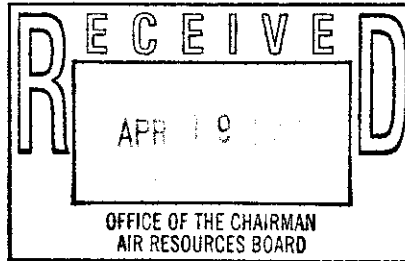


# OPERATING ENGINEERS LOCAL UNION No. 3

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Jurisdiction: Northern California, Northern Nevada, Utah, Hawaii, and the Mid-Pacific Islands

April 12, 2007

Dr. Robert F. Sawyer, PHD, Chair  
California Air Resources Board  
Main Office  
1001 "I" Street  
PO Box 2815  
Sacramento, CA 95812



RE: In-Use Off Road Diesel Vehicle Proposed Regulation

Dear Dr. Sawyer:

I am writing to request the board amend section 2449(e)(8) or the proposed In-Use Off Road Diesel Vehicle Regulation. Each year since 1992 the US Department of Labor, Bureau of Labor Statistics, Census of Fatal Occupational Injuries report has shown over 500 employees losing their lives to "struck-by" accidents. In 2005, this report shows 604 fatalities were due to struck-by accidents. The majority of construction related struck-by accidents and fatalities occur when the operator of heavy equipment, cranes, and earth haulage equipment is unable to see an individual in the equipment's blind spots. The overall size and configuration of this type of equipment has multiple blind spots and area of poor or restricted visibility due to the massive size and height of the equipment. The addition of VDECS to this equipment, if improperly placed, can create additional blind spots or areas of restricted visibility and lead to additional fatalities and injuries. To clarify that the safety of employees is utmost in regards to the installation of VDECS we request the following wording be added as the first sentence in section 2449(e)(8): Under no conditions can a VDECS or any other control device required by this regulation be installed in any position that will in anyway interfere with or obstruct the visibility of the operator of the equipment. (See Appendix A)

This additional language will clarify the board's intent to place the safety of the employees first and foremost in the consideration of the placement and feasibility of the installation of VDECS on equipment. On behalf of the over 40,000 members of Operating Engineers Local Union # 3 and their families we request the board adopt this language.

Respectfully,

Guy Prescott, Director of Safety  
Operating Engineers Local Union # 3



## Appendix A

### Proposed Change To Section 2449(e)(8)

(8) **VDECS That Impairs Safe Operation of Vehicle:** Under no conditions can a VDECS or any other control device required by this regulation be installed in any position that will in anyway interfere with or obstruct the visibility of the operator of the equipment. A fleet owner may request that the Executive Officer find that a VDECS should not be considered the highest level VDECS available because (A) it cannot be safely installed or operated in a particular vehicle application, or (B) its use would make the use of another existing retrofit device that is required for occupational safety and health reasons, such as a diesel oxidation catalyst, impossible. The requesting party shall provide documentation to support its claims. Documentation must include reports and findings of federal, state or local government agencies, independent testing laboratories, engine or equipment manufacturer studies, or other equally reliable sources. The request will only be approved if the requesting party has made a thorough effort to find a safe method for installing and operating the VDECS, including considering the use of mirrors, various locations for VDECS mounting, and use of an actively regenerated VDECS. The Executive Officer shall review the documentation submitted and any other reliable information that he or she wishes to consider and shall make his or her determination based upon the totality of the evidence. The Executive Officer shall send a written determination letter to the requesting party within 60 days of the request being submitted.