

Case 496. 20-year-old drilling company technician died when he was struck by a vehicle while working in the front yard of a residence.

A 20-year-old male drilling company technician died when he was struck by a vehicle while working in the front yard of a residence. The decedent was a member of a four-person work crew performing lawn restoration following damage sustained while replacing water lines. The traffic control devices were taken down because the water line replacement had concluded. The four-man crew were working adjacent to the roadway just north of a curve in the north/south road. The work truck with a flashing amber beacon was located south of their work area. The crew were restoring two lawns at a time; for each set of lawns the work truck moved with them. All workers were wearing Class 2 high visibility vests. The decedent and one of his coworkers were raking near the sidewalk and a fire hydrant. Their coworkers were working in the home's front lawn. A car travelling southbound crossed the centerline of the roadway, entered the northbound lane and then continued to travel across the northbound lane, onto the roadway shoulder and then into the lawn, striking the decedent and his coworker working near the fire hydrant. The decedent was declared dead at the scene. His coworker was transported to a nearby hospital with sustained serious injuries. The driver of the vehicle indicated that the cruise control was set at 60 mph; the speed limit in the area where the crew was working was reduced to 40 mph and then to 30 mph as the southbound lane entered the city.

MIOSHA Construction Safety and Health Division did not issue a citation at the conclusion of its investigation. The Division issued a Notice of Potential Hazard to the employer:

NOTICE OF POTENTIAL HAZARD

The following information is provided to the employer to correct an identified hazard. A MIOSHA rule violation exists, but employee exposure has not been determined or evidence is not sufficient to document a violation at this time.

Rule 408.40114 Employer responsibilities; accident prevention program.

Rule 114.(2) An accident prevention program shall, at a minimum, provide for all of the following:

(c) Instruction to each employee in the recognition and avoidance of hazards and the regulations applicable to his or her work environment to control or eliminate any hazards or other exposure to illness or injury.

- Assure APP addresses Traffic Control and Michigan Manual of Uniform Traffic Control Devices.

Reference: 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 408.42209.