



To Viz or not to Viz: That is the Question!

By David Hildebrand, PCI #404T/EMSCI #118T
Denton (TX) Police Department
IPMBA President

As many of you may be aware, there is a new mandate from the Department of Transportation regarding the use of Hi-Viz apparel while working on Federal-aid highways. There may be many more of you who remain blissfully unaware of this ruling. Essentially, Federal Regulation 23 CFR 634 mandates that all workers within the right-of-way of a Federal-aid highway who are exposed to either traffic or construction equipment shall wear high-visibility safety apparel. This regulation has caused quite a maelstrom of discussion about its applicability to public safety cyclists. At the IPMBA winter board meeting, this subject was discussed and the ramifications for police, fire, and EMS riders debated.

The first question that arose was regarding the definition of a Federal-aid highway. This was an issue as many emergency responders may not even be aware that the roadway they are working on is classified as a Federal-aid highway. What it boils down to is this: if the roadway has an U.S. highway designation, even if it known as “Main Street” by most folks, it is a Federal-aid highway and the mandate would be applicable.

The second question was how this impacts the different classes of public safety cyclists. For police, there is an actual exception listed. This exception states that when officers are involved in “potentially adversarial or confrontational roles”, they are exempt from the requirement. This role could be defined as general patrol, traffic enforcement, or street narcotics interdiction. This exception would not apply to a bike officer who is working a traffic accident or directing traffic. The officer would then be required to wear a Hi-Viz vest of some kind. For Fire/EMS riders, there is no exception placed in the mandate. Any time that they are working near traffic or construction equipment, they would be required to wear a Hi-Viz vest.

A third issue was reference public safety cyclists who are actually riding their bikes. Would the mandate apply to them since most states recognize bicycles as vehicles? Our conclusion was that an emergency responder is “in a vehicle” while riding and the requirement would not apply, inasmuch as emergency responders in patrol cars, ambulances, and other emergency vehicles are not required to wear Hi-Viz at all times. Of course, the legislation will be subject to additional scrutiny and interpretation as it is implemented, and the implications for public safety cycling may change.

The bottom line for all this debate is that while you are out riding your bicycle, either for patrol work or at an event, either wear a Hi-Viz vest or carry one in your rack pack. That way if you get off your bike for some type of official response, you can wear it and meet the federal mandate. Of course, while you are wearing the vest, you are providing yourself at least a marginal level of protection by making yourself more visible to the motoring public, so it is a good idea regardless of the mandate.

© 2009 IPMBA. This article appeared in the Spring 2009 issue of *IPMBA News*.