

September 7, 1999



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Subj: NIOSH Document on Highway Work Zone Safety

Nothing is more important to Cedar Valley Corp. than protecting our workforce!

That stated as a standard we are tasked with rebuilding our infrastructure, allowing the public a safe, enjoyable, and "smooth" driving surface, without inconveniencing "anyone", to include property owners, businesses or the motoring public at large. Additionally local, state, and federal regulatory authorities don't want to make anyone angry, require all work to be performed to "black and white" specifications at the lowest cost possible with most of the responsibilities foisted upon the "EMPLOYER".

While these above mentioned facts remain the priority how can any person with true knowledge of our industry read the "EMPLOYERS CAN" section of this draft without becoming physically ill? If this draft finds its way into Federal Regulations I do not believe there is any way to calculate the total manpower and funding it would require to implement or enforce. This combined with the fact that each state department of transportation administers their contracts differently certainly leaves more questions than answers.

These questions and comments are based on our experience working in Missouri, Nebraska, Minnesota, and Iowa. In these states the contracting authority (State Department of Transportation) is the final decision maker in matters such as traffic control plans, painting and signs.

We have enclosed a copy of the draft with the items numbered sequentially in order to be specific with our questions and comments.

Some degree of confusion may be present in regard to who the "draft" considers the "Employer" to be.

The first question may well be, can "employers" be issued a blank check to purchase additional right of way, and redesign the project as it is built?



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Traffic Control / Work Zone Layout

EMPLOYERS CAN:

1. 2. 3. In our "market", several midwestern states, we are required to lay out the "traffic control" as per the plans and specification of the job. That is how the job is bid and we have no say in the matter.
4. and 5. All employers and "owners" with responsibilities for traffic control plans should without a doubt be doing this.

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Use of traffic control devices

EMPLOYERS CAN:

1. O.K.
2. The color of "signage" is as per the plans and specifications for the job. The EMPLOYER has no say in this.
3. O.K.
4. O.K.
5. O.K.
6. Again, the colors for these devices are specified to the EMPLOYER by the contracting authority,
- 7,a. Use of concrete barrier is a bid item on projects. We have tried UN-successfully in the past to get concrete barrier on jobs that warranted it. Again the contracting authority, not the EMPLOYER specifies this on projects.
- 7,b. See item 7,a., above.
- 8,a., 8,b. These are placed as per plans and specifications issued by the contracting authority.

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Flaggers

EMPLOYERS CAN

1. Training and certifying flaggers is one thing, training flaggers to have an intimate knowledge of complex work zones is another. Flaggers are paid at the bottom of the "food chain" and are used sporadically at best. Given these facts how do you train and retain a consistent "core group" of employees that are knowledgeable in traffic flow and able to make the types of decisions you mention while working maybe 25% of the time?
2. Flaggers are responsible for their immediate work area with constant supervision. Communication with the project supervision is important, allowing a class "C" laborer to halt operations that they have no experience in is questionable at best.
3. Avoiding the use of flaggers is a great answer, close the work area to unrestricted traffic. This may however inconvenience someone.
4. O.K., WHAT?

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Motoring Public

EMPLOYERS CAN

1. through 4. All of these issues are controlled by the contracting authority

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Internal Traffic Control

Developing a Plan

1. Contractors have no say in the "overall traffic control plan". The project planning division of the contracting authority and the construction division of the contracting authority many times don't agree with the planned traffic control layout as it happens in "real time". On many occasions what looks good on paper is drastically different when you place high "traffic counts" in "real time" into the mix.
2. Developing an internal traffic control plan while designing the project traffic control plan would be great. How do you do that when the design team has no idea who will build the job, or how it will actually be built with the daily changes in condition that occur.
- 3,a. through 3,e. On multi-stage, multi-contractor projects, (in other words all of them) does this draft propose that the contracting authority determine what kind of equipment and size of workforce will be used?

Page 8, CONTINUED
Internal Traffic Control
Developing a Plan

4,a through 4,f. O.K. a pre-construction conference.

4,g.1 through 4,g.4 All people are expected to communicate, this draft seems to allude to all workers using individual radios with an additional person or persons tasked with monitoring the entire broadcast system?

4,h O.K.

4,I O.K.

4,j The project superintendent's and project manager's have this capacity.

5. Short of getting all of the "players" along with all of their "toys" together with all of the traffic and perfect predictable weather how do you do that? You can plan from now through the end of time, until the "first shot is fired" then it will always start changing.

Page 8
Illumination of the Work Zone
EMPLOYERS CAN

This entire draft is about Work Zone Safety. Working at night should not even be part of it. We need to decide whether we want a safe work zone or an inconvenienced public, YOU CANT REALISTICALLY HAVE BOTH.

With the realization that we will perform work at night, any way we can develop more light with less glare would be a very positive thing.

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Accountability and Coordination at the work site

EMPLOYERS CAN

1. This person is already in place, Superintendent, Project Manager.
2. O.K., Companies with a full time safety position would probably evaluate close calls along with Superintendents and Project Managers.
3. This should be a work in progress for Superintendents and Project Managers.
4. through 6. O.K.
7. Highway construction is not like a fenced off building site. There are miles and miles of entrances to the "activity area". How do you control that twenty four hours per day?

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Equipment Operation and Maintenance

EMPLOYEES CAN

1. through 12. O.K.

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Internal Work Zone Safety for Equipment Operators and Workers on foot

EMPLOYERS CAN

1. through 7. These are all good safety practices, When possible. The nature of building rigid pavement prevents a large degree of separation between heavy equipment and craftsmen on foot. Many operations are continually progressing in unison on a very small piece of "right of way".

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Sensors, alarms, and other technology

EMPLOYERS CAN

1. through 3. Great, have the manufacturers work out the "bugs" and make it mandatory equipment.

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Changes in the Contracting process

Policy Makers (Federal, State, and Local) Can:

1. We would completely agree, how in the world do you enforce or ensure compliance? For example look at the DBE program and the "farce" it has been in many instances, or the transition to metric units of measurement. Submitting a "written safety program" does not ensure that it is complied with. Respectable Contractors have had this for years, there are however many that have little or no compliance.
2. Great, based on what criteria?
3. O.K., make it a bid item.
4. The contracting authority designs the TCP, the ITCP could not possibly be designed prior to the pre-construction process. Not awarding contracts based on the "low bid" is a novel idea. There may be some "legalities" to work out as a result.

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Training and Certification

EMPLOYERS CAN

1.a, This comment truly makes me ask who in the world wrote this draft. Our training all happens "real life and hands on". Most positions in our industry start as laborers. Through experience measured in years they gain varying levels of competence allowing them to progress onto becoming concrete finishers, heavy equipment operators and supervisory personnel. Experiencing the daily changes in conditions and less than perfect plans over the years is what allows construction professionals to build safe jobs.

1.b, This is orientation training that should happen immediately upon putting a new employee to work.

1.c, and d, This should be a work in progress for the entire construction career.

1.e, O.K.

2. O.K.

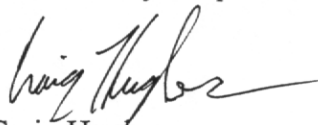
In closing;

Our "life's work" is a dynamic, fast paced, constantly changing industry. Weather, materials, and unknown conditions are among hundreds of situations that arise daily requiring moment by moment decisions to be made. While safety will always be our top priority, we do have to balance the cost of going beyond the project requirements in order to stay competitive.

No one set of "rules" or regulations with inexperienced enforcement can realistically address SAFELY building highways kept open to traffic for convenience sake. The only way employers would have the opportunity to initiate many of the recommendations in this document would be to strictly use "design build" contracting in all highway and road work.

Use quantitative comparative facts, experience modifiers, proven performance and bonding limitations to sort out the bad apples. Then let construction professionals build the job.

Sincerely;
Cedar Valley Corp.



Craig Hughes
Safety Director