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To: Ms STANF MILLER From: MICHAEL J. SHELLEY

Fax: 513-533-8285 Pages: 4

Phone: 513-533-8450 Date: 9/15/99

Re: Highway Work Zone Safety CC:

Urgent For Review Please Comment Please Reply Please Recycle

Ms MILLER -

I WAS JUST GIVEN A COPY OF YOUR DOCUMENT FRIDAY
AND HURRICANE FLOPA INTERFERED WITH MY ABILITY TO
SEND YOU A TIMELY RESPONSE. I HOPE I'M NOT TOO LATE.

THANKS
Michael J. Shelley

Response Requested yes no

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September 15, 1999

Ms. Diane Miller
NIOSH Docket Officer
Mailstop C-34
4676 Columbia Parkway
Cincinnati, Ohio 45226-1998

Dear Ms Miller:

RE: NIOSH REPORT - "BUILDING SAFER HIGHWAY WORK ZONES"

As a Safety Director for a National Construction Firm presently involved in highway projects in three states I'd like to add my comments to those you have already received on the above topic.

There is an old axiom that the true test of any idea only happens where "the rubber meets the road." In looking at the makeup of your workshop, I have to admit to being disappointed in that you have few participants who actually live where the rubber meets the road. Of the 51 participants, only 12 were clearly in the public domain and of those 12 six were clearly suppliers. Which means at most, only six of 51 or approximately 12% are actual contractors involved in setting up work zones on a regular basis.

The six participants from State Departments of Transportation could probably argue that they are frequently involved in setting up Work Zones for state maintenance crews. That may be true; however, I would wager that the individuals who represented their states are most likely not the people whose day to day function is laying down or picking up a work zone. I am sorry that so few actual contractors participated in your process and if the problem was a lack of interested parties, I would be happy to volunteer to participate in future sessions.

I agree with what your statistics show. The problem is not so much outside the work zone, but rather inside. Clearly we are running over our own employees with trucks and equipment inside the work zone. Anything we do to reduce this will have a major impact on the number of fatalities. What I don't see from your statistics is a breakdown of fatality by type of work zone. What are the figures for a long-term work zone where concrete traffic barriers (CTB) are most commonly used, versus short-term or intermediate work zones where the device of choice is usually a type two barricade or a cone? I expect an examination would show fewer problems in work zones protected by CTB. The example you use to open your piece looks like a case in point.

Contrary to your conclusion "there is no way the driver could have seen the worker," the thing to remember is that the employee run over did not suddenly materialize out of thin air at the point where he was struck. Having grown up driving trucks I know that any driver worth his salt is always scanning the area ahead of him as far as he can see. I expect any driver would have spotted a 5'11" man in an orange vest and white hard hat as he drove up behind him. To hit the employee means the driver was

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distracted as he got close. An examination of the case shows a possible reason.

The driver had the center line that the employee was walking along on his right. This means he was driving the wrong way in the lane he was in. I'll wager he had oncoming traffic immediately on his left. The fact the employee struck was walking on the centerline is probably an indication the lane immediately to the right of the center lane was open to normal traffic flow. Whatever channelizing devices they were using were probably right on, or right inside the lane markers for the lane they had closed for their work zone. I expect the driver was distracted and looking to his left trying not to hit a traffic control device as he was coming up behind the employee he struck on his right. Eliminating these kinds of distractions inside the work zone should be one of the aims of your group. That so many of the accidents involve trucks correlates with my own experience that too often the room to operate inside the work zone is too restrictive.

While most of the proposals seem to be items that are already mentioned in the MUTCD, there are some specific things that need to be reiterated. "Increase the size of the lateral buffer zone to reduce worker exposure to passing motorists." - The MUTCD doesn't mandate a lateral buffer space and in many cases there is none. In fact para. 6C-2c3B, "A lateral buffer space may be used..." often runs afoul of para. 6B-2, "Traffic movement should be inhibited as little as practicable." From the contractor's standpoint it often seems that the desire to not inconvenience the traveling public far exceeds the willingness of State DOTs to give the contractor enough room to operate safely.

Contractors are expected to take as little as possible and return it as soon as possible and in some contracts actually faced with fines for lane usage that exceeds prescribed times. Facing that, is it a surprise that safety somehow suffers? The MUTCD could mandate lateral buffer zones, although that is unrealistic. I do think it may be able to mandate a minimum width for a work zone that will have vehicle movement inside it. If the minimum could not be met with a single lane closure then two lanes would need to be taken.

In spite of the fact that your own statistics show most problem are inside the work zone a lot of the recommendations seem directed toward the motorist operating outside the work zone. Nevertheless, it is important to point out that if you want employers to take an action it is critical that either the revised MUTCD or the State DOT's contract specs mandate that action. It is up to the regulatory agencies to level the playing field for the contractors. If you leave it up to their good intentions then you will have the same results you now face. Some will, most won't. If it is spec'd then all contractors will carry the cost in the their bids and you will get greater compliance and improved results.

In a number of places the group recommends training and while I agree wholeheartedly, I must also point out that this is the one area where the FHWA has let the employer down. Presently there is really only one organization providing traffic control training on a national basis, ATSSA. While not wanting to rain on their parade, I am after all an ATSSA trained Traffic Control Supervisor and an ATSSA Registered Flagger Instructor, it is for the most part too expensive a proposition to train my people through them. It costs anywhere from \$645.00 to \$710.00 to train a Traffic Control Supervisor. \$175 to \$200 for a Traffic Control Technician. In Texas my company spent over \$4000.00 to have a TEEEX instructor train our people in Work Zone Traffic Control. Flaggers were costing us \$40 to \$50 depending on where we got the training until ATSSA offered Flagger Instructor Training.

Turnover alone makes it impossible for any but the largest contractor to afford those kinds of training costs. The FHWA has their Work Zone Safety Inspector Course (AP73), but they only offered it to Public agencies, ATSSA and the National Safety Council. ATSSA will be glad to enroll me, again for \$175 to \$195. Does anyone see a trend here? If NIOSH really would like to see a difference in work zone safety then they need to get the FHWA to follow OSHA's lead in Construction and General Industry safety.

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As a graduate of the OSHA 500 trainer course in Occupational Safety and Health Standards for the Construction Industry I am able to train my company's employees for the cost of their time and the training materials I give them. This more than anything results in more trained employees on the job all looking out for each other, all knowing what the hazards and the regulations are, all with an OSHA certification card in their pocket. The folks who work where the rubber meets the road need the ability to train their own people in Work Zone Safety in a manner that will provide them with a certification that carries some sort of national recognition.

The model for how to offer the classes and to track qualified trainers and the people they train already exists at OSHA. It seems a relatively simple task then to develop the course syllabus for the trainers and the materials they will train too (the MUTCD). Then, using the OSHA model, the FHWA could administer a program that will provide national recognition for training and more importantly act to get more trained employees in every work zone.

Sincerely,



Michael J. Shelly
Safety Director