

National Work Zone Safety Coalition

Work zone safety: Keeping construction workers safe while they construct and maintain our nation's critical road network.

Background: In 2022, 891 people, including motorists and workers died in roadway work zones. These senseless tragedies are often in large part due to erratic and distracted driving, speeding, driving under the influence and failure to abide by other traffic laws. Although most of the jurisdiction related to work zone policy is at the state level, the Federal Highway Administration (FHWA) provides much-needed resources and support as states seek to implement new policies and best practices. Without these investments and resources, workers' safety will be compromised.

Legislative recommendations:

Expand implementation and flexibility of Work Zone Safety Contingency Funds

Section 120(c)(3)(B)(vi) of Title 23, United States Code – Included in IIJA under “innovative contracting mechanism”

- IIJA authorized the use and deployment of work zone safety contingency funds (WZSCF) that acts as a plus-up on state department of transportation (DOT) contracts, as opposed to requiring a change order for work zone safety enhancements. However, only three states have currently implemented the program. Other states have faced challenges due to certain constraints and limitations. We encourage Congress to expand the use of these funds to include proven technologies and best practices in work zones.
 - Change the requirement for increased federal share to include all work zone safety enhancements via the WZSCF, including but not limited to: police presence, barriers, lane closures, technology deployment, and maintenance of traffic changes.
 - Require FHWA to submit annually a report identifying the use and deployment of WZSCF, including which states have implemented these funds and recommendations to improve the program.

Police presence in work zones

- One of the best deterrents for bad driver behavior in work zones is law enforcement presence. Currently, law enforcement presence in work zones is 100% funded by the road contractor or the state DOT.
- We ask Congress to make law enforcement presence in work zones eligible for federal participation in the large formula funding programs such as Surface Transportation Block Grant (STBG), National Highway Performance Programs

(NHPP), Congestion Mitigation and Air Quality (CMAQ) Improvement Program , and the National Highway Freight Program (NHFP).

- Suggested legislative text for the formula programs identified above: Special rule for work zone safety - A State may expend funds apportioned to the State under this section to provide law enforcement presence in highway work zones with posted speeds greater than 45 miles per hour. Each State that uses these funds shall submit a report to the Secretary of Transportation annually, including hours of work zone coverage and expended funds.

Incentivizing efficient project delivery

- Include in “innovative project delivery” subsection prioritization of lane and road closures, when practicable, that enhance project delivery timelines, efficiencies, and safety.

Work Zone Safety Working Group

The following language in H.R. 2992, a bipartisan bill introduced on April 24th by Reps. Carter, Titus, Yakym, and Bresnahan, should also be included in the surface transportation reauthorization. The bill requires FHWA to stand up a working group with relevant parties, to identify work zone safety best practices, and provide recommendations on policy changes.

- The Secretary of Transportation in conjunction with the Occupational Safety and Health Administration and other relevant agencies, shall convene a working group of industry and nongovernment entities, including contractors, pavers, engineers, construction labor unions, traffic safety industry professionals, State transportation officials, and others in the road building community.
- Duties.—The working group convened under paragraph (1) shall collect, analyze, compile, and publish accurate, detailed data on work zone crashes, along with a strategic plan to identify and implement solutions to the fatal and non-fatal injury crashes, adoption of better data sharing with the National Highway Traffic Safety Administration, including local adoption of the Model Minimum Uniform Crash Criteria, and annual updates on awareness and intervention activities and results.
- Injury Health Data Section 24108(c)(2) of the Infrastructure Investment and Jobs Act (Public Law 117–58) is amended by inserting “, including work zone deaths” after “fatalities”

Thank you for providing a robust and transparent stakeholder process. The Coalition looks forward to working with the Committee to provide safer working conditions for highway workers and drivers alike.

Sincerely,

National Asphalt Pavement Association

American Traffic Safety Services Association

Associated General Contractors

Portland Cement Association

National Sand, Stone and Gravel Association

National Ready Mixed Concrete Association

American Concrete Pavement Association

Associated Equipment Distributors

Association of Equipment Manufactures

American Society of Civil Engineers

National Utility Contractors Association

Laborers' International Union of North America