

Associated General Contractors of North Dakota



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

Dear Ms. Miller:

I am responding to a recent Highway Bulletin sent to Associated General Contractors, AGC, chapters and members regarding a NIOSH document on Highway Work Zone Safety. I would like to begin by saying that AGC members realize the most important asset they have is their workforce. Without the men and women who perform the construction there would be no work, therefore the safety of their employees is of paramount importance. With the shortage of employees the Construction Industry faces we cannot afford to lose or take even the most minor safety details for granted. Safety for our workers is important and we are continually seeking more effective ways to provide safety training as well as safer work zones for the welfare of the employees.

It is important when looking at new safety initiatives to determine if the suggestions are truly meaningful and will they really be a benefit to the workers, or will they simply cost money and provide no improved work zone safety protection. Let me give you an example; The NIOSH report mentions requiring parabolic mirrors like the ones used on school buses. What may not be taken into consideration is the difference between the manner of use of each vehicle. Parabolic mirrors on construction equipment would be on the back. When laying asphalt on a road the truck backs up to the asphalt machine and raises the hoist to dump the load. The question is how long will that mirror be on that truck? Most likely that mirror will be broken off within the first several dumps and end up not being replaced because it is in the way. This is simply an illustration of the different uses between the two types of vehicles.

The NIOSH report also makes references to not having workers on foot in areas where heavy equipment is being used. I would recommend you go to a highway project close to where you live or work and observe how the concrete is placed. It is difficult to imagine a way that the work could be done without those employees on foot not being around and close to heavy equipment. It is simply the nature of the industry that man and machine are going to have to work together and sometimes in very close proximity. That is why contractors continually stress safety to their employees at every opportunity.

Another area that needs to be looked at closely is the use of electronic warning devices such as sonar. These devices have no proven track record and again add another cost to the contractor. The issue of what happens when these devices become dirty or are used in extremely tight quarters is also a concern. It is our opinion that before these devices are recommended there be a comprehensive study done. A team of construction safety professionals to determine if these devices make an impact on overall safety should then analyze the study. If electronic device would be of benefit then it should be recommended they be placed in new equipment and not be

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forced to retrofit all the existing equipment. This would be an enormous financial burden to all contractors.

Control of speed limits and traffic is a very important issue and I believe ultimately becomes an issue for regulatory agencies. In North Dakota the state has increased the minimum fine for work zones and has begun to provide some enforcement of work zones. It has made some impact because drivers are much more aware the possibility of a fine is greater. However, it is not always possible to position a patrolman at every construction site for the entire day. Therefore with the use of other control methods, such as video surveillance, there would be increased enforcement and increased safety for workers.

I have only covered a couple of areas of the report but I believe from the comments in this letter you will understand the concern we have over some of the contents of the report. Please do not misunderstand, as I mentioned previously, AGC members are extremely concerned with the safety of our workers and are willing to implement procedures that will increase the safety of work zones. We would like to see the deadline for comment extended another 60 to 90 days in order to allow more contractors to comment. I make this recommendation because this report comes out at a very busy time of the year for many contractors and they may not have had the opportunity to really study the report and prepare a response.

Finally, I believe it would be very advantageous to NIOSH, as they look at safety issues in construction work zones, to involve more of the people who are affected and involved in the safety issues on the committee. As I looked over your list of people acknowledged in developing this report I noticed a lack of representation from the individual in the industry that will be most affected by the recommendations. I believe the AGC of America and its member firms would offer a very significant source of information and assistance in developing and refining safety procedures in work zones. Inviting the AGC of America to participate would only enhance the final recommendations of this report.

Thank you for the opportunity to respond to the NIOSH report.

Sincerely,

Curt Peterson
Executive Vice President, AGC of ND

cc: Brian Deery – Senior Director/Highway Division – AGC of America