

January 4, 2017

OSHA Docket Office,
Docket No. OSHA-2012-0007,
Technical Data Center, Room N3653,
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Re: Docket No. OSHA-2012-007, Standards Improvement Project – Phase IV

On behalf of the more than 6,000 members of the American Road and Transportation Builders Association (ARTBA), I respectfully offer comments on the Occupational Safety and Health Administration's (OSHA) proposed Standards Improvement Project – Phase IV.

ARTBA's membership includes private and public sector members that are integral to the planning, designing, construction and maintenance of the nation's roadways, waterways, bridges, ports, airports, rail and transit systems. Our industry generates more than \$380 billion annually in U.S. economic activity and sustains more than 3.3 million American jobs. ARTBA fully supports OSHA's proposed incorporation of the Nov. 4, 2009, Manual on Uniform Traffic Control Devices (MUTCD), including Revision 1 dated May 2012 and Revision 2 dated May 2012.

In the roadway construction industry, the word "safety" conjures up different meanings, depending on one's experience and perspective. For example, when a designer thinks about safety, he or she may be concerned about roadway alignments, proper curves and sloping. To a construction engineer, the concern may be focused on load capacity and the durability of materials. The traffic engineer may be worried about moving traffic safely through a work zone with adequate signage and channelizing devices. The construction contractor worries about injuries to employees and damage to equipment.

As the only trade association representing all sectors of the transportation construction industry, the American Road & Transportation Builders Association has spent the past 115 years working to bring together national transportation and safety leaders to better understand the complex and intricate interaction during all aspects of transportation construction. The task is not an easy one. We regularly find situations where the safety enhancements for one group inadvertently create hazards for another. Solutions to the apparent conflicts are not always obvious. We believe we will make significant safety advances only by educating all industry parties about the safety concerns of the others.

ARTBA knows that the safety concerns of a designer are different from those of a traffic engineer or construction contractor, but ARTBA understands that significant safety improvements for all parties will be best accomplished through a coordinated comprehensive approach. ARTBA is pioneering its approach to safety through innovative research, training focused directly on transportation construction and development of relationships and partnerships that help all parties understand and appreciate the safety challenges of others.

Construction is a hazardous industry. It involves heavy materials, large trucks and equipment, awkward work positions, inhospitable work conditions, and non-stationary work sites. In roadway construction, these conditions are compounded by hazards of working literally inches from speeding traffic.

Because work is being done increasingly on existing roadways, state departments of transportation and other municipalities are under pressure from the motoring public to ensure that work zones minimally impact their commutes. As a result, more work is being done at night, work schedules are compressed, and the size of work zones is compressed. These factors all increase the hazards for roadway construction workers.

According to a National Institute for Occupational Safety and Health (NIOSH) study of work zone fatalities (*"Building Safer Highway Work Zones: Measures to Prevent Worker Injuries from Vehicles and Equipment"*), about half of the roadway workers are killed by vehicles that breach the barricades and strike workers. More recent OSHA studies show the number of intrusions by motorists is increasing as a percentage of struck-by incidents.

The MUTCD was developed to create standardized control during roadway construction, maintenance, and utility (work zone) operations. Because each site is unique and presents its own set of challenges to the motorist, it is important that the design, placement and type of traffic control devices be uniform and familiar to drivers to allow them to move their vehicles safely and efficiently through the work zone.

The changing nature of work zone activity necessitates frequent inspection and adjustment of the traffic control devices. Care must be given to ensure that signs, signals, pavement markings, channelizing devices, etc. are maintained in good condition and deployed properly to guide traffic with minimal confusion.

Proper work zone traffic control and deployment of traffic control devices requires training and understanding of the MUTCD.

While the primary focus of the MUTCD is not aimed at worker safety, it provides guidelines on the key elements of traffic safety that should be considered in any procedure to assure worker safety.

Currently, employers are required to reference three different versions of the MUTCD. These include OSHA's references to the mandatory provisions of either of Part VI of the MUTCD 1988 Edition, Revision 3, Sept. 3, 1993, MUTCD, or the Millennium Edition, December 2000 MUTCD.

On the other hand, the U.S. Federal Highway Administration (FHWA) uses the 2009 MUTCD, including Revisions 1 and 2 (last updated May 14, 2012). While OSHA has allowed employers to use the newer editions of the MUTCD, the misaligned regulatory citations create uncertainty and confusion.

Updating OSHA's reference to the most current version of the MUTCD will alleviate much of that confusion.

The National Committee on Uniform Traffic Control Devices which is largely responsible for the development of the MUTCD, and of which ARTBA is an active member, in the past has encouraged OSHA to use the most recent edition to eliminate uncertainty and to take advantage of the enhanced safety provisions.

ARTBA is fully supportive of OSHA's intent to modernize its rules for signage, signaling and barricades that will result in improved safety benefits for workers.

Sincerely,

A handwritten signature in black ink that reads "T. Peter Ruane". The signature is written in a cursive, flowing style.

T. Peter Ruane
President & C.E.O.