



TECHNICAL BULLETIN

New Federal Rules Aimed At Increasing Worker Visibility on US Roads

Two significant new safety regulations affecting thousands of US transportation and construction workers will soon go into effect. Both mandate the use of ANSI/ISEA 107-2004 Class 2 or Class 3 high visibility garments for workers on US highways and roads.

1. NEW FEDERAL HIGHWAY RULES EFFECTIVE NOVEMBER '08

The Federal Highway Administration published rules for worker visibility on Nov. 24, 2006 ([CFR Part 634 of Title 23 Code](#)). Those rules mandate that all workers within the right of way of any federally-aided highway exposed to traffic or construction equipment must wear high visibility safety apparel that meets ANSI/ISEA 107-2004 Class 2 or Class 3 requirements.

A two year grace period ends on November 24th, 2008, after which OSHA will enforce the requirement under the [General Duty Clause](#). In other words, OSHA will view infractions as instances of the employer not maintaining a workplace free from “recognized hazards that are causing or are likely to cause death or serious physical harm to his employees.”

2. NEW MUTCD RULES

The FHWA's [Manual on Uniform Traffic Control Devices](#) guides traffic repair and construction work to ensure standardized use of traffic control devices across the US. According to the agency, “The MUTCD is the law governing all traffic control devices. Non-compliance of the MUTCD ultimately can result in loss of federal-aid funds as well as significant increase in tort liability.”

When released sometime in 2009, the next revision of the MUTCD will broaden the worker visibility rule, mandating full ANSI/ISEA 107-2004 Class 2 or Class 3 compliance on ALL PUBLIC ROADWAYS. This new version will also allow ANSI 207 Public Safety Vests as an option for police and other first responders.

As a matter of law, the rules set out in the revised MUTCD will take precedence over those in CFR Part 634.

BOTTOM LINE

Very soon, all personnel working on virtually any road must be properly outfitted with ANSI/ISEA 107-2004 certified high visibility apparel—or their employers will face stiff consequences, from both potential federal penalties and civil liability.

Employers should review their compliance now, adding appropriate garments where needed from manufacturers like ergodyne and its GloWear® High Visibility Apparel line. GloWear® includes a full range of certified garments and accessories in all performance classes.