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## **The Vest Is Yet To Come**

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Attention all broadcasters! The fall fashion season has arrived! Don't be caught wearing last season's plain, boring, non-neon duds! It's not just fashion – it's the law!

Our friends at the Federal Highway Administration (FHWA) are ready to ensure you aren't caught looking (or becoming) lame on the side of the road. Beginning November 24, 2008, “all workers within the right-of-way of a Federal-aid highway” *must* wear “high-visibility safety apparel.” In fashion terms, this means that every time you put a reporter, producer, camera operator or other station personnel on the road to cover an accident, traffic jam, parade, meteorological phenomenon, Bigfoot-sighting, etc., etc., you will need to be sure that those personnel are decked-out in the latest smokin'-hot fashion accessory: a neon orange, yellow or lime green vest with super-cute reflector strips.

As with most hot fashion trends, this one has been on the drawing boards for some time. Back in 2005, Congress – known to so many as *Project Runway* on the Potomac – passed a law directing the Secretary of Transportation to issue regs “to decrease the likelihood of worker injury and maintain the free flow of vehicular traffic by requiring workers whose duties place them on or in close proximity to a Federal-aid highway to wear high-visibility safety apparel.” [Congress titled this legislative gem the “Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users” – seriously, that's what they called it.] Within a year the FHWA had adopted the visibility rules, but their effective date was put off until November, 2008.

So now the party's about to start, and it's time to tog up.

For those of you not well-versed in the ins-and-outs of federal highway couture, here's a breakdown of the new rule:

### ***To vest or not to vest?***

According to 23 C.F.R. Part 634, workers hanging out in the right-of-way on any federal-aid highway should be dressed to kill (and to not be killed), day or night. A “worker” is

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anyone in the right-of-way of a federal-aid highway performing a job function. Thus, if your camera crew is out on Highway 101 filming the latest five-car pile-up and their boots are on pavement, they need to be stylin' in neon.

### *Where to vest?*

The term “federal-aid highway” includes all Interstate and National highways, *plus* “all other public roads not classified as local roads or rural... roads.” (“National” highways are roads designated as “US” or “Route”, as in “US-66” or “Route 66”; “Interstate” highways generally have an “I” prefix, as in “I-95”.) In other words, pretty much every road except the streets in your residential neighborhood or the farm road leading from town to the water tower would likely be considered a “federal-aid highway” and, therefore, subject to vest-age. And why not? Reporters need to be fashionable wherever they go (except, apparently, for farm-to-market routes and your cousin’s cul-de-sac).

### *Failure to vest?*

Didn’t come dressed for the ball? As with many fashion faux pas, the primary enforcement mechanism here appears to be fear of embarrassment for being identified, and identifiable, as stylistically less than *au courant*. But note that local, state, and federal law enforcement and transportation authorities have authority to refuse to permit access to the highway site for failure to be fabulously (or at least by-the-book visibly) attired. This could be problematic for broadcasters trying to get the scoop – you don’t want your reporter being the only one kept away from the crime scene just because she hasn’t accessorized *comme il faut*.

### *How to vest?*

The FHH product testing experts have not been able to thoroughly investigate the purveyors of fine neon safety vests, but a quick Google search for “high visibility vest” or “safety vest” reveals a number of retailers. The National Work Zone Safety Information web site also has links to approved retailers: go to [http://www.workzonesafety.org/safety\\_products/](http://www.workzonesafety.org/safety_products/) and select “High Visibility Clothing”.

Broadcasters without Internet access might consult with their local emergency personnel (or army surplus store) for suggestions on where to purchase these rockin’ vests. These in-demand items range in price from \$10 – \$30 each, depending on how tricked-out your style is. Just be sure to **buy vests designated ANSI Class 2 or 3** – any other class is not in compliance with the new rule, and thus not classy at all.