



Get Ready for 23 CFR Part 634! (Translation: Worker Visibility Law)

Rules about high-visibility clothing *require* compliance by NOVEMBER 24, 2008 for EVERYONE working on or near Federal-aid Highways.

The Federal Highway Administration published final rules regarding worker visibility as Part 634 of Title 23 Code of Federal Regulation. The rule meets part of the SAFETEA-LU Section 1402 requirements to reduce the likelihood of worker injury and maintain the free flow of traffic when workers are on or in close proximity to Federal-aid highways. Formerly, this compliance was a recommendation in the Manual of Uniform Traffic Control Devices (MUTCD). By November 24, 2008, all workers shall wear ANSI 107-2004 Class 2 or Class 3 apparel while working on or in the rights-of-way of Federal-aid highways.

It's clear that our aging road infrastructure needs an increasing number of workers in the field to build and maintain our roads. It's also clear the increasing traffic volume on our roads means that we can't close every road we work on. This combination means that more and more workers have to spend their days and nights working near more and more vehicles traveling at high speeds. To help protect these workers, construction and maintenance crews follow safe practices and set up work zones; and now all workers, regardless of their affiliation with construction or maintenance, will have to wear clothing that makes them more visible in the workplace.

Which Apparel?

First of all, be sure that you refer to the correct standard when selecting apparel. The ISEA/ANSI 107-2004 and 107-1999 standards appear very similar, but ISEA/ANSI 107-2004 completely replaces the older standard. Many agencies adopted ISEA/ANSI 107-2004 high-visibility Class 2 or Class 3 apparel when the Federal Highway Administration recommended this apparel in the 2000 and 2003 versions of the MUTCD, so the transition from a recommendation to a requirement should be smooth. The MUTCD discusses high-visibility apparel in Section 6D.03 and refers to ANSI standards in Section 1A.11. The selection of Class 1, 2, or 3 apparel is based on your proximity to traffic, the speed of traffic that is expected to be near you while you work, and whether your work allows you to pay attention to traffic while you work.

Class 1 Apparel

Class 1 apparel is not permitted for workers on or near Federal Aid Highways. You can recognize a Class1 garment by inspecting the label, which should be clearly marked. This class of apparel is for workers exposed to traffic traveling less than 25 MPH. The main difference between Class 1 and Class 2 apparel is the amount of fluorescent background material and retroreflective material.

Typical occupations that require Class 1 apparel include parking lot attendants, warehouse workers, sidewalk maintenance personnel, and shopping cart retrievers. Even if you have employees who might perform these kinds of tasks, most transportation agency workers are likely to also perform other tasks that require Class 2 or Class 3 apparel, so purchasing Class 1 apparel isn't recommended.

Class 2 Apparel

Class 2 apparel offers many workers adequate visibility to motorists traveling at 25 MPH or more and in inclement weather. Class 2 is for workers whose attention might be distracted from approaching traffic and work in close proximity to moving vehicles. The most common Class 2 garments are shirts, jackets, or sleeveless vests. This apparel provides 360 degrees of torso visibility with horizontal and vertical retroreflective stripes. Typical occupations for workers who must wear Class 2 apparel are:

- Forestry operations
- Ship cargo loading operations
- Roadway construction, utility and railway workers
- School crossing guards
- Delivery vehicle drivers
- High-volume parking and toll gate personnel
- Airport baggage handlers/ground crew
- Emergency response and law enforcement personnel
- Trash collection and recycling operations

Some "safety" vests look similar to Class 2, and the only way to be sure you are wearing the right apparel is to inspect the tag. There are many other design features besides visibility that differentiate the classes and separate "genuine" ANSI 107-2004 apparel from other "safety" apparel. If the tag on your high-visibility garment is missing or not clearly marked, then don't wear it and discard it. Remember that an inspector will check the tag to see if you are in compliance, so the only thing protecting you from being cited for a violation is the proper tag.

Class 3 Apparel

The main difference between Class 2 apparel and Class 3 apparel is the larger area of your body that Class 3 apparel covers. There are no sleeveless vests that, when worn alone, provide Class 3 protection. Class 3 apparel is for workers who are constantly exposed to high-speed traffic and who cannot pay attention to approaching traffic. If you aren't sure which class of apparel to wear, you can't go wrong with the extra protection provided by Class 3.

Typical workers who must wear Class 3 apparel include:

- Roadway construction personnel and traffic regulators
- Utility workers
- Survey crews
- Emergency response personnel

Law enforcement and firefighters on your roads

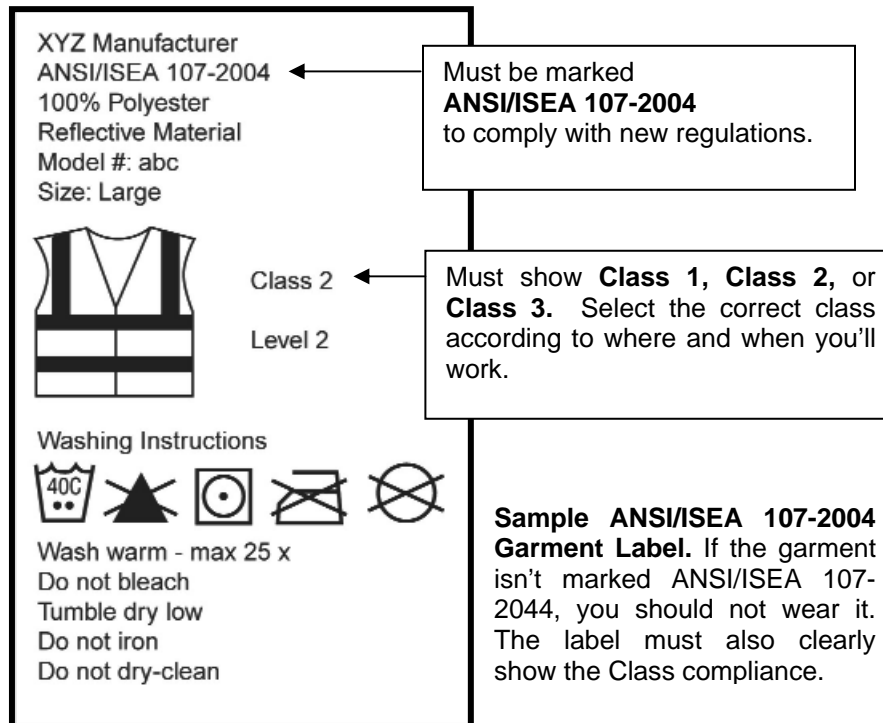
Firefighter apparel must meet different visibility and protection requirements than construction and law enforcement apparel. Law enforcement personnel have different rules for when they must wear ANSI clothing, but Class 2 apparel meets the visibility requirements for these workers when they are present on Federal Aid roads and are not exempt from the rule.

Other applications

Class 1 and Class 2 apparel are excellent for those evening runs and walks. Class 2 and Class 3 apparel is also GREAT for accompanying trick-or-treaters, and will earn you lots of compliments from envious parents. Plus, you're likely to collect some treats since you are "in costume!"

References

For specific information regarding when, what, and where to use ANSI Class 2 or 3 apparel, contact Cheryl Rost, Risk Management Department, Idaho Transportation Department at 1-208-334-8011 or cheryl.rost@itd.idaho.gov.



Sources:

mmm.com: ANSI/ISEA 107-2004 MADE EASY: A Quick Reference to High-Visibility Safety Apparel.

Federal Register: November 24, 2006 (Volume 71, Number 226). Page 67792-67800. From the Federal Register Online via GPO Access. <http://www.gpoaccess.gov/fr/Index.html>.

DOCID:fr24no06-4. U.S. Department of Transportation, Federal Highway Administration. 23 CFR Part 634. FHWA Docket No. FHWA-2005-23200. RIN 2125-AF11.

Reference: Kansas Local Technical Assistance Program, KUTC Newsletter, Winter 2008