

23 CFR Part 634 Worker Visibility

Preface

- A Final Rule
- Pursuant to Section 1402 of the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)
- Published by Federal Highway Administration (FHWA), November 24, 2006

Final Rule

- All workers 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

Compliance Date

- No later than November 24, 2008

Purpose

- Decrease likelihood of worker fatalities or injuries caused by motor vehicles and construction vehicles and equipment

Definitions

- **Close proximity** means within the highway right-of-way on Federal-aid highways
- **High-visibility safety apparel** means personal protective safety clothing that is intended to provide conspicuity during both daytime and nighttime usage, and was defined by FHWA in the Interim Final Ruling to mean clothing that meets the Performance Class 2 or 3 requirements of ANSI/ISEA 107-2004
- **Workers** mean people on foot whose duties place them within the right-of-way of a Federal-aid highway, *such as...*
 - Highway construction and maintenance forces, survey crews, utility crews
 - Emergency Responders to incidents within the highway right-of-way
 - Law enforcement personnel when directing traffic, investigating crashes, and handling lane closures, obstructed highways, and disasters

Frequently Asked Questions

Which ANSI 107-2004 garment classes are covered?

- Class 2 and 3

What is the minimum garment class requirement?

- Class 2

Does this include law enforcement?

- Only with respect to specific activities, such as, directing traffic, investigating crashes, and handling lane closures, obstructed highways and disasters

Does the rule encompass the ANSI 207-2006 Public Safety Vest?

- Not at this time
- In the 2009 Manual on Uniform Traffic Control Devices (MUTCD) Revision Proposals, the National Committee on Uniform Traffic Control Devices and FHWA are recommending to add the PSV as an option for incident responders and law enforcement personnel

Who are “responders to incidents” that are subject to this rule?

- Tow-truck drivers, media representatives, emergency medical services and rescue teams, and military personnel on foot within the right-of-way of a Federal-aid highway

Does this include Fire Fighters?

- The FHWA published an Interim Final Ruling on November 21, 2008 that exempts Fire Fighters when they are fighting fires, but not at any other time

Does the rule apply to temporary workers and volunteers?

- Yes

Does the rule apply to the Media?

- Yes

Does this ruling affect MUTCD (All Streets and Highways)?

- Not at this time. FHWA is proposing the change to include all roadways as part of the amendments to the next edition of MUTCD
- When the 2009 MUTCD issues, FHWA has proposed that 23 CFR part 634 be absorbed into the MUTCD with some additions

Does OSHA have enforcement authority for this regulation?

- Yes, under the Occupational Safety & Health Act of 1970, General Duty Clause, Section 5a (1)

Information is current as of April 1, 2009



**Occupational Health and
Environmental Safety Division
3M Visibility and Insulation Solutions**
3M Center, Building 0235-02-F-06
St. Paul, MN 55144-1000
800-328-7098
Scotchlite.com

3M Canada
P.O. Box 5757
London, Ontario N6A 4T1
800-267-4414 Technical Service
800-364-3577 3M HELPS
3M.com/ca/besaferbeseen

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75-0501-0020-7