

Case 460. 47-year-old road commission worker was crushed when the backup vehicle struck him and his coworker, pinning him against the rear of the lead asphalt truck.

A 47-year-old male road commission worker was crushed when the backup vehicle struck him and his coworker, pinning him against the rear of the lead asphalt truck. The decedent was a member of a 5-person crew engaged in a rolling (continually moving) cold patch operation to repair potholes in a roadway. One crew member, the acting foreman, was driving another vehicle spotting the roadway for potholes and radioing back to the lead asphalt truck driver identifying roadway to be patched. Behind the lead asphalt truck with its attached trailer filled with asphalt were the decedent and another coworker. Both were conducting cold patch activities, using shovels to obtain asphalt from the trailer and filling potholes at the time of the incident. The fifth member of the crew was the driver of the backup vehicle which had an arrow board, alerting approaching drivers to the road patch work ahead and to the individuals on foot conducting cold patch activities. The driver of the backup vehicle was attempting to retrieve a water bottle when the incident occurred. The backup truck struck and pinned the two workers on foot against the asphalt trailer. Feeling the collision, the driver of the lead asphalt truck placed the truck in neutral, set the air brake and left the vehicle. He saw the decedent stumbling and being attended to by a bystander. EMS was called and both workers were transported to a local hospital.

MIOSHA General Industry Safety and Health Division issued the following Serious violations at the conclusion of its investigation.

SERIOUS: MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ACT, ACT 154, RULE 408.1011(a): An employer shall furnish to each employee, employment and a place of employment that is free from recognized hazards that are causing, or are likely to cause, death or serious physical harm to the employee.

The employer did not furnish to each employee, employment and a place of employment that is free from recognized hazards that are causing, or are likely to cause, death or serious physical harm to the employee, in that the employees were not protected from the hazard of being struck by trailing vehicles during the cold patching work operations. On or about *incident day and time*, while performing cold patch operations, two employees were struck by a shadow truck, resulting in an employee sustaining fatal injuries and the second employee being hospitalized during the performance of the cold patching operation. During operation, work procedures were not implemented to maintain a safe working distance between laborers and the shadow truck, exposing employees to being struck by moving vehicles. (*MIFACE removed specific day and time*).

Among others, one feasible and acceptable method to correct this violation may include, but are not limited to, the following:

- a. Designate roles within the work crew and require specific employees to perform as a safety spotter maintaining the required distance between employees performing cold patch operations and the shadow truck.
- b. Utilize the current technology for a collision avoidance system on shadow trucks.

c. Conduct periodic evaluation of the operations to ensure established operating work procedures are being performed.