right-of-way of a federal-aid highway. (Please refer to Figure 1 for examples of ANSI Class 2 and 3 garments.) Incidentally, Pennsylvania’s adoption of this visibility regulation also includes a requirement that flaggers wear helmets.

But, even if your township, borough, or city does not perform work on federal-aid roadways, you should consider requiring your road crew to wear this safety apparel. It has been shown that workers wearing garments satisfying ANSI Class 2 and 3 standards are more visible to motorists than workers wearing non-ANSI-compliant garments. You should strongly consider the use of these garments for all personnel working within highway rights-of-way. In addition, now that this regulation has taken effect for federal-aid highways, municipalities will have a difficult time justifying why their highway workers are not wearing at least a Class 2 vest while working on their roads.

WHO DOES THIS REGULATION AFFECT?

This regulation applies to all workers who are exposed either to traffic or to construction equipment while working within the work area right-of-way of a federal-aid highway. These roadways, which are eligible to receive federal funds and to be placed on the Transportation Improvement Program, often include most state highways and some local roadways. If you want to know if you have federal-aid highways in your municipality, please contact your PennDOT District Municipal Services representative.

Highway workers included in this regulation are municipal public works crew, survey crews, utility crews, contractors, litter pickup volunteers, and emergency response personnel. Law enforcement officers are exempt from this requirement if they are engaged in law enforcement activities, such as traffic stops and the pursuit and apprehension of suspects. However, if they are

performing duties that involve directing traffic, investigating crashes, and handling lane closures, obstructed roadways, and disasters, they are required to wear the high-visibility safety apparel when within the right-of-way of a federal-aid highway.

WHEN DOES THE REGULATION TAKE EFFECT?

The FWHA indicates that, “States and other agencies shall comply with the provisions of this part not later than November 24, 2008.” However, Pennsylvania has adopted this rule already and made the new rule public in PennDOT’s revised Publication 213, dated February 2008. Make sure that all garments you purchase to comply with this regulation have the appropriate ANSI certification label. (Refer to Figure 2.)

WHERE CAN I OBTAIN ADDITIONAL INFORMATION?

Contact LTAP for additional information or to schedule a Work Zone Traffic Control or Equipment and Worker Safety road show in your municipality. The final rule and all associated comments and interpretations may be found at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2006_register&docid=E6-19910. Also, ANSI may be accessed on the internet at www.ansi.org.



figure 2