

U.S. Department
of Transportation
Federal Highway
Administration

February 4, 2008

In Reply Refer To: HOTO-1

Mr. Stephen P. Austin
Project Manager
Cumberland Valley Volunteer Firemen's Association
Emergency Responder Safety Institute
460 Polly Drummond Hill Road
Newark, DE 19711

Dear Mr. Austin:

This is in response to your letter of December 20, 2007, to Federal Highway Administrator J. Richard Capka expressing concern about Federal requirements for high visibility garments. Your letter was directed to my office for response.

As you know, the Federal regulation 23 CFR 634 becomes effective on November 24, 2008. This regulation requires persons working within the right-of-way on any Federal-aid highway to wear personal protective safety clothing that "meets the Performance Class II or III requirements of the ANSI/ISEA 107-2004 publication." The International Safety Equipment Association finalized the public safety vest standard after the rulemaking process for developing 23 CFR 634 was completed. While we were aware of the development of the public safety vest standard, we were unable to include that standard in the rulemaking because it was not completed in time for us to meet the schedule requirement of our rulemaking.

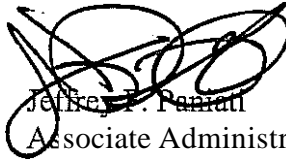
In response to requests from the National Transportation Incident Management Coalition and International Association of Chiefs of Police, we reviewed the ANSI/ISEA 207-2006 public safety vest standard very carefully and found this standard compatible with the ANSI/ISEA Class II requirements for night-time visibility. Therefore, as a part of our current Notice of Proposed Amendments (NPA) for the next edition of the Manual on Uniform Traffic Control Devices (MUTCD), we are proposing to add public safety vests as an option for incident responders and law enforcement personnel. We anticipate that the Final Rule on the proposed changes to the MUTCD will be published in 2009.

We appreciate your concerns regarding safety of incident responders and law enforcement officers and encourage you to review the NPA document and provide comments on the docket. The NPA document can be accessed at our Web site at <http://mutcd.fhwa.dot.gov/>. We will carefully analyze all comments and address any concerns during development of the final rule.

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We trust that this letter will allay your concerns about compliance with Federal requirements for worker visibility. If we can be of further assistance on this matter, please contact Mr. Hari Kalla by e-mail at hari.kalla@dot.gov or by telephone at 202-366-5915.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey P. Penning". The signature is stylized and somewhat illegible due to the cursive nature of the handwriting.

Jeffrey P. Penning
Associate Administrator for Operations