

enhance safety at highway construction, maintenance and utility sites. In this notice, the FHWA indicated that having appropriate National and State standards and guidelines would contribute to improved work zone safety. To attain these National and State standards and guidelines, the FHWA identified the need to update its regulation on work zone safety, 23 CFR part 630, subpart J.

The notice indicated that the FHWA would review current work zone problems and update the regulation to better reflect current needs including reinforcement of guidance on bidding practices, work zone crash data collection and analysis at both project and program levels, compliance with traffic control plans, and work zone speed limits. While the focus of this notice was "work zone safety," it also identified the need "to minimize disruptions to traffic during construction of highway projects."

Discussion for Considering Policy and Regulation Change

Since establishing the NHWZSP, the FHWA identified work zone safety and mobility as major concerns to the traveling public, businesses and transportation agencies. Therefore, the FHWA undertook several efforts to better address the unique safety and mobility challenges posed by work zones, including research and development, and compilation of best practices and guidelines. The FHWA is now in the process of updating 23 CFR part 630 subpart J, which governs traffic safety in highway and street work zones. An examination of the current provisions in 23 CFR part 630 subpart J indicate that they reflect the needs and issues that were relevant at the time the regulation was developed, but are no longer comprehensive enough to address the complex issues of today and the future.

The current regulation has a broadly stated purpose of providing guidance and establishing procedures to ensure that adequate consideration is given to motorists, pedestrians, and workers on all Federal-aid construction projects. However, the content of the current regulation is focused primarily on the development of traffic control plans (TCPs), the operation of work zones on two-lane, two-way roadways, and other provisions that address project responsibility, pay items, training and process review and evaluation. These provisions in the current regulation primarily address the issue of traffic control through the work zone itself. At the time this regulation was written, the TCP was an important concept that was

and still is essential for work zone safety. Today's environment however, includes new challenges due to growing congestion, increasing reconstruction and public frustration with work zones.

More road work is being done under ever increasing traffic—this leads to further congestion, delays, and increases in fatalities and crashes, thereby placing contractors and workers under pressure and leading to public frustration with work zones. These circumstances and consequences call for a more broad-based examination of the current regulations. TCPs for work zones are still important and essential, but they are no longer a sufficient approach for managing work zone impacts that may extend to an area much bigger than the actual work area.

Through research conducted over the years, and based on feedback from State agencies and the public, the FHWA believes that in order to comprehensively improve work zone safety and mobility, there needs to be a systematic consideration of the safety and mobility impacts of work zones across the different project development stages, and the development of appropriate mitigation measures that help alleviate these impacts. The proposed amendments to 23 CFR part 630 subpart J are intended to facilitate consideration of the broader safety and mobility impacts of work zones in a coordinated and comprehensive manner across project development stages.

As a first step towards the consideration of amending 23 CFR part 630 subpart J, the FHWA issued an advance notice of proposed rulemaking (ANPRM), aimed at identifying the key issues that should be considered if the current regulation were to be updated. The ANPRM entitled "Work Zone Safety" was published in the **Federal Register** on February 6, 2002, at 67 FR 5532. The ANPRM comment period ended on June 6, 2002.

Pursuant to the end of the ANPRM comment period, we conducted several outreach sessions with the transportation community to discuss the issues addressed by the ANPRM and to provide a synopsis of the comments received on the ANPRM. The following is a list of the outreach efforts that were undertaken by the FHWA:

- ANPRM presentation and open forum at the 2002 annual meeting of the American Association of State Highway and Transportation Officials (AASHTO) Design Subcommittee, June 13, 2002, Savannah, Georgia;
- ANPRM presentation and open forum at the 2002 annual meeting of the AASHTO Subcommittee on Traffic

Engineering annual meeting, June 17, 2002, Minneapolis, Minnesota;

- ANPRM presentation and open forum at the 2002 annual meeting of the AASHTO Maintenance Subcommittee, July 17, 2002, Mobile, Alabama;

• ANPRM presentation and open forum at the 2002 annual meeting of the AASHTO Subcommittee on Construction, August 6, 2002, Rehoboth Beach, Delaware;

- ANPRM public meeting at Chevy Chase, Maryland, September 19, 2002;

• ANPRM outreach meeting with North Carolina DOT, September 24, 2002; and

- ANPRM public meeting at Chevy Chase, Maryland, September 25, 2002.

Given today's issues and the feedback obtained from the ANPRM and continued outreach with the transportation community, the FHWA believes that it is in the Nation's best interest to amend the regulation to recognize the need to comprehensively consider work zone safety and mobility. Through this NPRM the FHWA seeks to embed full consideration of the safety and mobility impacts of work zones into the project development process, and provide for worker safety and efficient construction. The proposed changes seek to bring about such consideration in a manner that provides flexibility to States to apply the regulations to their unique operating environments, their policies and procedures, and individual project requirements.

Overview of the ANPRM

In the ANPRM, the FHWA identified a broad range of work zone issues that apply to planning, designing, and implementing Federal-aid highway projects. The issues posed in the ANPRM correspond to an over-arching theme that aims to reduce the need for recurrent roadwork, the duration of work zones, and the disruption caused by work zones. These issues were posed as questions to elicit comments, guidance, and suggestions. The ANPRM indicated that in order to adequately meet the safety and mobility expectations of our customers (road users, workers, and all other affected properties), changes may be required to the project development process to fundamentally include consideration of the safety and mobility impacts of work zones, while providing for worker safety and efficient construction. Such a customer-oriented approach necessitates examination of the complete project development cycle. Therefore, the questions in the ANPRM were grouped into categories that generally correspond to the major steps in project development. These categories are: