Safety Apparel within the Right-of-Way

By: Jim Donelan, Executive Director

Spring is here! With spring comes the construction season. Due to the constant freezing and thawing that occurred throughout the winter months, road district roads need repair and with those repairs comes highway commissioners and employees working directly on the highways within the rights-of-way. TOIRMA would like to assist you in keeping safety a number one priority.

One of the tools available and required for road district personnel is the proper work zone apparel. The following questions should aid highway commissioners in determining the proper safety apparel for officials and employees working within the road district right-of-way.

**Question:** What are the apparel requirements (clothing) for workers within a public right-of-way?

**Answer:** According to the Manual for Uniform Traffic Control Devices:

“All workers...within the right-of-way who are exposed either to traffic (vehicles using the highway for purposes of travel) or to work vehicles and construction equipment... shall wear high-visibility safety apparel that meets the Performance Class 2 or 3 requirements of the ANSI/ISEA 107–2004 publication entitled ‘American National Standard for High-Visibility Safety Apparel and Headwear’ (see section 7A.11), or equivalent revisions, and labeled as meeting the ANSI 107-2004 standard performance for Class 2 or 3 risk exposure.”

**Question:** What type of apparel worn by workers within the right-of-way exposed to traffic or to construction equipment meets the minimum requirements?

**Answer:** Performance Class 2 or Class 3 apparel meets the minimum requirements for workers within the right-of-way such as a road district roadway.

**Question:** Are there particular colors for Performance Class 2 and 3 clothing?

**Answer:** Yes. Fluorescent yellow-green and fluorescent orange-red are the permissible color types. It is recommended that you choose the fluorescent color that achieves the highest degree of worker contrast as it relates to working environment.

**Question:** How does an official know the Performance Class of apparel?

**Answer:** The label of the apparel should have markings that include: name, trademark, or other means of identifying the manufacturer or authorized representative; designation of the product type, commercial name or code; size designation; number of this specific ANSI/ISEA standard (ANSI/ISEA 107-2004); pictogram showing the garment Class and Level of Performance for the retroreflective material; care labeling with FTC symbols and maximum cycles for the cleaning process; and instructions for use (if applicable).

**Question:** Who can you consult with prior to purchasing apparel for highway commissioners and workers?

**Answer:** We recommend reaching out to your county engineer and discussing this prior to purchase.

We hope you find this information helpful.

Think Safe...Drive Safe...Work Safe

Jim Donelan
Executive Director

Sources:
1. Manual for Uniform Traffic Control Devices (MTCUD) - Worker Safety Considerations Section 6D.03.
NOTICE OF A DANGEROUS CONDITION

When an individual is injured by a dangerous condition under township control or on township property, liability for injuries suffered by the individual might hinge on whether the township had notice of the dangerous condition. A plaintiff cannot recover under the Tort Immunity Act unless it is proven that the township had actual or constructive notice of the dangerous condition.

Actual notice of a dangerous condition is direct knowledge of the condition. For example, if a highway commissioner observes a pot hole, rut, or other defect while driving a particular roadway, then the township has actual notice of the defect. Or, if a sheriff’s deputy or citizen reports a dangerous condition to the township, then actual notice of the condition is established.

Constructive notice is different. Constructive notice occurs where the township has no actual knowledge of the dangerous condition, but the township should have known of the condition because of the circumstances of the condition. Constructive notice is present where the dangerous condition exists for such a length of time or is so plainly visible that public authorities should have been aware of its existence. A township might be found to have constructive notice of a dangerous condition where a plaintiff can prove either that the condition existed for a period of weeks or months without remedy, or that a defect was sufficiently obvious (by its size, location or nature) to warrant immediate attention. A township can defeat any suggestion of constructive notice by demonstrating that it had a reasonable inspection system in place and still did not discover the alleged dangerous condition.

It is important for townships to have reasonable inspection procedures to monitor for dangerous conditions, to be aware of areas that may create potential dangerous condition, and to be responsive to citizen complaints about potential dangerous conditions.

Adam P. Chaddock is a partner with Quinn Johnston in Peoria. He represents municipalities and defends TOIRMA members against personal injury and wrongful death claims throughout central Illinois. Adam can be contacted at 309-674-1133 or achaddock@qjhpc.com.

TOIRMA has provided Highway Commissioner’s Diaries since 1993.
The Highway Commissioner’s Diary was implemented to help reduce the likelihood and cost of claims by documenting weather conditions, inspections, road work, etc. If you would like a copy of the current Highway Commissioner’s Diary, please call or e-mail Debbie Prentice at (217) 444-1204 or dprentice@ccmsi.com.
KNOW YOUR COVERAGE...

TOIRMA TEST

1. Which statement is true regarding Sign Maintenance?
   a. Damaged, defaced or dirty signs are permissible. As long as a sign is there, the township is protected
   b. Annual inspection of signage should be sufficient
   c. Damaged signs should be replaced without delay
   d. Shrubbery can cover the sign as long as you can make out the color of the sign

2. Which is not a symptom of Hypothermia?
   a. Disorientation
   b. Slowed speech
   c. Memory lapses
   d. Uncontrollable laughter

3. What information can you find on www.breachsolutions.com?
   a. Sample privacy policies and procedures
   b. Breach response and preparedness materials
   c. State and federal regulatory updates
   d. Trending cyber topics
   e. Timely data security news and updates
   f. All of the above

4. One way to report a claim to TOIRMA is to call the 24/7 Claim Reporting Hotline at (844) 562-2720. What is the other way to report a claim?
   a. HR Help Line
   b. Mail in a letter with pertinent information
   c. 811
   d. TOIRMA website at www.toirma.org

5. Who must record work-related injuries and illnesses using OSHA Forms 300, 300A and 301?
   a. Employers with ten employees
   b. All employers
   c. Employers whose establishments are not classed as a partially exempt industry
   d. Employers with more than ten employees
   e. C&D
   f. A&C

6. What does our Supervisor’s/Treasurer’s Bond cover?
   a. Outstanding debts
   b. 100% of all funds under the care, custody and control of the Supervisor/Treasurer
   c. 50% of annual budget
   d. Beginning balance + Revenues - Expenditures

7. What can a township do if their contracted assessor desires liability and Workers’ Compensation coverage through TOIRMA?
   a. The township can enter into an agreement directly with the contracted assessor (call TOIRMA for the agreement) and obtain coverage through TOIRMA for $200 annually
   b. The township can enter into an agreement directly with the town in which the assessor is elected (call TOIRMA for the agreement) and obtain coverage through TOIRMA at no extra charge
   c. The township can enter into an agreement directly with the contracted assessor (call TOIRMA for the agreement) and obtain coverage through TOIRMA for $500 annually
   d. The township can enter into an agreement directly with the township in which the assessor is elected (call TOIRMA for the agreement) and obtain coverage through TOIRMA for $500 annually
   e. A or B
   f. C or D

8. What is Builder’s Risk Coverage?
   a. Builder’s Risk is a building coverage not offered through TOIRMA
   b. Builder’s Risk Coverage is liability coverage you can provide for the contractor
   c. Builder’s Risk Coverage is only offered through licensed contractors because it guarantees their work
   d. Builder’s Risk Coverage protects buildings during construction

9. Which of the following is a good snow plowing safety reminder?
   a. Never use a cell phone while plowing snow (not even a Bluetooth)
   b. Speed up to get done faster. The sooner the roads are plowed, the better for everyone
   c. A pre-storm route inspection is a general waste of time
   d. Mirrors are infallible; rely on them solely for backing up

10. Why is timely claim reporting crucial?
    a. So the contact is quicker
    b. So the investigation can begin promptly while the facts are fresh in everyone’s mind
    c. So TOIRMA can disperse timely payment of benefits or claims if owed
    d. All of the above

Test your TOIRMA knowledge!

These questions can be answered if you paid attention to the Summer, Fall, and Winter 2017 TOIRMA newsletters. Answers appear at the end. How do you rate?

Answer Key: 1) c 2) d 3) f 4) d 5) e 6) h 7) e 8) g 9) a 10) d
TOIRMA MEMBER CALENDAR

Following are highlights of the upcoming TOIRMA calendar:

March ....................................... Renewal Packet due March 1
                                Dividend Issued
April ......................................... Annual billing mailed to all members renewing June 1
                                Dividend cashed?
June ........................................... Renewal contribution due June 1
                                Declaration pages and payroll audit mailed

TOIRMA TOTAL MEMBERS As of 1/31/2018

Townships ✯ 1384
MTAD’s ✯ 290

Welcome New Members: Nevada Township/Livingston County (Livingston County is now a 100% County); Oswego Township/Kendall County (Kendall County is now a 100% County); Shiloh Township/Jefferson County (Jefferson County is now a 100% County); Beaver-Concord-Martinton MTAD/Iroquois County; Blackhawk-Rural MTAD/Rock Island County; Bois D’Arc-Harvel-Pitman-Zanesville MTAD/Montgomery County; Breese-Sugar Creek MTAD/Clinton County; Elizabeth-Hanover-Rice-Woodbine MTAD/Jo Daviess County; MAC MTAD/Iroquois County; MTAD 2/Macoupin County; MTAD 7/Coles County; Murdock-Newman-Bowdre-Sargent MTAD/Douglas County; Parker-Westfield-Martinsville MTAD/Clark County; Philadelphia-Sangamon Valley-Virginia MTAD/Cass County; Pilot-Norton MTAD/Kankakee County

SEEN & NOTED:

Cyber Security = Risk Management

Know
• Devices
• Software

Protect
• Secure Baselines
• Educate Users

Prepare
• Backups
• Incident Response

Bob Harrison, Trustee of Bruce Township/LaSalle County was the winner of the TOIRMA door prize at the 110th Annual Educational Conference of the Township Officials of Illinois this past November. Pictured are Jim Donelan, TOIRMA Executive Director; Olen Kibler, Highway Commissioner of Newman Township/Douglas County and Chairman of the TOIRMA Board of Trustees; Jack Carlson, Marketing Representative; Jim Donelan, TOIRMA Executive Director; Simphi Lenover, Account Manager; Bill Cocagne, Marketing Representative; Beth Eyrich, Underwriting Supervisor; Katie Musgrave, Claim Supervisor; Matt Knight, Loss Control Consultant; and Mickey Goral, Member Services Associate.

The following TOIRMA staff and Marketing Representatives are pictured at the 110th Annual Educational Conference of the Township Officials of Illinois this past November. Left to right are: Sean Richardson, Loss Control Consultant; Jim Grier, Marketing Representative; Olen Kibler, Highway Commissioner of Newman Township/Douglas County and Chairman of the TOIRMA Board of Trustees; Jack Carlson, Marketing Representative; Jim Donelan, TOIRMA Executive Director; Simphi Lenover, Account Manager; Bill Cocagne, Marketing Representative; Beth Eyrich, Underwriting Supervisor; Katie Musgrave, Claim Supervisor; Matt Knight, Loss Control Consultant; and Mickey Goral, Member Services Associate.

Bob Harrison, Trustee of Bruce Township/LaSalle County was the winner of the TOIRMA door prize at the 110th Annual Educational Conference of the Township Officials of Illinois this past November. Pictured are Jim Donelan, TOIRMA Executive Director; Olen Kibler, Highway Commissioner of Newman Township/Douglas County and Chairman of the TOIRMA Board of Trustees; and Bob Harrison.

Attendees at the Pike County Safety Training on December 8, 2017.

Tommy Neal, Highway Commissioner of Marissa Township/St. Clair County pictured with 17 years of Highway Commissioner’s Diaries. Good job Tommy!

Beth Eyrich, TOIRMA Underwriting Supervisor pictured with Dick Tracy in Naperville, IL.

Matt Knight, TOIRMA Loss Control Consultant presenting the door prize to Jim Lewis, Highway Commissioner of New Salem Township/Pike County at the Pike County Safety Training.
The Technology Transfer (T2) Program is a nationwide effort financed jointly by the Federal Highway Administration and individual state departments of transportation. Its purpose is to transfer the latest state-of-the-art technology in the areas of roads and bridges by translating the technology into terms understood by local and state highway or transportation personnel.

The Technology Transfer Training Program offers local agencies technical and non-technical training. The seminars and classes are tuition free. A variety of subjects are offered at training sites around the state to bring the training closer to local agency personnel. Classes and seminars present information on various aspects of highway design, construction, maintenance, work zone safety and general safety.

The Bureau of Local Roads and Streets (BLRS) subscription service for local agencies allows information to be sent out electronically and reduce the number of mailings sent from BLRS. This service distributes the Illinois Technology Transfer Center’s newsletter, training program, and updates.

The service is an open list; therefore, local agency and consultant employees need to register to receive information electronically. A valid e-mail address and internet access are required to register for the service. To subscribe, you must fill out all required fields marked with a red asterisk. If you create a password, you will be able to manage your account and update your e-mail address. https://idot.illinois.gov/transportation-system/local-transportation-partners/county-engineers-and-local-public-agencies/index

If you have any questions regarding the T2 Program or class content please email T2 Program Manager, Barry Kent, at Barry.Kent@illinois.gov or call (217) 785-2350.

The Claim Reporting Hotline went live October 1, 2016. There have been growing pains for all of us, the TOIRMA staff and our members, but the Hotline is doing what was intended, giving the claim staff more time to actually handle your claim. You can report a claim 24 hours a day, 7 days a week via the Claim Reporting Hotline at (844) 562-2720 OR you can report a claim online at www.toirma.org/claims-management. At right is a clip from the website for your reference.
The Illinois Public Works Mutual Aid Network (IPWMAN) is a statewide mutual aid network in Illinois that provides public works mutual aid to member agencies during natural or man-made emergencies and disasters, as well as during preplanned events.

The mission of the Illinois Public Works Mutual Aid Network, in the spirit of intergovernmental cooperation, is to develop and maintain a statewide network of public works related agencies whose principle purpose is to provide mutual aid response and recovery assistance to each other when confronted with emergencies and disasters.

IPWMAN members benefit from statewide mutual aid. While local mutual aid agreements are important for day-to-day operations, statewide mutual aid comes into play when large events such as tornados, mass flooding and large storms occur. Events like these will quickly overwhelm your agency’s resources and personnel, as well as those of your neighboring agencies. You or your neighbors may not have the needed equipment to deal with the issues at hand, or the event may impact you personally, and you may be unavailable to manage the resources that are needed to mitigate the incident. These are just a few of the many reasons to become a member of IPWMAN that is 330 agencies strong. Should your community need it, help will come from all corners of Illinois, from qualified people, who are eager to help.

Membership to IPWMAN is open to any public agency that provides public works-related services. Benefits of membership include:

- Access to personnel and resources when an emergency overwhelms the resources available,
- Guidance in coordinating a response to an emergency,
- Consistent understanding of the responding and requesting agencies’ roles during response by following the terms of the mutual aid agreement,
- Response that is based upon the need of the requesting agency as opposed to unsolicited responders hampering recovery efforts, and
- Opportunities to participate in emergency training programs.

The key tenant of IPWMAN is “no agency is too large to need help and no agency is too small to provide assistance.” IPWMAN’s strength comes from each agency’s desire to help one another. Disasters can cripple a community financially, so to alleviate that, responding agencies provide up to five days of support at no cost. If an event requires assistance beyond five days, IPWMAN will simply ask additional agencies to respond. Since the first IPWMAN deployment, over $2.5 million dollars in assistance has been provided in response to requests for assistance. Most recently, IPWMAN responded to flooding in Algonquin, assisted with clean up following severe tornado damage in both Ottawa and Naplate, and provided over $500,000 worth of resources to the Village of Coal City following a tornado that devastated most of the community.

IPWMAN was started in 2009 by a group of 12 individuals who recognized that public works mutual aid was being done, it just wasn’t organized. They saw many local agreements were in place, but they also had the foresight to see that during large events, local agreements would quickly become exhausted, causing a need for a statewide network of agencies. With the help of other mutual aid agencies like ILEAS and MABAS, IDOT, IEMA, and the County Engineers, IPWMAN developed a mutual aid agreement, incorporated and elected a board of directors. Three months after its inception, IPWMAN had its first deployment, proving that there was a critical need for this type of network.

Today, IPWMAN is governed by an Executive Board and 16 Regional Directors (2 directors from each of the 8 IPWMAN regions). All positions are elected from employees of member agencies, allowing the organization to be controlled by its members. Both Executive Board members and Regional Directors serve on a volunteer basis, receiving no pay for their work.

It is important to remember it’s not if a disaster is going to happen, but when it will happen. For more information or to join IPWMAN, please visit www.ipwman.org or feel free to contact IPWMAN via email at info@ipwman.org or by calling 1-844-IPWMAN-9.

Mark Doerfler is the Highway Commissioner of Waupunsee Township in Grundy County.

Mark became actively involved in the Illinois Public Works Mutual Aid Network and was elected Secretary in 2015, a position he currently holds. Mark is part of a group of people that serve as a “Field Deployment Team”. This group deploys as an Incident Management Team and assists a stricken agency by organizing the IPWMAN resources responding to the incident. He has served as the Operations Chief for Public Works during the cleanup efforts of the Naplate (2017) and Coal City (2015) tornados and the Incident Commander for Public Works during the cleanup efforts of the Diamond (2014) tornado.

Mark is employed as a firefighter for the Morris Fire Protection District (19 years) and the City of Champaign Fire Department (11 Years). He has a Bachelor’s Degree in Construction Management from Illinois State University.

Mark was born and raised in Morris, Illinois where he and his family currently reside. Mark is married and has two boys, ages 4 and 6. While no training is available for fatherhood, Mark’s sons have taught him most of his disaster management skills.