

**HILB, ROGAL AND HAMILTON COMPANY
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September 2, 1999

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

Post-it* Fax Note	7671	Date	9-3-99	# of pages	3
To	Brim Deery	From	Jim Patterson		
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Dear Ms. Miller:

**RE: NIOSH Document on Highway Work Zone Safety,
"Building Safer Highway Work Zones: Measures
to Prevent Worker Injuries From Vehicles and Equipment"**

This letter contains my comments about this document. I have had the document for approximately one week and do not offer these comments as complete and thorough. Nevertheless, time marches on and it is necessary to do as much as possible before the deadline of Sept. 15, 1999.

My qualifications to make these comments are:

1. Thirty-three years employment as an insurance safety and compliance specialist, with a focus upon the construction industry since late 1968.
2. Certified Safety Professional #4086, 1975.
3. Active member of the Risk Management Committee, Colorado Contractors Association (Heavy-Highway Branch of the Associated General Contractors of America), since 1981.
4. That I am job-site oriented, and spend approximately 75% of my time in the field, including construction projects where traffic control is required.

Comments

1. The "Acknowledgements" (page v-vi) list indicates that contractors were a distinct minority in the original workshop held December 2-4, 1998. This apparent lack of participation from those who actually perform the work concerns me and I recommend that you allow the construction industry opportunity to review the next draft and offer their comments before publishing the official document.



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2. Throughout the draft document (pages 3-16), "specific measures that employers ... can take to reduce occupational injuries in highway work zones" are presented. Some of the measures, however, are apparently still in the design and test stages of development for on pages 16-17, under "Research needs," some of the recommended measures (intrusion alarms, infrared sensing devices, transmitters worn by workers, etc.) are listed. In my opinion, if research on these type measures is needed, they (and other measures) should not have been proposed as measures that can be taken.

3. The tragic accident described on page 1 under "Introduction" lacks detail, and I can not agree with the conclusion in the last sentence of paragraph two that "... there is no way he (the driver) could have seen the highway worker." What was the truck's speed? What distractions to the driver existed? Was the driver given a post-accident alcohol/drug test? How much sight distance between the worker and the truck existed when the truck drove up behind the victim?

4. Work Zone Layout - page three.

Employers can not increase the size of the lateral buffer zone. The Contracting Agency alone has this authority. On bridges and certain types of urban expressways, the need to maintain traffic flow dictates the work zone. All contractors would agree that more space is needed, but unless the Contracting Agency agrees to close off 1½ lanes of a three lane roadway, it ain't gonna happen.

5. Use of Traffic Control Devices - page five.

A. Employers can not choose colors in signage and worker apparel. OSHA, the MUTCD, and the state DOT must control any variation from the prescribed orange colors.

B. I concur that truck-mounted attenuators increase worker safety. However, the Contracting Agency must specify their use, or the more responsible contractors who prefer to use them will be undercut by low bidders who choose not to use them.

6. Flaggers - page five

A. I disagree with the statement that flaggers should have the authority to "halt operations." Flaggers are often employed by a traffic control subcontractor, and there are obvious difficulties arising from a subcontractor attempting to overrule a general.

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- B. I concur with the statement that employers should avoid using flaggers whenever possible.
7. Motoring Public - page five
- A. The employer (contractor) can not be expected to have advisory radio broadcasts made. The Contracting Agency should handle this.
- B. The comment about reducing traffic volume through flex-time and telecommuting is, in my opinion, wishful thinking and does not belong in a document of this nature.
8. Accountability and Coordination at the Work Site - page 10
- A. Do not use the term "hazard communication program" (4th checkmark), as OSHA uses this term in a different context (chemicals).
- B. There are multiple entrances to most highway work zones, and the comment about distributing site-specific safety materials must be revised to use the tool-box safety meeting and other means of communication, such as faxing route maps / ITCP to the employer of the drivers), such as ready-mix concrete suppliers.
9. Equipment Operation and Maintenance - page 10
- I am not sure that chocking the wheels of equipment would add to work zone safety. However, if chocks are required, chock both sides (front & rear) of a single tire.
10. High-Visibility Apparel - page 15
- Most reflective garments are hot and to develop apparel that "covers the moving parts of the worker's body" may contribute to over-heating of the worker. Be cautious in this measure.

Yours truly,

James T. Patterson, CSP
Vice President, Loss Control Services