

requirements and the severity of work zone impacts due to the project.

The "Pay Items" paragraph is an existing requirement with proposed changes that would allow both method based and performance based specifications for procurement. The "Responsible Persons" paragraph is an existing requirement with proposed changes that would require a responsible person for projects from the contractor in addition to the responsible person from the State.

By incorporating the proposed changes in 23 CFR 630 part subpart J, the FHWA intends to facilitate creative thinking and innovation by the States to mainstream work zone safety and mobility considerations in their policies and procedures, and in their normal project development process at appropriate levels. We believe that the approach we have adopted in our proposed changes will allow for flexibility to States in the application of the regulation according to their unique circumstances and operating environments, their program goals, and the needs of individual projects. The FHWA will continue to research best practices for work zone safety and mobility and share them with States. This will enable practitioners to modify best practices and incorporate creative and innovative approaches that best suit their needs.

Section-by-Section Discussion

Section 630.1002 Purpose

Section 630.1002(a). The current regulation states that the purpose of this subpart is to provide guidance and establish procedures to assure that adequate consideration is given to motorists, pedestrians, and workers on all Federal-aid construction projects. We propose to restate that the purpose of this subpart is to address the safety and mobility needs of all road users (motorists, pedestrians, bicyclists, and persons with disabilities), workers, and other affected parties on all Federal-aid projects. These proposed changes are intended to achieve the following:

- Convey the notion that adequate consideration should be given to all road users, rather than just motorists, pedestrians and workers. Therefore we propose to add the term "all road users," which is inclusive of "motorists, pedestrians, bicyclists, and persons with disabilities."

- Convey the notion that, in addition to road users, work zones may have safety and mobility impacts on other parties that are affected by the highway or street project. We therefore propose to include the phrase "and other

affected parties," after "workers." Affected parties may include: public facilities like parks, recreational facilities, fire stations, police stations, and hospitals; and private parties such as businesses and residences.

- Emphasize the importance of work zone safety and mobility, by restating the purpose statement to specifically indicate that adequate consideration should be given to the "safety and mobility" needs of road users (motorists, pedestrians, bicyclists, and persons with disabilities), workers, and other affected parties.

Section 630.1002(b). In this paragraph, we propose to indicate that work zones cause safety and mobility impacts on road users, workers, and affected properties. We propose to highlight one of the key issues that we face today and in the future by stating that work zone impacts are exacerbated by growing congestion in many locations. We therefore, propose to assert that addressing the safety and mobility issues of work zones requires considerations that go beyond the installation of appropriate traffic control devices, and that these considerations should start early in project development and continue through project completion.

Section 630.1004 References

We propose to include a new section entitled, "References" which contains amended language from the "Background" section of the current regulation.

The "Background" section of the current regulation recognizes the importance of traffic control for work zone safety, and presents the MUTCD as a guide that provides basic principles and standards for the design, application, installation, and maintenance of various types of traffic control devices during highway construction projects, maintenance operations, and utility work. Further, it discusses the limitations of the MUTCD, the efforts taken by transportation agencies in developing guidelines for work zone traffic control, and the need for greater uniformity in work zone traffic control and more attention to proper implementation of the MUTCD.

We propose to amend this reference to the MUTCD and include it in a new section entitled, "References". We propose to retain the current language that refers to the MUTCD as a guide for traffic control, but augment it with language that recognizes that there are considerations in addition to traffic control that are required to comprehensively address the safety and mobility impacts of work zones.

We propose to retain the sentence that describes the content and implications of the MUTCD with regards to provision of guidelines and standards for traffic control. We identify that the MUTCD does not address the other actions that should be taken to help comprehensively mitigate the safety and mobility impacts of work zones. We recognize the efforts taken by transportation agencies to mitigate the safety and mobility impacts of work zones, but note that a more coordinated and comprehensive effort is required to bring about greater consideration of such work zone safety and mobility impacts.

Section 630.1006 Definitions and Explanation of Terms

This section is a new section which proposes to include definitions for the terms, "Work Zone," "Work Zone Impacts," "Transportation Management Plan (TMP)," "Traffic Control Plan (TCP)," "Transportation Operations Plan (TOP)," and "Public Information and Outreach Plan (PIOP)." We propose to add these definitions because they are considered relevant to the proposed changes, and would have direct implications on the application of the regulation by States.

Section 630.1008 Policy

We propose to change the section number for the "Policy" section from § 630.1006 to § 630.1008. This section states FHWA's policy on work zone safety and mobility for all Federal-aid highway projects. We propose to include elements that would address the "mobility" needs in addition to those that would address the safety needs of all road users, workers, and other affected parties. We propose to amend the last sentence of the paragraph to indicate that States are encouraged to implement these procedures for non-Federal-aid projects, maintenance and utility operations as well.

Section 630.1010 Implementation

We propose to change the section number for the "Implementation" section from § 630.1008 to § 630.1010. The proposed content of this section is very similar to that of the current regulation. This section outlines the role of the FHWA Division Office, and that of the State in implementing the provisions in the regulation. We propose to modify the first sentence of this section to convey that in addition to reviewing the State's implementation of its procedures, the FHWA shall also be responsible for reviewing the "conformance" of the State's procedures with this regulation. We also propose to