

# THE ASSOCIATION

Indiana Association of Certified Accident Investigators  
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## Federal Government Begins Mandating High-Visibility Vests For Responders

As I'm sure everyone is well aware, all emergency workers will be required by federal mandate to wear a high-visibility vest whenever working any traffic along a federally funded highway. Everyone will be happy to hear that there has been an exception made for law enforcement that we do not have to wear a vest while making traffic stops or conducting vehicle searches. What everyone won't be so happy to hear is that the majority of the vests being sold to law enforcement and first responders do not meet the requirements of the mandate as it is written. There is a difference between the ANSI 107 and the ANSI 207 classifications of vests. The following is a summary of the mandate that was published by the Responder Knowledge Base:

### Federal Government Begins Mandatory High-Visibility Vests For Emergency Responders

On November 24, 2008, a new federal regulation (23 CFR 634) goes into effect mandating that anyone working in the right of way of a federal-aid highway must be wearing high-visibility clothing that meets the requirement of

ANSI / ISEA 107; 2004 edition class 2 or 3. This requirement will apply to all emergency responders.

The code of Federal Regulations Title 23 (Highways) Part 634 was originally published in the Federal Register Vol 71, No 226, pp 67792-67800. The Rule itself (634.3) simply states that: *"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."*

Definitions (634.2) within Part 634 cover what is meant by "Workers" and "high-visibility safety apparel". Emergency responders are included in this definition anytime they are working "within the right-of-way of a Federal-aid highway" with some exceptions for law enforcement officers working on an incident involving criminal activity (see below).

"High-visibility Safety Apparel" is defined to mean "personal protective safety clothing that is intended to provide conspicuity during both daytime and nighttime usage, and that means the Performance class 2 or 3 re-

quirements of ANSI / ISEA 107-2004".

### ANSI 207, Public Safety Vests

After 23 CFR 634 was finalized, a new standard for Public Safety Vests was published as ANSI / ISEA 207; 2006 edition. Because ANSI 207 was not published until after 23 CFR 634 was finalized, the federal regulation could only reference ANSI 107.

ANSI 107 requires that class 2 garments (vests) have at least 775 square inches of high-visibility, fluorescent background material and at least 201 square inches of reflective material. While the ANSI 207 requirement for reflective material is the same (201 in<sup>2</sup>), it requires only 450 square inches of background material. **Therefore, ANSI 207 vests do not meet the requirements of ANSI 107 and therefore do not currently meet the requirements of 23 CFR 634.**

The DOT Federal Highway Administration's Associate Administrator for Operations has written a letter to the Emergency Responder Safety Institute that is being

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## Low Speed Vehicles

## An IIHS/NHTSA Report

**W**ith the current prices of gasoline being sky-high and the popularity of golf carts and other customized low speed vehicles (LSV) more prevalent today, I came across an article recently from the Insurance Institute for Highway Safety's website regarding this very issue. The information provided should be very useful in our line of work:

### Low Speed Vehicles August 2008

In 1998 the National Highway Traffic Safety Administration (NHTSA) established a limited set of safety standards for low-speed vehicles (LSVs) intended to apply to vehicles used "to make short trips for shopping, social, and recreational purposes primarily within retirement or other

planned communities with golf courses." To qualify as an LSV, a vehicle must have 4 wheels and a top speed of at least 20 mph, but it cannot exceed 25 mph.

LSVs are exempt from most federal safety standards that apply to motor vehicles, and they are not required to meet any criteria for vehicle crash-worthiness. Each LSV must be equipped with headlamps, tail lamps, stop lamps, reflectors, mirrors, parking brake, windshield, and seat belts.

States, not NHTSA, are responsible for regulating the operation of motor vehicles on public roads and for handling LSV titling and registration. Most states allow LSVs to attain speeds no greater than 25 mph on roadways with speed limits of no more than 35 mph. Four states (Connecticut, Massachusetts,

Mississippi, and Pennsylvania) do not have statutes allowing the use of LSVs on their public roads. Many states allow their departments of transportation or local jurisdictions to restrict the use of LSVs on their roads.

According to NHTSA, a description of which roads LSVs are permitted and the top legally attainable speeds for Indiana, Illinois, and Ohio are as follows:

Indiana & Illinois: LSVs are permitted on roads with a posted speed limit of 35 mph or less. Maximum permissible speed is 25 mph.  
Ohio: While Ohio allows local jurisdictions to set where the LSVs may travel, they do restrict the maximum speed limit to 20 mph.

## US Secretary of Transportation Announces Historic Drop in Highway Fatalities and Rate

**T**he number of people who died on the nation's roads dropped again last year, reaching historic low levels, US Transportation Secretary Mary E. Peters announced recently. Secretary Peters said that in 2007, the overall number of traffic fatalities fell to 41,059, the lowest number since 1994. In addition, the fatality rate per 100 million vehicle miles traveled was 1.37, the lowest fatality rate on record, she said.

The Secretary added that 2.49 million people were injured in highway crashes last year, the lowest seen since the National Highway Traffic Safety Administration began

collecting injury data in 1988. "Thanks to safer vehicles, aggressive law enforcement, and our efforts, countless families were spared the devastating news that a loved one was not coming home last year," Secretary Peters said. "You can be sure that we're not stopping here, the quest is not over until that bottom line number is zero."

She noted, for example, that motorcycle safety continues to be a problem. Motorcycle fatalities now account for 13 percent of all fatalities and, in 2007 alone, the number of motorcycle riders or passengers killed on the nation's roads increased by 6.6

percent over the previous year, the Secretary said.

To address these challenges, Secretary Peters announced the launch of new advertisements that focus on motorcycle safety and drunk driving. The Department will kick off its annual impaired driving enforcement crackdown called, "Drunk Driving. Over the limit. Under Arrest." The effort runs through Labor Day.

Secretary Peters added that the Department will continue its efforts to combat impaired driving, increase safety belt use and improve motorcycle safety.

(NHTSA Release 8/14/2008)



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[www.iacai.com](http://www.iacai.com)

to see all the

new changes

and updates!



## **More About: ..Mandating High-Visibility Vests for Responders**

(Continued from page 1) circulated in discussions about this issue. The letter acknowledges that they have reviewed ANSI 207 and "found this standard compatible with the ANSI / ISEA {107} Class II requirements for night-time visibility." Those affected by 23 CFR 634 should understand that the high-visibility clothing must be worn day and night, so this statement by the FHWA does not officially validate the use of ANSI 207 vests in place of ANSI 107 where legally mandated.

### **Proposed Changes To The Rule**

The DOT/FHWA has proposed a number of changes that will affect 23 CFR 634. Of the most immediate concern is that they propose allowing ANSI 207 vests for emergency responders. This change cannot go into effect in time for the November 24 deadline and is not likely to go into effect until the 2nd or 3rd quarter of 2009. In a much more comprehensive change, the current proposals would incorporate 23 CFR 634 into the MUTCD (Manual on Uniform Traffic Control Devices). This would make high-visibility garments (under the proposal, either 107 or 207 certified) mandatory for anyone working on "all roads open to public travel in accordance with 23 CFR Part 655, not just Federal-aid Highways."

### **Exceptions For Emergency Responders**

Due to "comments from State and local police, national police organizations, and State DOTs", the original publication in the federal register includes exceptions for law enforcement officers working potentially adversarial or confrontational roles. This includes traffic stops and searches. Officers are still required under 23 CFR 634 to wear high-visibility clothing during other times, such as "directing traffic, investigating crashes, and handling lane closures, obstructed roadways, and disasters within the right of way of a Federal-aid high-

way." (The language for this exception can be found in the 2nd column of page 67797 of the publication in the Federal Register Vol. 71, No 226. Currently, no such exception exists for firefighters. Some fire service personnel have expressed concern about the idea of adding a layer of potentially flammable material between their turnout gear and SCBA while battling car fires or during extrication. Because those views were not expressed during the comment period of 23 CFR 634, no exceptions or interpretations for fire service operations were published along with the rule. Further, all fire department personnel should be aware that turnout gear alone does not meet the visibility requirement. No turnout gear currently manufactured meets the color requirement for the fluorescent background material of these high-visibility garments. Even if turnout gear could be dyed to meet the color standard when manufactured, it would likely no longer be compliant after the first exposure to fire, smoke and soot. Fire departments should consider fire resistance of materials (and their limitations) as part of their criteria for selecting vests and writing department protocols and procedures.

### **NFPA 1901**

Complicating the issue further, the National Fire Protection Association is set to release the 2009 edition of NFPA 1901: Standard for Automotive Fire Apparatus. This edition (as written) will apply to all fire apparatus "contracted for on or after January 1, 2009" and will require "one traffic safety vest for each seating position, each vest to comply with ANSI / ISEA 207, Standard for High-Visibility Public Safety Vests, and have a five point breakaway feature that includes two at the shoulders, two at the sides, and one at the front." This requirement is included for each type of fire apparatus, for example see sections 5.8.3 (18), 6.7.3 (15), 7.7.3 (14), etc.

**Although some vests can be purchased that are certified to meet the requirements of both ANSI 107 and 207, vests compliant only with ANSI 207 may not meet a strict legal interpretation of the 23 CFR 634 requirements scheduled to take effect in November. This is a potentially confusing liability issue that deserves close attention by all departments as the deadline approaches.**

The following is an excerpt on what is being proposed for changes to the law next year by the Department of Transportation:

Section 375 of the proposed changes says:

The FHWA also proposes adding a new first paragraph to the existing OPTION statement that allows first responders and law enforcement personnel to use safety apparel meeting a newly developed American National Standards Institute (ANSI) standard for "public safety vests" because this type of vest will better meet the special needs of these personnel. The FHWA proposes a phase-in period of 2 years for worker apparel on non Federal-aid highways to minimize any impact on State or local highway agencies. A compliance date of November 24, 2008 has already been established for worker apparel on Federal-aid highways as a result of 23 CFR 634.

In section 6E.02 High-Visibility Safety Apparel, the FHWA proposes to make several changes regarding the use of high-visibility safety apparel by flaggers during daytime and nighttime activity, as well as law by law enforcement personnel within a TTC zone, to reflect the provisions of 23 CFR Part 634 that were published in the FEDERAL REGISTER on November 24, 2006. The FHWA also proposes adding a new OPTION

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"...Officers are still required under 23 CFR 634 to wear high-visibility clothing during other times, such as "directing traffic, investigating crashes, and handling lane closures, obstructed roadways, and disasters "

## From The IACAI President

by: Don Harris

The last week of July and the first part of August I was on vacation, which in its self is amazing. My wife wanted to go on a real vacation so I told her ok (We were going whether I wanted to or not you guys no this) so she got our tickets thru a travel agency and we went to Cancun Mexico. We had to drive to Cincinnati to catch our plane on Monday the 26<sup>th</sup>. We caught our plane and we were on our way. We arrived in Cancun at about 1:30 our time and when we stepped off the plane I knew it was going to be one of those vacations. It was hot the airport did not have air conditioning and walking around in the air port were military carrying M-16's. Now I'm a police officer and I have seen men with big guns before but not in an airport. So I tell my wife to not cause any problems because we were in Mexico and

they meant business as you could see by the guns. We got thru customs with a breeze and were on our way to the hotel witch was about 20 to 25 minutes way from the hotel. I had been to Mexico before back in 1995 to Nogales which was just a small under developed town and nothing but venders on the street trying to sell you something. This trip to Cancun was nothing like the trip to Nogales as the streets were clean and very pretty and the hotels were every where. We got to our hotel and were met by the bell boys who took our bags and then we went inside were we were met by a man who gave us a glass of Champaign .We got registered and we were on our way to having fun in the sun. And I'm sure you know the rest of the story, but what I'm getting at is this. I went to see the local police

department in Cancun which was brand new. I spoke with a cornel in that department and I explained to him that I was a police officer back in the USA and wanted to see the police department. We hit it off very well and we talked for the better part of an hour. I also met the director of that police station who by our standards was the chief of that department and the cornel was the assistant chief.

Now what I'm getting at is this, we complain about our departments here in the states about how rough we have it. We complain about the money aspect of our job and every thing else we take for granted. I became friends with the coronel and I asked him for a shoulder patch which he said I would have to come back

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## More About: High-Visibility Vests

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statement that allows first responders and law enforcement personnel to use safety apparel meeting a newly developed ANSI standard for "public safety vests" because this type of vest will better meet their special needs. The FHWA proposes a phase-in compliance period of 2 years for worker apparel on non-Federal-aid highways to minimize any impact on state or local highway agencies. A compliance date of November 24, 2008 has already been established for worker apparel on Federal-aid highways as a result of 23 CFR Part 634.

What you need to notice about these revisions is that

the ANSI 207 - 2006 will be accepted next year. The concern is that if you are killed or seriously injured while wearing an ANSI 207-2006 vest before this becomes the standard, if this will open up a loop hole for insurance, workers compensation, and the liability for your department. One other area to note is that this "The FHWA proposes a phase-in compliance period of 2 years for worker apparel on *non-Federal-aid highways* to minimize any impact on state or local highway agencies."

While there has been a letter written from the DOT/FWA in response to the debate about the 107 vs 207 classifications, you need to carefully read the letter. The letter states "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."* The letter does not say that it meets the requirements for day-time visibility. Careful consideration must be made on this decision as it may greatly affect the liability you and/or your department could face if an officer is injured or killed while wearing the 207-2006 vest before the actual changes are made.

*(Reprinted from an article published by the Responder Knowledge Base, provided by North Director Phil Nott)*



## IACAI Skill Review

Jody Hicks

### Practice Problem 1-57

A car skids to a stop. The right rear brake did not work. The braking ratio is 60% on the front axle and 40% on the rear axle. Measured skidmarks: right front - 209 feet, 3 inches; left front - 213 feet, 8 inches; and left rear - 215 feet, 7 inches. You determine the drag factor by using a 37 pound drag sled and record 10 pulls: 27, 21, 22, 28, 21, 22, 26, 22, 26, & 29.

1. How fast was the car going at the beginning of the skid?
2. How fast was the car going at the end of the skid?
3. How long (in seconds) did it take the car to skid to a stop?
4. How far back from final rest was the car, 9 seconds before it slid to a stop?

### Answers to last

#### issues' Skill

#### Review:

1. b
2. c
3. a
4. b

To the reader: The practice problem is a regularly appearing column in each issue of the newsletter. The answer to this problem will appear in the next issue. If you can't wait for the answer and the solution, email Jody at: [recon2@hotmail.com](mailto:recon2@hotmail.com) and in the subject line put: IACAI Newsletter Practice Problem Answer and Solution. That way he will not consider it junk mail and delete it without reading it.

**About the Author:** IACAI member Jody Hicks is a former traffic crash investigation instructor for the Institute of Police Technology and Management. Contact him at: [recon2@hotmail.com](mailto:recon2@hotmail.com)

## More About: From Our IACAI President

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tomorrow to get it. I went back the next day and I spoke with my new found friend again for the better part of an hour again. I finally got the courage to ask him about his pay, so I asked him if you don't mind me asking what do you officers make here and he said with a smile on his face we make about \$250.00 every two weeks but I'm an attorney and the director is an attorney and I'm glad he didn't ask me how much I made because I didn't want to embarrass him. He said we have to buy our own

uniforms, guns, gun belts, every thing we carry we have to buy our selves. I asked him how many accidents they have a day in Cancun and he stated 2 or 3 and the way they drive there I would think they would have at least 10 per day (they drive crazy there). Here is what I'm getting at; they want to be cops bad enough that they will buy there own equipment to do the job. I was talking about the taser to them there and they said that in Mexico they were against the law to carry them (police officers) and I asked how they take care of resisters and he

said we shoot them. So don't argue with the cops in Cancun Mexico

My friends it was very good to get back to the good old USA but I learned a lot in Cancun. I know this doesn't have anything to do with crash investigation but I wanted you to know that we do not have it as bad as other officers have it in other places  
SO SHUT UP AND GET BACK TO WORK

Don Harris  
President IACAI

## Seminar Announcement

*The Indiana Association of Certified Accident Investigators will be sponsoring a seminar on*

### **“Bicycle & Pedestrian Crash Investigation”**

September 24, 2008 0900-1500 hrs

Bloomington Police Department

220 W. Third Street

Bloomington, IN 47401

Instructors: Mike Snow, (IPD ret.)

Cost: \$50 for IACAI members; \$75 for non-members

No advanced registration is required.

Registration begins at 08:30am

Please plan to attend!!

Questions regarding this seminar may be directed to IACAI  
President Don Harris

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