

Memo

To: All Concerned Parties

From: David E. Wacker, Director, Workplace Safety and Health Division

Date: July 3, 2008

Re: 23 CFR 634 – Federal Highway Administration – **WORKER VISIBILITY**

On November 24, 2008 the Federal Highway Administration, 23 CFR 634, will be effective. This rule requires any worker on a FHWA funded highway to wear either an ANSI Class II or Class III safety vest or apparel.

The Bureau of Labor Standards, in order to comply with this order has made the following determinations:

1. Every worker, with exceptions listed below, will wear a ANSI Class II or Class III apparel at all times while working within the rights-of-way on any Maine road.
2. **Exceptions:**
 - a. Law enforcement officers engaged in actions other than;
 - Directing traffic
 - Investigating crashes
 - Handling lane closures
 - Working on obstructed roadways
 - Disasters within the right-of-way
 - b. Fire Department personnel
 - Wearing a NFPA approved “bunker” coat with retro-reflective material.
 - c. Hazardous Materials Technicians in Level “A” or “B” suits.
 - When working in an area protected by apparatus in the proper blocking position and proper signs and warning devices.
 - Safety Officer is present