

# Industry Succeeds In Favorable “Re-write Of Reverse Signal Rules For Construction Vehicles

The HCCA participated with other concerned construction industry associations to help steer a satisfactory “re-write” of the VOSH regulations governing reverse signal alarms for construction vehicles.

The Virginia Department of Labor and Industry (VDOLI) were concerned with increased fatalities and accidents related to construction vehicles moving in reverse using audible signals.

The VDOLI original draft re-write determined that in order to decrease accidents that the existing rules should be changed to mandate BOTH an audible, working reverse alarm AND an employee to serve as a spotter each time a construction vehicle reverses. This strengthened the original rules that allowed a vehicle to employ either an audible alarm OR a spotter.

The original draft also mandated that the spotter be positioned on the driver’s side of the vehicle in order to guide it in reverse.

Finally, the draft rule made a blanket prohibition on employees crossing the path of a construction vehicle that was in reverse.

The HCCA , through our lobbying organization, the VUHCC, responded with a letter to VDOLI questioning the practical ability of the draft.

HCCA Executive Director Jim Stepahin explained the industry objections. “To try and insist that each and every construction vehicle employ an audible alarm and a spotter is impractical and impossible.”

“The re-write requiring the spotter to always be on the driver’s side of the vehicle is also impractical. Picture a dump truck wanting to reverse on a busy interstate with the driver facing the lanes of the interstate. The spotter would be placing his life in danger by having to direct the dump truck near the moving vehicles in the road.”

“Finally, the mandatory restriction on employees walking across the path of a reversing construction vehicle

needed to be reconsidered. There are certain applications such as in a paving train, when compliance under this proposed language simply is unrealistic. Consideration needs to be given to the distance between the employee moving across the path of the reversing vehicle, the speed of the vehicle, etc.”

In response to industry concerns, the VDOLI held a meeting on April 16, 2008, with interested parties representing employer and employee interests from the construction and general industries. The HCCA and the VUHCC were in attendance at this meeting and the discussion in response to the previously mentioned concerns resulted in the VDOLI revising the draft rules in favor of a more practical alternative.

Instead of requiring both an audible alarm and a spotter, the VDOLI draft rule was changed to allow the use an audible alarm and a spotter OR the driver of the vehicle can use an audible alarm and look behind the vehicle to determine if it is safe to proceed in reverse In lieu of a spotter.

The clause mandating the position of the operator on the driver’s side of the vehicle was changed to mandate that the spotter maintain visual contact with the driver at all times during reverse operation.

Finally, the draft clause that prohibited employees crossing behind reversing vehicles was changed to say that employees could not cross “in close proximity” to a reversing vehicle.

The Virginia Safety and Health Codes Board adopted the Revised Proposed Reverse Signal Alarm Regulation on Thursday, July 10th with an additional 30 day comment period, since significant substantive changes had been made to the original proposed regulation. The next step is for the revised proposed regulation to be published in the Virginia Register with a final 30 day comment period.

Thanks to the input of the HCCA and many other concerned construction industry associations, the reverse signal re-write saved many headaches and extra efforts in fulfilling the requirements of having to have both an audible alarm and a spotter every time a vehicle reversed on a construction job-site.

The HCCA will continue to monitor this issue and other similar regulatory issue to ensure that our members continue to operate safely, efficiently and profitably in an unrestricted business environment.