



## Arkansas Department of Health

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**Governor Mike Beebe**

**Paul K. Halverson, DrPH, FACHE, Director and State Health Officer**

To: All Arkansas Licensed Ambulance Services **(SECOND NOTICE)**

From: David Taylor, Section Chief  
Section of EMS & Trauma Systems

Date: July 24, 3008/Ocober 17, 2008

Re: Worker Visibility - High-visibility Safety Apparel Mandate

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Effective November 24, 2008, Federal Highway Code 23-CFR-634 requires all workers within the right-of-way of a Federal-aid highway who are exposed either to traffic (vehicles using the highway for purpose of travel) or to construction equipment within the work area to wear high-visibility safety apparel. Workers means people on foot whose duties place them within the right-of-way of a Federal-aid highway, such as highway construction and maintenance forces, survey crews, utility crews, **responders to incidents within the highway right-of-way (this includes ambulance personnel)**, and law enforcement personnel when directing traffic, investigating crashes, and handling lane closures, obstructed roadways, and disasters within the right-of-way of a Federal-aid highway. High-visibility safety apparel means personal protective safety clothing that is intended to provide conspicuity during both daytime and nighttime usage and that meets the Performance Class 2 or 3 requirements of the American National Standards. You may view the new requirement at the National Achieves and Records Administration-Code of Federal Regulations at:

[http://www.access.gpo.gov/nara/cfr/waisidx\\_07/23cfr634\\_07.html](http://www.access.gpo.gov/nara/cfr/waisidx_07/23cfr634_07.html).

The purpose of the regulation is to decrease the likelihood of worker fatalities or injuries caused by motor vehicles, construction vehicles, and equipment while working within the right-of-way on Federal-aid-highways. The following website has more information related to this requirement including useful videos which may be downloaded and used freely: [www.respondersafety.com](http://www.respondersafety.com)

For your convenience I have attached a copy of 23-CFR-634 for your review. If you have any questions or need assistance you may contact me at 501-661-2262.

[Code of Federal Regulations]  
[Title 23, Volume 1]  
[Revised as of January 1, 2007]  
From the U.S. Government Printing Office via GPO Access  
[CITE: 23CFR634.1]

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TITLE 23--HIGHWAYS

CHAPTER I--FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION  
PART 634\_WORKER VISIBILITY--Table of Contents

Sec. 634.1 Purpose.

The purpose of the regulations in this part is to decrease the likelihood of worker fatalities or injuries caused by motor vehicles and construction vehicles and equipment while working within the right-of-way on Federal-aid highways.

Sec. 634.2 Definitions.

Close proximity means within the highway right-of-way on Federal-aid highways.

High-visibility safety apparel means personal protective safety clothing that is intended to provide conspicuity during both daytime and nighttime usage, and that meets the Performance Class 2 or 3 requirements of the ANSI/ISEA 107-2004 publication entitled ``American National Standard for High-Visibility Safety Apparel and Headwear.'' This publication is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51 and is on file at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to <http://www.archives.gov/federal--register/code--of--federal--regulations/ibr--locations.html>. It is available for inspection and copying at the Federal Highway Administration, 400 Seventh Street, SW., Room 4232, Washington, DC, 20590, as provided in 49 CFR Part 7. This publication is available for purchase from the International Safety Equipment Association (ISEA) at 1901 N. Moore Street, Suite 808, Arlington, VA 22209, <http://www.safetyequipment.org>.

Workers means people on foot whose duties place them within the right-of-way of a Federal-aid highway, such as highway construction and maintenance forces, survey crews, utility crews, responders to incidents within the highway right-of-way, and law enforcement personnel when directing traffic, investigating crashes, and handling lane closures, obstructed roadways, and disasters within the right-of-way of a Federal-aid highway.

Sec. 634.3 Rule.

All workers within the right-of-way of a Federal-aid highway who are exposed either to traffic (vehicles using the highway for purposes of travel) or to construction equipment within the work area shall wear high-visibility safety apparel.

Sec. 634.4 Compliance date.

States and other agencies shall comply with the provisions of this Part no later than November 24, 2008.