



Worker visibility rule in effect November 24, 2008

HIGH-VISIBILITY APPAREL is important protection for workers in the danger zone of a highway where motor vehicles, construction vehicles and equipment pose a threat to safety. Congress adopted the rule mandating such apparel two years ago in response to an increase in fatalities and injuries to workers exposed to moving vehicles while working on federal-aid highways. It went into effect on November 24, 2008. This brief Q & A covers some of the essentials.

Q What is the rule?

A All workers (public and private) within the right-of-way of a federal-aid highway who are exposed either to traffic (vehicles using the highway for purposes of travel) or to construction equipment within the work area shall wear high-visibility safety apparel.

Q What qualifies as high-visibility safety apparel?

A Personal protective safety clothing that is conspicuous during both daytime and night-time use. Apparel must meet ANSI Performance Class 2 or 3 requirements. Details available in the ANSI/ISEA 107 - 2004 publication “American National Standard for High-Visibility Safety Apparel and Headwear,”

from the International Safety Equipment Association (ISEA).

Q Who qualifies as a “worker” under the rule?

A The term “worker” refers to people on foot whose duties place them within the right-of-way of a federal-aid highway. This includes highway construction and maintenance forces, survey and utility crews, responders to incidents within highway right-of-way, and law enforcement personnel who direct traffic, investigate crashes, or handle lane closures, obstructed roadways, and disasters. The rule is broad to ensure that approaching motorists or equipment operators can see and recognize workers who cannot see them.

Q What is a federal-aid highway?

A Federal-aid highway is defined by its Federal functional classification. Roads classified as Arterials and Major Collectors are on the federal-aid system. About 28% of Maine’s 22,800+ miles of roads qualify, including all highways with US or state route numbers. Roads classified as minor collector and local roads are not on the Federal Aid system.

Q If the rule does not apply to local roads, why should local governments be concerned?

A Although Congress limited application of the rule to federal-aid highways, the 2003 Manual on Uniform Traffic Control Devices (MUTCD) provides strong guidance for worker safety in Section 6D.03, stating that

workers on local roads face the same risks from moving traffic or construction equipment and should wear safety apparel that meets ISEA requirements. In addition, the Maine Bureau of Labor Standards (BLS) is requiring Class 2 apparel for all workers under their jurisdiction who are exposed to traffic on local roads. Fines can also be imposed on non-compliant agencies.