

- General (wide-ranging policy and regulatory considerations);
- Transportation Planning and Programming;
- Project Design for Construction and Maintenance;
- Managing for Mobility and Safety In and Around Work Zones;
- Public Outreach and Communications; and
- Analyzing Work Zone Performance.

Commenters were also encouraged to include discussion of any other issues they considered relevant to this effort.

#### Discussion of Comments and Responses to ANPRM

The following discussion summarizes the comments received on the ANPRM and the subsequent outreach efforts conducted by the FHWA. The FHWA's responses to these comments and the proposed actions are also provided. The discussion provides a general sense of the issues addressed in the comments.

The ANPRM and associated documents are available in the docket at <http://dms.dot.gov>, under Docket No. 2001-11130. To better understand the summary of the ANPRM comments, reviewers are encouraged to download a copy of the ANPRM from the docket.

We received 84 responses to the docket. Of these, 67 provided responses to the specific questions raised in the ANPRM, while the remaining 17 provided a set of general comments only.

The general comments provided by the 17 respondents who did not answer the specific questions in the ANPRM were not directly attributable to any of the specific issues raised in the ANPRM—however, their comments were synthesized and summarized to provide a general understanding of their position on work zone safety and mobility issues.

The 67 respondents who provided comments on the specific questions raised in the ANPRM provided both direct and indirect responses that indicated whether or not they were in support of a particular issue. A direct response constituted a definite “Yes” or “No” type response from the respondent, while an indirect response constituted a verbatim response to the question, which was then analyzed and interpreted as to what the respondent's position was. In cases where the respondent's position was not interpretable whether he/she was in support of an issue, we indicated that the respondent's position was unclear. Also, not all respondents answered all the questions in the ANPRM, which were indicated as “no response” in the summary of ANPRM comments.

The ANPRM comments analysis shows percentages of responses across several categories, for example, Yes—60 percent, No—20 percent, No Response—10 percent, Unclear—10 percent. The purpose of presenting the ANPRM responses along the lines of percentages is not to assign statistical significance to the responses, but to present a general cross-section of the responses and also to present a general idea of the respondents' position on different issues.

The percentages showing the profile of ANPRM respondents are based on all the responses (84), while the percentages showing the break-up of respondents' position on different issues is based on the 67 respondents who provided comments on the specific questions in the ANPRM.

About 70 percent of the respondents were from the public sector or represent public sector interests, 18 percent of the respondents were from the private sector or catered to private sector interests, 6 percent of the respondents represented both public and private sector interests, while the remaining 6 percent did not indicate their affiliation.

The break-up of the agency types of the different respondents present the following statistics. About 65 percent of the respondents belonged to Departments of Transportation (DOTs) (either State or local), 2 percent of the respondents represented private sector equipment/technology providers; 5 percent of the respondents belonged to other public agencies (Federal and other State agencies); 6 percent of the respondents were either private individuals or consultants or contractors; 15 percent of the respondents represented trade associations and special interest groups, including the American Traffic Safety Services Association (ATSSA), the American Road Transportation Builders Association (ARTBA) and the Associated General Contractors (AGC) of America; and 6 percent of the respondents did not indicate their agency affiliations.

The AASHTO compiled the ANPRM questions into a survey and distributed it amongst its member agencies. Several State DOTs provided their responses through AASHTO's survey, while others submitted their comments individually. AASHTO, as an agency, did not provide specific comments on the ANPRM, but stated its general position on work zone safety and mobility based on the responses from its member agencies. AASHTO indicated general agreement amongst its respondents on the need to have a National policy to improve safety and mobility in highway construction

and maintenance, and that the policy should be issued in the form of guidance.

It was also noticeable that a majority of the respondents' primary job function involved either traffic, engineering, safety or design. There was very little participation from the planning community, contractors, and law enforcement personnel.

#### ANPRM “General” Section—Comments Summary

The “General” section in the ANPRM addressed wide-ranging policy and regulatory considerations regarding work zone safety and mobility. The ANPRM stated that the FHWA was considering a wide range of options, including revising and expanding the regulations in 23 CFR part 630, subpart J, and that, alternatively, the FHWA was also considering policy guidance. This section was therefore primarily aimed at identifying whether or not the FHWA should advocate a new National policy on work zone safety and mobility, and whether the policy should be advocated through regulation or through policy guidance.

When asked if there should be a National policy to promote improved safety and mobility in work zones, 81 percent of the respondents who commented on specific questions in the ANPRM, said yes; 16 percent said no; and about 3 percent did not respond. Of the respondents who said yes, 76 percent belonged to DOTs, 2 percent were from other public agencies, 4 percent represented private agencies, 13 percent were from trade associations, and 6 percent did not indicate their agency affiliation. When asked if the National policy (if it were to be developed), should be issued as regulation or in the form of best practices and guidance, 64 percent of the respondents who commented on specific questions in the ANPRM said that the policy should be advocated through guidance and best practices; 18 percent said that the policy should be advocated through regulation; about 4 percent of the responses were unclear; while 14 percent did not respond.

Of the respondents who indicated that the policy should be advocated through guidance and best practices, 90 percent belonged to DOTs, 2 percent represented other public agencies, 5 percent belonged to trade associations, and 2 percent did not indicate their agency affiliation. Further, a few respondents (about 16 percent of respondents who provided comments on specific ANPRM questions) indicated that there need not be a new policy. Instead, they suggested that existing