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Index: Safety

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Construction Advisory
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Worker Visibility – Clothing Compliance

In November 2006, the FHWA issued 23 CFR, Part 634, Worker Visibility Final Rule. The rule states, "All workers within the right-of-way of a Federal-aid highway who are exposed either to traffic or to construction equipment within the work area shall wear high-visibility safety apparel." The compliance date for this rule was November 24, 2008. The rule defines high visibility safety apparel as "personal protective clothing that is intended to provide conspicuity during both daytime and nighttime usage, and that meets the Performance Class 2 or 3 of the ANSI/ISEA (American National Standard Institute) 107-2004."

Issues in the Field:

Though most contractors are meeting the requirements of the worker visibility final rule, some workers are still wearing clothing that does not meet the standard. (Note: Any high-visibility apparel shall be marked or labeled with the specific standard and performance class it meets.)

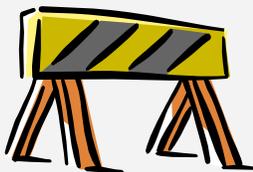
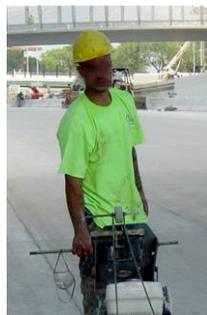


Vests that do not meet the standard: Examples shown are old style high visibility vests that do not meet the ANSI 107 standard. Notice the narrow width of the retro-reflective strip and the lack of material around the torso. Vests that only cover the front and back of the wearer do not meet the standard.



Bright colored t-shirts: Bright colored t-shirts may have background material that meets one requirement of the ANSI standard; however, in order for the shirt to meet the entire standard it must have retro-reflective material/strips. Some contract workers claim they do not need the retro-reflective strips on their clothing, as they are not working at night. However, the FHWA final rule does not allow for anything other than an ANSI 107 Class 2 or 3 compliant garment, which must have retro-reflective strips.

(Note: When workers are performing welding, cutting, or brazing operations, the use of a high visibility vest may create an additional hazard unless the vest is flame retardant.)





Vests in poor condition: Excessively dirty or worn vests do not afford an appropriate level of visibility for the workers and must either be washed or replaced. The American Traffic Safety Services Association [brochure](#) is a valuable guidance document showing acceptable and unacceptable examples of high-visibility apparel and provides guidelines for replacement. Please refer to the brochure in conjunction with this safety topic.



Contractor Non-Compliance:

Contract workers wearing clothing that does not meet the standard should be treated as a contractor non-compliance and, therefore, a Notice of Non-Compliance with Contract Requirements (Form 1165) should be issued to construction contractors for not complying with the Special Provision for High Visibility Clothing. Please refer to MDOT’s construction advisory CA 2009-01 and the frequently used special provision (FUSP) 03SP104D for high-visibility clothing.

The Worker Visibility Final Rule applies to all workers within the right-of-way of a federal aid highway. In addition to our contractors and annual permit holders, this requirement applies to consultants, municipal, and county agencies, as well as contract counties performing any type of work on federal aid roads.

Please share this construction advisory with local agencies and consultants within your jurisdiction, as well as your TSC utility/permit staff.