



January 6, 2022

Mr. Martin C. Knopp
Associate Administrator for Operations
U.S. Federal Highway Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Martin:

We congratulate the Federal Highway Administration and its Office of Operations for the initiative to create a **National Work Zone Safety Strategic Plan** (WZSSP). Your vision, timing and approach are commendable especially considering the new Bipartisan Infrastructure Act which potentially creates a significant increase in roadway construction projects leading to exposures to workers and roadway users to work zone-related hazards.

As a segment of the industry that represents the workers who labor on these roadway construction projects and are exposed to many hazards posed both by construction operations and passing traffic, we would like to share some focused input on the WZSSP worker safety provisions which we jointly feel are critical to emphasize.

1. Objective #4: Reduce Driver Behaviors That Contribute to Fatal and Injury Work Zone Crashes

- a. Automated Speed Enforcement/Speed Safety Cameras (ASE/SSP) – Although this strategy has been around for many years, we have noted a recent resurgence of interest in several states and are aware of efforts planned and now underway to seek enabling legislation to institute such enforcement authority for roadway work zones. There is a renaissance of attention in this safety tool and the industry is developing guidelines to assist agencies and jurisdictions in seeking legislative authority to allow such enforcement. We recommend collaboration with industry organizations and incorporation of their guidelines as part of Strategic Objective #4 in creating guidance on use of ASE/SSP.
- b. Automatic, regulatory speed reduction of 10 mph for short-term stationary lane closures on limited access and multi-lane, primary highways. Additional speed reduction signs would be posted in the advance warning area and would assist workers on foot as they deploy the devices to install the closure and assist workers within the closure that do not usually benefit from positive protection due to the duration of the operation.
- c. Continued support and promotion of Intelligent system technologies in work zones. Continued/ enhanced initiatives in ITS work zone case studies and assessments.

2. Objective #5 – Reduce Workspace Intrusions and Worker Struck-by Vehicle Crashes

- a. A5-2 Encourages the use of Positive Protection as a worker and traffic safety strategy. This could be bolstered significantly by taking a fresh look at Subpart K and revising the approach the regulation takes to addressing positive protection. Currently, the language calls for use of positive protective measures if an engineering study indicates it would be appropriate.

In actual application this language has shown that few states choose to do such a study—meaning positive protective measures have not advanced and the safety of workers as well as the traveling public may be jeopardized.

In working to promote increased use of positive protection on roadway construction projects across the country, it has come to our attention that many agencies and traffic engineers only consider concrete barrier as an option when determining if positive protection is a viable strategy for a project. There are many other options available that are more flexible, convenient, and cost-efficient including moveable barriers, mobile barriers, steel, and water-filled barriers. An educational outreach effort to help agencies understand the options available is needed and important for proper and safe applications.

To assist agencies in understanding the benefits and options in mainstreaming the use of positive protective measures, it is necessary for roadway owners to update their standard specifications (rules, guidelines, protocols, etc.) to provide guidance and assistance for traffic engineers when developing their temporary traffic control plans. When the application of positive protection based on agency guidelines is determined, the decision should be documented and subject to review, comment and discussion should actual circumstances show a need different from the produced traffic control plan. California recently updated its rules to guide their engineers through positive protection options. Such efforts should be used as models and encouragement must be provided to other states to do likewise. New national standards and policies that were developed independently by other national organizations during 2021 echo this approach and should be incorporated by FHWA by reference.¹

- b. The inclusion of new technologies to provide advanced warnings and reduce incursions into the work space of the temporary traffic control zone is a very important part of the proposed WZSSP. FHWA should remove restrictions in the MUTCD that limit the use of patented and proprietary products as such prohibitions will limit the investment in- and deployment of innovations needed to advance intrusion warning systems.
- c. Constant and consistent efforts to improve data are necessary to ensure resources are focused on hazardous situations that lead to worker deaths. Increased emphasis on data gathering and reconciliation between NHTSA/FARS and BLS must be prioritized. The parties recommend creation of a standing work group, including NHTSA, FHWA, OSHA, NIOSH, BLS and industry representatives to accelerate this data gathering effort.
- d. With an increased emphasis on roadway worker safety and education about proper temporary traffic control and internal traffic control principles, FHWA should work to ensure the industry is provided with increased, up-to-date training information and opportunities.
- e. Expedite the experimentation, review and evaluation process for new traffic control devices set forth by FHWA.

3. Strategic Objective #6: Improve Accommodation of Vulnerable Road Users Through and Around Work Zones

¹ See ANSI/ASSP A10.47 Standard and ARTBA Positive Protection Policy Statement

- a. The recently enacted Bipartisan Infrastructure Deal places a great emphasis on protecting “vulnerable roadway users.” FHWA should include roadway workers within that definition or vulnerable users.

4. Strategic Objective #8: Identify, Evaluate, and Encourage Implementation of Effective Low-Cost Improvements to Temporary Traffic Control

- a. We encourage the rapid dissemination for utilization of low-cost TTC devices, such as worker presence lighting, warnings informing motorists of construction vehicles entering or exiting travel lanes, queue detection and other proven technologies to improve communication and understanding about situations where users need to pay careful attention to the roadway and hazardous or atypical situations it may present.

While not yet part of the WZSSP, the Bipartisan Infrastructure Act includes an important provision that allows agencies to use federal funds to create project-based “safety contingency funds.” The purpose of these funds is to set aside money for project safety enhancements that may not have been anticipated when a project was let. The funds enable the contractor and/or agency to revisit the temporary traffic control plan and add additional safety enhancements (such as positive protection) that may not have been initially funded. If both parties agree the improvement is needed, funds can be released to pay for such changes. The WZSSP should recognize this new opportunity and encourage owners and contractors to take advantage of the ability to enhance project safety when appropriate.

Again, we congratulate FHWA for the progressive approach to creating a national strategic plan (and dialogue) on roadway work zone safety. While we agree that all elements of the proposed plan are important and needed, we express our mutual concern and support for the items mentioned here and hope this will lead to deeper consideration of their inclusion in the final plan.

With best regards,



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