



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

March 23, 2021

NOTICE OF FILING

ADMINISTRATIVE RULES

To: Secretary of the Senate
Clerk of the House of Representatives
Joint Committee on Administrative Rules
Michigan Office of Administrative Hearings and Rules (Administrative Rules #20-054-LE)
Legislative Service Bureau (Secretary of State Filing #21-03-08)
Department of Labor and Economic Opportunity

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2020-054-LE (Secretary of State Filing #21-03-08) on this date at 10:39 A.M. for the Department of Labor and Economic Opportunity entitled, "Construction Safety and Health Standard Part 22. Signals, Signs, Tags, and Barricades".

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

Sincerely,

Jocelyn Benson
Secretary of State

Melissa Malerman /CK

Melissa Malerman, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

March 23, 2021

The Honorable Jocelyn Benson
Secretary of State
Office of the Great Seal
Richard H. Austin Building – 1st Floor
430 W. Allegan
Lansing, MI 48909

Dear Secretary Benson:

Re: Administrative Rules – Michigan Office of Administrative Hearings and Rules
Administrative Rules #: 2020-54 LE

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated January 28, 2021, for the Department of Labor and Economic Opportunity - **“Construction Safety Standard Part 22. Signals, Signs, Tags, and Barricades”**. We are transmitting these rules to you pursuant to the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6.

Sincerely,

Michigan Office of Administrative Hearings and Rules



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY
LANSING

SUSAN CORBIN
ACTING DIRECTOR

CERTIFICATE OF ADOPTION

By authority conferred on the director of the department of labor and economic opportunity by sections 19 and 21 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1019 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998.

R 408.42201 and R 408.42223 of the Michigan Administrative Code are amended, and R 408.42209 is rescinded.

Date: 02/17/2021

Adopted by:

A handwritten signature in black ink that reads "Susan R. Corbin".

Susan R. Corbin
Acting Director
Department of Labor and Economic Opportunity



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated January 28, 2021, in which the Department of Labor and Economic Opportunity proposes to modify a portion of the Michigan Administrative Code entitled “**Construction Safety and Health Standard – Part 22. Signals, Signs, Tags, and Barricades**” by:

- ◆ Amending R 408.42201 and R 408.42223.
- ◆ Rescinding R 408.42209.

The Legislative Service Bureau has approved the proposed rules as to form, classification, and arrangement.

I approve the rules as to legality pursuant to the Administrative Procedures Act, MCL 24.201 *et seq.* and Executive Order No. 2019-6. In certifying the rules as to legality, I have determined that they are within the scope of the authority of the agency, do not violate constitutional rights, and are in conformity with the requirements of the Administrative Procedures Act.

Dated: January 28, 2021

Michigan Office of Administrative Hearings and Rules

By:

Katie Wienczewski,
Attorney



Since 1941

Legal Division

Kevin H. Studebaker, Director

CERTIFICATE OF APPROVAL

On behalf of the Legislative Service Bureau, and as required by section 45 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.245, I have examined the proposed rules of the Department of Labor and Economic Opportunity dated January 28, 2021, amending R 408.42201 and R 408.42223 and rescinding R 408.42209 of the Department's rules entitled "Construction Safety and Health Standard Part 22. Signals, Signs, Tags, and Barricades." I approve the rules as to form, classification, and arrangement.

Pursuant to section 44(2) of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.244(2), these rules are being processed without a public hearing.

Dated: January 28, 2021

LEGISLATIVE SERVICE BUREAU

By

Elizabeth R. Edberg,
Legal Counsel

DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY
DIRECTOR'S OFFICE
CONSTRUCTION SAFETY AND HEALTH STANDARD

Filed with the secretary of state on March 23, 2021

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of labor and economic opportunity by sections 19 and 21 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1019 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998)

R 408.42201 and R 408.42223 of the Michigan Administrative Code are amended, and R 408.42209 is rescinded, as follows:

PART 22. SIGNALS, SIGNS, TAGS, AND BARRICADES

R 408.42201 Scope and adopted and referenced standards.

Rule 2201. (1) This part pertains to the design, placement, relocation, covering, removal, use, and maintenance of signals, traffic control devices, accident prevention signs, tags, and barricades for construction operations.

(2) American National Standards Institute (ANSI) International Safety Equipment Association (ISEA) standard 107 "High-Visibility Safety Apparel and Headwear," 2004 edition, is adopted by reference in these rules. This standard is available from IHS Global, 15 Inverness Way East, Englewood, Colorado, 80112, USA, telephone number: 1-800-854-7179 or via the internet at website: <http://global.ihs.com>; at a cost as of the time of adoption of these rules of \$64.00.

(3) The "Manual on Uniform Traffic Control Devices, Part 6: Temporary Traffic Control," 2011 Michigan/2009 Federal Edition is adopted by reference in these rules and is available at no cost from the Michigan Department of Transportation via the Internet at website: www.michigan.gov/mdot. The entire 2011 Michigan Manual on Uniform Traffic Control Devices (MMUTCD) may be purchased from the Michigan Department of Transportation, Cashiers Office, P.O. Box 30648, Lansing, Michigan 48909-8148; (517) 636-0650; at a cost of \$143.99 as of the time of adoption of these rules.

(4) The standards adopted in subrules (1) and (2) of this rule are also available for inspection at the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(5) Copies of the standards adopted in subrules (1) and (2) of this rule may be obtained from the publisher or may also be obtained from the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost stated in subrules (1) and (2) of this rule, plus \$20 for shipping and handling.

(6) The following Michigan occupational safety and health standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 W. Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) Construction Safety and Health Standard Part 1. "General Rules," R 408.40101 to R 408.40134.

(b) Construction Safety and Health Standard Part 6. "Personal Protective Equipment," R 408.40601 to R 408.40660.

(c) Construction Safety and Health Standard Part 10. "Cranes and Derricks," R 408.41001 to R 408.41099a.

(d) Construction Safety and Health Standard Part 13. "Mobile Equipment," R 408.41301.

(e) Construction Safety Standards Part 27. "Blasting and Use of Explosives," R 408.42701 to R 408.42799.

(f) Construction Safety and Health Standard Part 30. "Telecommunications for Construction," R 408.43001 to R 408.43006.

(g) Construction Safety Standards Part 45. "Fall Protection," R 408.44501 to R 408.44502.

R 408.42209 Rescinded.

R 408.42223 Traffic control.

Rule 2223. (1) Traffic control devices shall be installed and maintained as prescribed in Part 6 of the 2011 MMUTCD, which is adopted by reference in R 408.42201.

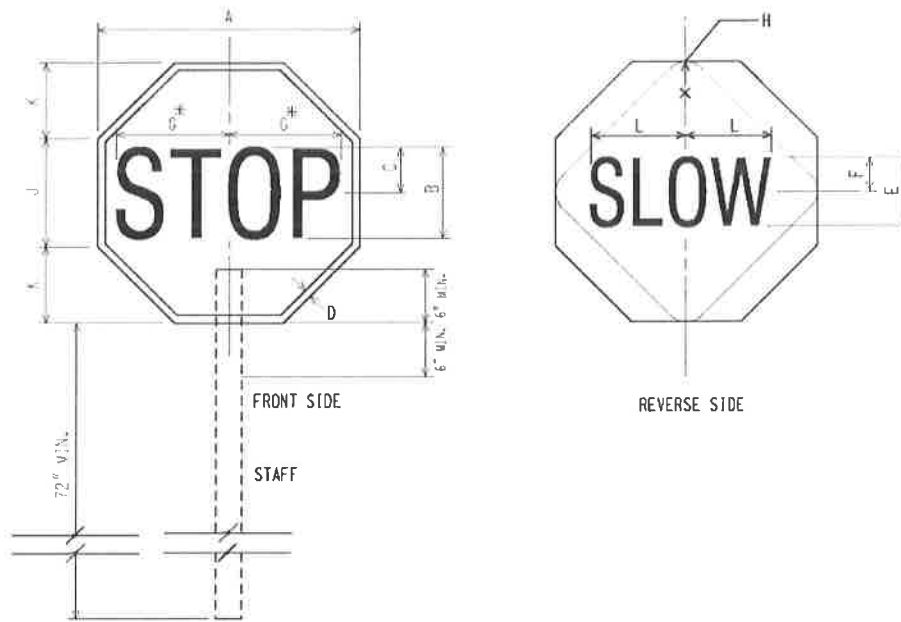
(a) At points of hazard, construction areas shall be posted with legible traffic control signs and protected by traffic control devices.

(b) The design and use of all traffic control devices, including signs, signals, markings, barricades, and other devices for protection of construction workers shall conform to the provisions of Part 6 of the 2011 MMUTCD, which is adopted by reference in R 408.42201.

(2) A hand-held paddle sign shall have 2 faces and it shall be attached to a staff of suitable design that will allow the entire unit to be held and controlled by 1 traffic regulator. The bottom of the sign shall be a minimum of 6 feet above the roadway surface. The sign shall be fastened to the staff so that no part of the legend is obscured. The portion of the staff within the sign face shall match the sign colors. The sign shall not be less than 18 by 18 inches and the letters shall have a minimum height of 6 inches (150 millimeters). All letters and spacing between letters shall be as prescribed in Part 6 of the 2011 MMUTCD, which is adopted by reference in R 408.42201. The legend shall be optically centered horizontally on the sign. One side of the sign shall display a "STOP"

face and the other side shall display the message "SLOW," except that if it is necessary for 1 traffic regulator to stop 2 directions of traffic at the same time, then a "STOP" face shall be used on each side of the sign. The "STOP" face shall have a red background with white letters and border. The "SLOW" face shall have an orange background with black letters and border. The shape of the sign shall be octagonal and the portions of the sign other than the diamond-shaped "SLOW" face shall be black. When the sign paddle is used during hours of darkness, the red and white of the "STOP" face and the orange of the "SLOW" face shall be reflectorized. Sheet metal or other light semi-rigid material may be used for mounting the "STOP" and "SLOW" faces.

(3) The paddle shall be as follows:



R1-1a

* SPACING REDUCED 40%

SIGN	DIMENSIONS (INCHES)										
	A	B	C	D	E	F	G	H	J	K	L
MINIMUM	18	6 C	3	.5	6 B	3	7.75	1.5	7.5	5.25	6.25
SPECIAL	24	8 C	4	.62	8 B	3.5	10	1.5	9.87	7.06	8.25

Note: "Special" sign dimensions are recommended for single traffic regulator operations.

(4) An employer shall provide, and a traffic regulator shall wear, high-visibility safety apparel that meets the Performance Class 2 or 3 requirements of the ANSI/ISEA 107, "High-Visibility Safety Apparel and Headwear," 2004 edition, (see Section 1A.11), which is adopted by reference in R 408.42201, or equivalent revisions, and labeled as meeting the ANSI 107-2004 standard performance for Class 2 or 3 risk exposure.

(5) A traffic regulator shall also wear head, eye, and foot protection as prescribed in Construction Safety and Health Standard Part 6. Personal Protective Equipment, as referenced in R 408.42201.

FILED WITH SECRETARY OF STATE

ON 3/23/21 AT 10:39 A.M.