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Sustainability Workshop

Louisiana APWA Chapter to Host in Baton Rouge



What does sustainability mean to you? One description offered is “meeting the needs of the present without compromising the ability of future generations to meet their own needs.” Sustainability is one of the words used to describe a new way of doing business and living more in balance with the environment and as members of a global community. For the domain of environmentalists and maybe planners, the concept now includes terms like “sustainable development,” “smart growth,” “waste free,” “green infrastructure,” “alternative fuels,” “quality of life,” and “economic development” to name a few. The Louisiana Chapter of the American Public Works Association (APWA) is sponsoring a Sustainability Workshop to explore how different concepts of sustainability can be applied in Louisiana. The workshop will focus on how the public works profession is an integral player in taking the concept of sustainability to reality in Louisiana’s state and local communities. LTAP is hosting the event in the Baton Rouge office.

The national APWA with a membership of around 30,000 nationwide has taken a leadership role by establishing the APWA Sustainability Center. This

center will provide an aggressive forum to assist America’s public works agencies in adopting and adapting the different aspects of sustainability. The Louisiana APWA Chapter is excited and honored that Michael Mucha, one of the founding members of the national Sustainability Center will be leading the workshop in Baton Rouge. Mucha is the public works director in Olympia, Washington and stands out as an advocate for sustainable growth, development, and management. He has a reputation for encouraging employees to pursue crazy ideas, be creative, and live out their passion at work. Moreover, at Olympia Public Works, that passion is around creating a sustainable future.

The Sustainability Workshop will be held October 30 at the Transportation Training and Education Center (TTEC), 4099 Gourrier Avenue, Baton Rouge, LA, 70808. The interactive workshop will include general sessions on sustainability, what it means, implementing concepts, and concurrent panels on facilities and grounds, solid waste, water and waste water, and storm water. The workshop will include exhibits showcasing Louisiana organizations involved in advancing the concepts of sustainability as well as vendors of related products.

Registration information is available at the LA APWA Web site louisiana.apwa.net. For more information, contact Marie Walsh at mbwalsh@ltrc.lsu.edu or Melissa Guilbeau at MGuilbeau@brgov.com.

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A LOCAL TECHNICAL ASSISTANCE PROGRAM OF THE LOUISIANA TRANSPORTATION RESEARCH CENTER IN COOPERATION WITH LADOTD, FHWA, AND LSU.

Can You See Me Now?

Two New Regulations Regarding Visibility of Workers and Signs

By David Orr, P.E.
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By now, everyone has probably hear the phrase, “Can you hear me now?” uttered on television by a certain nondescript fellow with glasses. Well, two new regulations from the Federal Highway Administration (FHWA) are causing this particular nondescript fellow with glasses (who has never been on television) to say, “can you *see* me now?”

These new regulations relate to work zone high visibility apparel and retroreflectivity of traffic signs.

Both of these will affect the financial bottom line of highway agencies, and there will be some increased costs involved in compliance. However, they should improve safety, and if managed correctly, the actual impact on the bottom line should not be severe. Which of these regulations is more critical depends on a number of factors. Let’s discuss these new regulations in the order they take effect.

Work Zone High Visibility Apparel

In November of 2006, the FHWA enacted a new regulation requiring all workers working the right-of-way (ROW) of a federal aid highway to wear high visibility clothing (at least Performance Class 2 or 3 of the ANSI/ISEA 107 Standard). This included law enforcement personnel when they were directing traffic or investigating accidents. The regulation went into effect November 24, 2008.

To illustrate the difference that visibility makes in terms of safety, the following table shows the various distances from a worker wearing different clothing. Keep in mind that the stopping sight distance for a

car at 30 mph is 200 feet. The stopping sight distance is the distance it takes to notice a problem, realize that stopping is necessary, and come to a complete stop.

Clothing	Recognition Distance
Dark clothing	50 feet
White t-shirt	100 feet
Safety vest	325 feet

At 30 mph, a car will travel 50 feet in just over 1 second. There is not enough time to react, much less stop, if the worker is not wearing the proper high visibility clothing. On higher-speed rural roads, it is even more critical that the driver has plenty of time to react and stop if necessary. The sooner the driver can see there is a need to slow down or stop, the safer everyone will be in the work zone.

There are two attributes to the higher quality vest that help drivers see the worker sooner: retroreflectivity and conspicuity. Conspicuity is the ability of the clothing to catch the eye of the driver or other workers. The retroreflective stripes help, especially at night, by redirecting light from the vehicle headlights back to the driver. By having two contrasting colors, such as yellow and orange, a worker wearing the vest is easier to see. An important feature is the stripes and background material wrapping all the way around the waist. This greatly increases the chances that the worker will be seen (will be conspicuous) when standing sideways to traffic, for instance when flagging.

Even during the day, the high visibility vest is much easier to see. And at night, it is critical that a high visibility vest be worn. Note that even turned sideways, the vest is visible.

Class 2 hard hats and vests can be purchased for less than \$10 each. For a few dollars more, Class 3 apparel can be purchased with even higher visibility. In addition, many of the higher quality vests are machine washable and comfortable to wear. Some local agencies have already decided to outfit all of their field crews with the new brighter vests.

The full text of the new regulation, along with supporting information, can be found at www.regulations.gov. Search for *Title 23 Part 634 Worker Visibility*.

Retroreflectivity of Traffic Signs

FHWA released the final requirements for sign retroreflectivity in January 2008. These new standards establish the minimum retroreflectivity levels that must be maintained for traffic signs. Several methods are provided to allow agencies to manage their signs in the most efficient way.

Compliance Dates

By January 2012, all agencies need to establish the method to be used to maintain the minimum levels of sign retroreflectivity. By January 2015, all regulatory, warning, and ground-mounted signs (except street signs) must be in compliance. Street signs must be in compliance by January 2018. The lead time is being given to allow agencies to develop and implement management plans for their signs. It will take a fair amount of time to prepare a management plan, so don't wait until the last minute!

Managing Sign Retroreflectivity

These new additions to the MUTCD do not require that an agency measure the retroreflectivity of every sign. Instead, agencies are allowed to choose from several different methods to maintain sign retro-

flectivity. These are generally classified as either "Assessment" or "Management" techniques. They may be used separately or combined.



This example of a Class 2 vest is not sufficient for night construction work.

Retroreflectivity Standards

The overall goal of new standards is to have signs above a minimum measure of retroreflectivity. Even signs that are not included in the new standards are required to be retroreflective if they need to be seen at night.

Improving safety along the nation's roads is one of the most important goals. Sometimes it feels like there is very little people can do to reduce the number of highway accidents. Making it easier to see signs and workers is a simple step that can make everyone safer.

This article was reprinted with permission from the Nuggets & Nibbles newsletter from the Cornell Local Roads Program.

Right of Way Acquisition

Use of Federal Funds Require Strict Adherence to Regulations

All local public agencies (LPAs) that receive or could potentially receive state or federal funds for transportation projects are encouraged to contact the Right of Way Section of the Louisiana Department of Transportation and Development (LADOTD) for guidance prior to the initiation of the process of right of way acquisition. To maintain eligibility for state and federal funding, there are a number of detailed laws and regulations that must be followed. Failure to comply with these requirements may result in the forfeiture of funds and will almost certainly create project delays from the numerous legal and administrative issues that will result. **These requirements must be followed when right of way acquisition is required and if federal or state funds are used on *any* part of the project, not just for right of way.**

The LADOTD Right of Way Section has indicated that there is a lack of knowledge and understanding of the requirements on the part of many LPAs regarding these requirements. This is resulting in serious complications and consequences on local projects using federal funds. LTAP is partnering with LADOTD, the Louisiana Municipal Association, and the Louisiana Police Jury Association to inform LPAs of the requirements and to encourage all LPAs using federal funds on any part of a project to contact the LADOTD Right of Way Section immediately to avoid future problems related to right of way acquisition management.

The Uniform Act is the primary law for acquisition and relocation activities on Federal or federally assisted projects and programs. The Uniform Act is divided into three major sections including Title I—General Provisions, Title II—Uniform Relocation Assistance, and Title III—Uniform Real Property Acquisition Policy. Each title includes stringent and

detailed requirements. Other federal, state, and local laws also govern public projects and program activities. Agencies receiving funds from the FHWA are also subject to regulations found in 23 CFR, which is entitled “Highways.” These regulations address highway-related issues not covered by the Uniform Act and include requirements for LADOTD to ensure that procedures are in place to provide necessary technical assistance and advice to LPAs.



Right of way acquisition is a very time-consuming process that often delays the construction phase of a project.

LADOTD is also required to maintain a system of monitoring to assure that property and property rights are acquired by local public agencies in accordance with federal and state laws. The combination of these different regulations and oversight agencies can result in a complicated process to follow. Often a challenge to agencies that acquire right of way on a routine basis, can be very difficult for smaller LPAs that use the process infrequently.

In Louisiana, there are generally four common types of LPA projects:

1. Off System Bridge Projects—undertaken by parish governing authorities
2. Urban System Projects—undertaken by municipali-

ties classified as urban (populations in excess of 5,000). These projects are generally done only by municipalities with populations in excess of 50,000.

3. Airport Projects—undertaken by airport authorities for improvement and expansion projects of general aviation facilities or commercial air facilities.
4. Enhancement Projects—sidewalks, trails, bike paths, etc.

Regardless of the type (or size) of the project utilizing federal funds, all right of way acquisition activities must be handled using the same policies and procedures. **While LPAs may elect to use local funds to acquire right of way properties, if federal funds are utilized for any portion of the project, all requirements of the Uniform Act and other applicable regulations apply.**

While the right of way process may seem somewhat burdensome, it is based on the Constitution of the United States in which the founding fathers expressed the philosophy in the Fifth Amendment that placed a high value on the protection of private property. The Fifth Amendment states, “No person shall be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.” The federal government and all state governments have implemented processes designed to ensure compliance with the Fifth Amendment and to protect all citizens.

More information regarding the Right of Way acquisition process can be found in the LPA Right of Way Manual issued by LADOTD. This manual can be downloaded at http://www.dotd.la.gov/highways/project_devel/realestate/documents/LPA_Manual.pdf. Additional materials and information can be found at the LADOTD’s Real Estate home page at http://www.dotd.la.gov/highways/project_devel/realestate/home.asp.

If you have a project that is using federal or state funds or could possibly use these funds on any part of the LADOTD project, please contact the LADOTD Right of Way Section:

Lloyd Scallan, Right of Way Administrator
225-237-1255

Harvey Blanchard, Assistant Right of Way Administrator
225-237-1214

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New LA Highway Safety Laws

Laws Take Effect in August and September Designed to Reduce Deaths

New safety laws that take effect in August and September should save lives by requiring all vehicle passengers to buckle up, imposing 15-day jail sentences on people caught driving while their licenses are suspended for a previous DWI and suspending for one year licenses of suspects who refuse to take a DWI blood alcohol concentration (BAC) test.

The new DWI laws passed by the Legislature this year were part of a package proposed by Governor Bobby Jindal and the DWI-Vehicular Homicide Task Force. The three DWI measures are designed to reduce the state's above-average alcohol-related traffic deaths. In 2008, 449 people were killed in alcohol-related crashes in Louisiana. The state's 2008 alcohol-related crash deaths represented 49 percent of all highway deaths, compared to the nationwide average of 32 percent.

The new seat belt law requires the driver and passengers over the age of 13 seated in both the front and rear seats of vehicles to buckle up. Previously, only front-seat passengers and children were required to buckle up or be protected by an age-appropriate child restraint. The new law requires rear-seat passengers to also buckle up.

"Together these measures represent the most sweeping advances in highway safety laws Louisiana has experienced in a number of years," said Lt. Col. John LeBlanc, executive director of the Louisiana Highway Safety Commission. "We estimate the rear seat safety belt law alone could save 22 lives in Louisiana every year."

Louisiana State Police Superintendent Col. Mike Edmonson said the increased DWI penalties are new tools that will help save lives.

"These new laws further demonstrate the commitment of our state's leadership to ensure that Louisiana's highways are safe. Whether a driver or a passenger, it is the responsibility of every citizen to promote safe habits while on our highways," Edmonson said. "We must work together to change the culture in Louisiana that perpetuates unsafe habits—like drinking and driving and not buckling seat belts. Changing that culture won't be easy but we are determined to make our highways safer for everyone."

The four key highway safety laws taking effect are:

- **Act 166** by Rep. Nickie Monica and Sen. Neil Riser requires all occupants over 13 years old to buckle up in most vehicles. The law applies to all automobiles, vans, and pickups. The law provides for fines of \$25 for the first violation, \$50 for a second violation, and \$50 plus court costs for subsequent violations.
- **Act 288** by Rep. Damon Baldone of Houma and others suspends drivers' licenses for one year (up from six months) for drivers who refuse to take a BAC test. The suspension goes up to two years for a driver who refuses the test during a second stop.
- **Act 236** by Sen. Reggie Dupre requires an automatic 15 days jail sentence for persons caught driving while their license is suspended because of a previous refusal to take a BAC test, for previously taking and failing a BAC test, or for being suspended for a DWI or vehicular negligent injury conviction.
- **Act 287** by Rep. Jonathan Perry streamlines the administrative hearing process as well as the legal process of prosecuting DWI suspects. This new law will help to strengthen DWI enforcement significantly.

9th Annual Environmental Conference

*City of Alexandria, LMA, DEQ, and DHH Host
Municipal Environmental Conference*



After a very successful conference in 2009, the City of Alexandria, the Louisiana Municipal Association (LMA), the Louisiana Department of Environmental Quality (LDEQ), and the

Department of Health and Hospitals (DHH) will host the 9th annual Environmental Regulatory Compliance Conference. The conference is scheduled for January 27 and 28, 2010 at the Alexandria Riverfront Conference Center.

The 2010 agenda includes presentations regarding state and federal environmental updates, regulatory requirements for storm water, wastewater, and water systems, air quality, bid law, ethics and many other timely environmental issues. Forty exhibitors plan to be in attendance at the 2010 conference. Continuing education hours for engineers, water operators, wastewater operators, solid waste operators, attorneys, and sanitarians are available.

This year's conference, "Protecting Yourself and Your Government from Environmental Liabilities," will focus on environmental concerns of particular interest to municipal and parish governments.

"The goal of the conference is to make local governments aware of the many environmental issues and liabilities that affect them and to give them contacts to go to for help," said Jacques Roy, mayor of Alexandria.

Representatives from the LDEQ, DHH, U.S. Environmental Protection Agency (USEPA), Louisiana Board of Ethics, Louisiana Department of Transportation and Development, Louisiana

Department of Natural Resources, Office of the Louisiana Attorney General, and the private sector will participate. Numerous positive comments were received about the quality and usefulness of previous conference presentations, the overall organization of the event, and exhibitors.

"The Environmental Regulatory Compliance Conference in Alexandria provides a wealth of information. This DEQ administration has tried to be proactive in meeting and assisting local officials and we will continue to be in the field to provide assistance. The conference in Alexandria provides yet another outlet for representatives of local government to learn how to protect the environment while providing the best possible leadership for their constituents," said Dr. Harold Leggett, secretary of the Louisiana Department of Environmental Quality.

The cost to attend the conference is \$75 per person if three or more are registered from the same organization. The cost for 1-2 persons is \$90 each.

For more information about the conference, including the agenda, visit the City of Alexandria Web site at www.cityofalexandrialala.com or call Ann Wilson, City of Alexandria, 318-441-6251.

Local Road Safety Program Application Now Available

The Local Road Safety Program (LRSP) is now accepting project applications for the 2010 funding cycle. The application and associated guidelines and policies are available online at the LTAP Web site at www.ltrc.lsu.edu/ltap. The program is also accepting any nominations of intersections or roadway departure locations. Information on this program is also found on the Web site. Please note that the deadline for completion is now moved to January 15, 2010.

Need Technical Help? Contact LTAP



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The purpose of the Local Technical Assistance Center is to provide technical materials, information, and training to help local government agencies in Louisiana maintain and improve their roads and bridges in a cost-effective manner. To accomplish this purpose, we publish a quarterly newsletter; conduct seminars, workshops, and mini-workshops covering various aspects of road and transportation issues; provide a lending library service of audio/visual programs; provide technical assistance through phone and mail-in requests relating to transportation technology; and undertake special projects of interest to municipalities in Louisiana. LTAP also coordinates the Louisiana Local Road Safety Program.

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