

POLICY DIRECTIVE

TR-0011 (REV 9/2006)

TRAFFIC OPERATIONS POLICY DIRECTIVE	NUMBER: 08-07	PAGE: 1 of 8
ROBERT COPP, DIVISION CHIEF (Signature)	DATE ISSUED: November 21, 2008	EFFECTIVE DATE: November 24, 2008
SUBJECT: Inclusion of Federal Highway Administration's (FHWA) final rule on worker visibility in the California Manual on Uniform Traffic Control Devices (California MUTCD). This rule updates the American National Standards Institute (ANSI) and International Safety Equipment Association's (ISEA) Standard for High-Visibility Safety Apparel and Headwear current reference in California MUTCD from ANSI/ISEA 107-1999 to ANSI/ISEA 107-2004.	DISTRIBUTION <input checked="" type="checkbox"/> All District Directors <input checked="" type="checkbox"/> All Deputy District Directors - Traffic Operations <input checked="" type="checkbox"/> All Deputy District Directors - Maintenance <input checked="" type="checkbox"/> All Deputy District Directors - Construction <input checked="" type="checkbox"/> All Deputy District Directors - Design <input type="checkbox"/> All Deputy District Directors - Transportation Planning <input checked="" type="checkbox"/> Chief, Division of Engineering Services <input checked="" type="checkbox"/> Chief Counsel, Legal Division <input checked="" type="checkbox"/> Publications (California MUTCD Website) www.dot.ca.gov/hq/traffops/signtech/mutcdsupp/ca_mutcd.htm <input type="checkbox"/> Headquarters Division Chiefs for:	
DOES THIS DIRECTIVE AFFECT OR SUPERSEDE ANOTHER DOCUMENT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, DESCRIBE Adds Parts 1,6 & 7 of the California MUTCD	
WILL THIS DIRECTIVE BE INCORPORATED IN THE CALIFORNIA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, DESCRIBE Chapter 1A, Sections 1A.11 & 1A.13. Chapter 6D, Section 6D.03. Chapter 6E, Section 6E.02. Chapter 6H, Notes for Figure 6H-15 & 6H-16. Chapter 6I, Section 6I.01. Chapter 7E, Section 7E.04.	

DIRECTIVE

Pursuant to the authority granted to the California Department of Transportation (Department) in Section 21400 and 21401 of the California Vehicle Code(CVC), policy changes for worker visibility shall be included in Parts 1, 6 and 7 of the California MUTCD, dated September 26, 2006.

POLICY DIRECTIVE**IMPLEMENTATION**

In this section, for purposes of clarity, strikethrough text is used to denote text in the California MUTCD that is being deleted and italic text is used to denote text that is being added to the California MUTCD. All other formatting as defined under the Definitions section of this Policy Directive is still applicable.

The following policy changes shall be included in the California MUTCD:

Section 1A.11 Relation to Other Publications

Support:

Other publications that are useful sources of information with respect to use of this Manual are listed below. See Page i of this Manual for ordering information for the following publications:

13. *“American National Standard for High-Visibility Public Safety Vests,” (ANSI/ISEA 207-2006), 2006 Edition (International Safety Equipment Association—ISEA)*
- 13A. *“American National Standard for High-Visibility Safety Apparel and Headwear,” (ANSI/ISEA 107-1999 107-2004), 1999 2004 Edition; (ISEA) —The Safety Equipment Association.*

Section 1A.13 Definitions of Words and Phrases in This Manual

Standard:

The following words and phrases, when used in this Manual, shall have the following meanings:

95A. Worker—people on foot whose duties place them within the right-of-way of a street or highway, such as street or highway construction and maintenance forces; survey crews; utility crews; responders to incidents within the street or highway right-of-way; firefighters and other emergency responders when they are not directly exposed to flame, fire, heat, and/or hazardous materials; and law enforcement personnel when directing traffic, investigating crashes, and handling lane closures, obstructed roadways, and disasters within the right-of-way of a street or highway.

Section 6D.03 Worker Safety Considerations

Guidance:

The following are the key elements of worker safety and TTC management that should be considered to improve worker safety:

~~B. Worker Safety Apparel— all workers exposed to the risks of moving roadway traffic or construction equipment should wear high-visibility safety apparel meeting the requirements of ISEA “American National Standard for High-Visibility Safety Apparel” (see Section 1A.11), or equivalent revisions, and labeled as ANSI 107-1999 standard performance for Class 1, 2, or 3 risk exposure. A competent person designated by the employer to be responsible for the worker safety plan within the activity area of the job site should make the selection of the appropriate class of garment. Refer to Construction Safety Order in the California Code of Regulations (Title 8, Division 1, Chapter 4, Subchapter 4, Article 3, Section 1523— Illumination). See Section 1A.11 for information regarding this publication.~~

POLICY DIRECTIVE**IMPLEMENTATION (cont'd)****Standard:**

All workers within the right-of-way who are exposed either to traffic (vehicles using the highway for purposes of travel) or to construction equipment within the TTC zone shall wear high-visibility safety apparel that meets the Performance Class 2 or 3 requirements of the ANSI/ISEA 107-2004 publication entitled “American National Standard for High-Visibility Safety Apparel and Headwear” (see Section 1A.11), or equivalent revisions, and labeled as meeting the ANSI 107-2004 standard performance for Class 2 or 3 risk exposure. A person designated by the employer to be responsible for the worker safety plan shall make the selection of the appropriate class of garment.

When uniformed law enforcement personnel are used to direct traffic, to investigate crashes, or to handle lane closures, obstructed roadways, and disasters, safety apparel as described in this Section shall be worn by the law enforcement personnel.

Firefighters or other emergency responders working within the TTC zone and not engaged in emergency operations that directly expose them to flame, fire, heat, and/or hazardous materials shall wear safety apparel as described in this Section.

Refer to Construction Safety Order in the California Code of Regulations (Title 8, Division 1, Chapter 4, Subchapter 4, Article 3, Section 1523 - Illumination). See Section 1A.11 for information regarding this publication.

Option:

Emergency and incident responders and law enforcement personnel within the TTC zone may wear high visibility safety apparel that meets the performance requirements of the ANSI/ISEA 207-2006 publication entitled “American National Standard for High-Visibility Public Safety Vests” (see Section 1A.11), or equivalent revisions, and labeled as ANSI 207-2006, in lieu of ANSI/ISEA 107-2004 apparel.

Firefighters or other emergency responders working within the TTC zone and engaged in emergency operations that directly expose them to flame, fire, heat, and/or hazardous materials may wear retroreflective turn-out gear that is specified and regulated by other organizations, such as the National Fire Protection Association.

Section 6E.02 High-Visibility Safety Apparel**Standard:**

For daytime and nighttime activity, flaggers shall wear high-visibility safety apparel meeting that meets the Performance Class 2 or 3 requirements of the ANSI/ISEA 107-2004 publication entitled “American National Standard for High-Visibility Apparel and Headwear” (see Section 1A.11), or equivalent revisions, and labeled as meeting the ANSI ~~107-1999~~ 107-2004 standard performance for Class 2 risk exposure. The apparel background (outer) material color shall be either fluorescent orange-red or fluorescent yellow-green as defined in the standard. The retroreflective material shall be either orange, yellow, white, silver, yellow-green, or a fluorescent version of these colors, and shall be visible at a minimum distance of 300 m (1,000 ft). The retroreflective safety apparel shall be designed to clearly identify the wearer as a person.

POLICY DIRECTIVE**IMPLEMENTATION (cont'd)**

Guidance:

For nighttime activity, high-visibility safety apparel meeting that meets the Performance Class 3 requirements of the ANSI/ISEA 107-2004 publication entitled “American National Standard for High-Visibility Apparel and Headwear” (see Section 1A.11), or equivalent revisions, and labeled as meeting the ANSI 107-1999 107-2004 standard performance for Class 3 risk exposure should be considered for flagger wear (instead of the Class 2 safety apparel in the Standard above).

Standard:

When uniformed law enforcement officers are used to direct traffic within a TTC zone, they shall wear high-visibility safety apparel as described in this Section ~~should be worn by the law enforcement officer.~~

Option:

Law enforcement personnel within the TTC zone may wear high-visibility safety apparel that meets the performance requirements of the ANSI/ISEA 207-2006 publication entitled “American National Standard for High-Visibility Public Safety Vests” (see Section 1A.11), or equivalent revisions, and labeled as ANSI 207-2006, in lieu of ANSI/ISEA 107-2004 apparel.

Standard:

The retroreflective clothing, or the retroreflective material added to the clothing, shall have a minimum of one horizontal stripe around the torso.

Option:

White outer garments with retroreflective material may be worn during hours of darkness in lieu of colored vests, jackets and/or shirts.

Notes for Figure 6H-15 – Typical Application 15 (California MUTCD Page 6H-42)**Standard:**

2. Workers in the roadway ~~should~~ **shall** wear high-visibility safety apparel as described in Section 6D.03.

Notes for Figure 6H-16 – Typical Application 16 (California MUTCD Page 6H-44)**Standard:**

4. Workers in the roadway ~~should~~ **shall** wear high-visibility safety apparel as described in Section 6D.03.

Section 6I.01 General

Guidance:

On-scene responders organizations should be trained their personnel in safe TTC practices for accomplishing their tasks in and near traffic. On-scene responders should take measures to move the incident off the traveled way or to provide for appropriate warning. All on-scene Responders and news media personnel should always constantly be aware of their visibility to oncoming traffic and take measures to move the traffic incident as far off the traveled roadway as possible or to provide for appropriate warning wear high-visibility safety apparel.

POLICY DIRECTIVE

IMPLEMENTATION (cont'd)

Section 7E.04 Uniform of Adult Crossing Guards and Student Patrols

Guidance:

~~Adult crossing guards should be uniformed so that road users and pedestrians can recognize them and respond to their signals. The uniforms should be distinctively different from those worn by regular law enforcement officers.~~

Standard:

Law enforcement officers performing school crossing supervision and **Adult crossing guards shall wear high-visibility retroreflective safety apparel labeled as ANSI ~~107-1999~~ 107-2004 standard performance for Class 2 as described in Section 6E.02.**

Student patrols shall wear high-visibility retroreflective safety apparel labeled as ANSI ~~107-1999~~ 107-2004 standard performance for Class 1 as described in Section 6E.02.

Guidance:

~~Law enforcement officers should wear high-visibility retroreflective material over their uniforms when directing nighttime operations.~~

In all applications of this policy, engineering judgment must be exercised. The objective is to provide uniform applications of high-visibility safety apparel statewide. If there are any questions regarding implementation, districts should consult with the Headquarters Traffic Operations Liaison.

POLICY DIRECTIVE**DELEGATION**

No new delegations of authority are created under this policy.

BACKGROUND

The revision of the California MUTCD is a common practice based upon need. The Department, pursuant to CVC Section 21400; must conduct public hearings before it can revise traffic control device policies for use on public roadways. The California Traffic Control Devices Committee (CTCDC) is the forum used to satisfy this requirement.

The purpose of this directive is to implement FHWA's final rule on worker visibility that was published in the Federal Register on November 24, 2006 and it becomes effective November 24, 2008 for workers who are working within the rights-of-way of Federal-aid highways. This directive also includes the interim final rule clarifying worker visibility as it relates to firefighters that was published on November 21, 2008 and it becomes effective November 24, 2008. Both of these documents are available at the following web links:

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2006_register&docid=E6-19910.pdf

<http://edocket.access.gpo.gov/2008/pdf/E8-27671.pdf>

This final rule by FHWA amends the Title 23 of the Code of Federal Regulations (CFR) and not the National MUTCD. The intent is that this rule be applicable to only workers whose duties place them on or in close proximity to Federal-aid highways. The National MUTCD is applicable to all streets and highways open to the public, which is much broader than the requirement in Section 1402 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) upon which this rule is based.

FHWA is proposing in the next revision to the National MUTCD, the ANSI 107-2004 high-visibility safety apparel and ANSI 207-2006 high-visibility public safety vests. The proposed Notice of Proposed Amendments (NPA) to the National MUTCD was open for public comment through July 31, 2008. The proposed NPA is available at the following web links:

<http://a257.g.akamaitech.net/7/257/2422/01jan20081800/edocket.access.gpo.gov/2008/pdf/E7-24863.pdf>

http://mutcd.fhwa.dot.gov/resources/proposed_amend/index.htm

The dilemma imposed by these FHWA actions is that the ANSI 107-2004 high-visibility safety apparel requirements will be applicable to workers who are working within the rights-of-way of Federal-aid highways as of November 24, 2008 whereas the current National MUTCD and California MUTCD will continue to require ANSI 107-1999 requirements until they are updated later, sometime in 2009 (for National MUTCD) and possibly 2010 or 2011 (for California MUTCD). The Department is revising the California MUTCD (with this directive) as per FHWA's NPA text to reflect the incorporation of these ANSI 107-2004 and 207-2006 requirements.

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BACKGROUND (cont'd)

The implementation of this FHWA final rule was brought before the CTCDC at their May 29, 2008 meeting for discussion purposes. The CTCDC reviewed and discussed this proposal and its impact to local agencies at their September 17, 2008 meeting and made a recommendation to the Department to implement the proposed changes to the California MUTCD.

The implementation of this FHWA final rule has also been discussed in a public hearing by California Department of Industrial Relations' Occupational Safety and Health Standards Board (OSHSB) at their October 16, 2008 meeting. Pursuant to the public hearing, the OSHSB is in the process of amending Construction Safety Orders in the California Code of Regulations (Title 8, Division 1, Chapter 4, Subchapter 4, Article 11, Sections 1598 and 1599) to incorporate this FHWA final rule on worker visibility.

The implementation of this FHWA final rule was discussed with the Department's Division of Human Resources' Office of Health and Safety Services. This directive is consistent with the memorandum issued by the Office of Health and Safety Services on October 27, 2008 titled "New High Visibility Garment Standards".

This policy will be retired when it is incorporated in the next revision of the California MUTCD.

POLICY DIRECTIVE

DEFINITIONS

When used in this Traffic Operations Policy Directive, the text shall be defined as follows:

- 1) **Standard** – a statement of required, mandatory or specifically prohibited practice. All standards text appears in **bold** type. The verb **shall** is typically used. Standards are sometimes modified by Options.
- 2) **Guidance** – a statement of recommended, but not mandatory, practice in typical situations, with deviations allowed if engineering judgment or engineering study indicates the deviation to be appropriate. All Guidance statements text appears in underline type. The verb should is typically used. Guidance statements are sometime modified by Options.
- 3) **Option** – a statement of practice that is a permissive condition and carries no requirement or recommendation. Options may contain allowable modifications to a Standard or Guidance. All Option statements text appears in normal type. The verb may is typically used.
- 4) **Support** – an informational statement that does not convey any degree pf mandate, recommendation, authorization, prohibition, or enforceable condition. Support statements text appears in normal type. The verbs shall, should and may are not used in Support statements.

ATTACHMENTS

None