

“Flagging”* in the State of Maine

There are three standards which govern “flagging” in the State.

↪ **Maine law**

↪ **OSHA Standard**

↪ **MaineDOT Standard Specification (for use on MaineDOT projects)**

Maine law: 23 MRSA707

Construction flaggers: minimum training requirements

“All privately employed flaggers at highway construction sites on public ways must have training in controlling traffic at construction sites ... consistent with the standards set forth in ANSI and the MUTCD. That training MAY consist of video instruction, instruction in a classroom setting, distribution of informational handbooks or other educational materials or other training activities determined appropriate by the employer. Municipalities are encouraged to provide the same training ... to flaggers whom they employ.”

OSHA Standard

↪ **1926.21 (b)(2)** – The employer shall instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury.

↪ **1926.200 (g)(2)** -- 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 Part 6 of the MUTCD

↪ **1926.201 (a)** -- Signaling by flaggers and the use of flaggers, including warning garments worn by flaggers shall conform to Part VI of the MUTCD.

↪ **“General Duty”** says that a citation may be issued if employers failed to keep workplace free of a hazard; the hazard was recognized; the hazard was causing or was likely to cause death or serious physical harm; and there was a feasible and useful method to correct the hazard.

MaineDOT Standard

(excerpted from Spec. 652.4)

↪ All flaggers must have successfully completed a flagger test approved by the Department and administered by a Department-approved Flagger Certifier who is employing that flagger. All flaggers must carry an official certification card with them while flagging that has been issued by their employer.

↪ Flaggers shall use a flashing STOP / SLOW hand held paddle as the primary and preferred hand signaling device. Flags shall only be limited to emergencies.

↪ For daytime conditions, flaggers shall wear a top (vest, shirt or jacket) that is orange, yellow, yellow-green, or fluorescent versions of these colors meeting ANSI 107-2004, Class 2 or Class 3, along with a hardhat with 360 ° retro-reflectivity.

↪ For nighttime conditions, flaggers shall wear all Class 3 apparel, meeting ANSI 107- 2004, including a Class 3 top (vest, shirt or jacket) and a Class E bottom (pants or coveralls), shall be worn along with a hardhat with 360 ° retro-reflectivity and shall be visible at a minimum distance of 1000 ft.

↪ The flagger should stand either on the shoulder adjacent to the traffic being controlled, or in the closed lane... and under no circumstances shall the flagger stand in the lane being used by moving traffic or have their back to oncoming traffic... The flagger should be clearly visible to approaching traffic at all times and have a clear escape route.

↪ “Flaggers shall be provided as a minimum, a 10 minute break, every 2 hours and a 30 minute or longer lunch period away from the work station.

* The word “flagging” is a misnomer and relates to an “old” term. A “STOP/SLOW” paddle should be the primary and preferred hand-signaling device. Flag use should be limited to emergency situations.