

The Costs of Safety Inaction

Last October, Brandon Fiscus was at work for E&B Paving, patching the surface of I-65 in Hobart, Indiana, when an SUV struck and killed him. State officials are still investigating what happened, but one aspect of the tragedy is clear: all that protected and separated Fiscus from the cars speeding by were warning signs for motorists to be careful and orange drums. It wasn't enough.

One of the most critical concerns about the safety and health of workers and motorists operating in roadway construction zones is the use of more protective means to separate the two. Sadly, on average two people are killed every day in work zones and more than 100 more are injured. Most of them are motorists and passengers, but workers are a significant portion.



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There have been persistent calls mostly from private sector construction companies for the increased use of positive separation—physical barriers—between traffic and workers. In fact, the demand for increased protection was significant enough for Congress to intervene. In each of the last two surface transportation laws, Congress directed the U.S. Federal Highway Administration (FHWA) to update its safety standards to require positive separation in certain hazardous situations, unless an engineering study determined otherwise.

However, the FHWA did not respond to the 2012 mandates. So Congress reinserted language in 2015's FAST Act that basically said, "Do it now!" Yet nearly two years later, the agency still hasn't followed

through. The private sector is eager to collaborate with FHWA to implement the regulations, but to date, there has been little response.

The industry understands that use of concrete and steel barriers is more expensive than plastic cones and drums and that their use is only required in certain conditions. But we also know that each year, 50-60 workers are struck and killed by motor vehicles, and use of such "positive separation" can have a dramatic affect in reducing those deaths—and many, many more injuries. We also know that once an increased use of positive separation becomes more commonplace, it simply becomes the way of doing business and repeated use drives down the cost.

This isn't the first time that adoption of safety measures was considered "too expensive" by some and didn't meet the need expressed in a "cost-benefit" analysis. Experience has proven time and again that once a sound safety practice simply becomes the way of doing business, concerns over added costs go away, the value of human life increases and a standard operating procedure is born.

Consider the hardhat, where nearly 50 years passed between its development and patenting in the early 1900s, its first mandated use in the 1930s and its adoption as standard practice. A more recent

example is high visibility garments. While "red vests" were common for flaggers, most roadway construction workers did not wear them until 8-10 years ago. It wasn't until 2009 that the industry adopted the practice and federal safety officials began effectively enforcing a high visibility garment standard.

Today, new products are coming to the market, like movable concrete and steel barriers, that can be deployed and retrieved quickly, or can be used to open and close lanes to accommodate work and rush-hour schedules. However, outdated policies and practices create hinder their use. We are convinced that increased use of positive separation needs to move from becoming an exceptional practice to standard practice.

We are encouraged by what we hear from President Trump about improving America's infrastructure. Keeping workers and motorists safe during those improvements should be a critical part of that plan. When the president came to the U.S. Department of Transportation this summer, he signaled a "not business as usual approach" and promised to expedite transportation improvement projects by streamlining the lengthy review and approval process. Highway contractors and traffic safety manufacturers are ready to work in partnership with the administration and to implement innovative ideas and use emerging technologies. They promise a new way of doing business on behalf of the motoring public and our industry's workers.■

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