

Case 502. 41-year-old tow truck driver died when he was struck by a vehicle as he was securing a pickup truck on his flatbed tow truck.

A 41-year-old male tow truck driver died when he was struck by a vehicle as he was securing a pickup truck on his flatbed tow truck. The pickup truck had been traveling on an expressway when it had a flat tire. The pickup truck driver exited the expressway and drove to a gas station near the exit ramp to fill the tire. The air compressor was not working, so the driver left the station and was driving in the right lane of the roadway to another nearby station when the tire bead came off the rear passenger wheel. The driver stopped the pickup truck in the right travel lane of the roadway near the roadway intersection with the entrance/exit ramps of the expressway; there was a turn lane for the entrance ramp to the expressway on the passenger side of the truck and stop lights at the intersection. The intersection was lit by overhead lights. It was raining. One of the occupants of the pickup truck called for a tow truck. The decedent arrived and parked his tow truck behind the disabled pickup truck. The tow truck's overhead yellow lights were on along with all the running lights and 4 LED lights that lit up the back of the wrecker. The decedent worked approximately 30+ minutes attempting to release and drop the pickup truck's spare tire. Unable to release the tire, the decedent offered to tow the vehicle. The decedent moved the tow truck to the front of the disabled pickup, loaded the pickup onto the flat bed of the tow truck, and partially raised the bed. After securing the front of the vehicle, he proceeded to the rear and was in the process of placing the hooks to secure the pickup to the bed when a vehicle driver under the influence of alcohol struck the decedent, one of the pickup truck passengers, and the rear of the tow truck. The decedent was pinned between the rear of the flatbed and the front of the vehicle that struck him. The decedent struck the windshield on the driver's side and the pickup truck's hitch struck the windshield on the passenger side. Emergency response was called and the decedent was declared dead at the scene and the passenger transported to the hospital. The decedent was wearing a pair of brown overall style pants and jacket with a pair of boots. He was not wearing the company-issued high visibility vest or clothing.

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

SERIOUS: MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ACT, ACT 154, 408.1011(a): The 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 employment and a place of employment free from recognized hazards that were causing or were likely to cause death or serious physical harm to employees, in that an employee was exposed to or struck by hazards from vehicular traffic while assisting motorists on roadways. On *Date* 2018, an employee was assisting a motorist on *Location* when he was struck by another vehicle, causing fatal injuries. The employee was not wearing a high visibility vest at time of accident. *(MIFACE removed the incident date and location from the citation.)*

Among other methods, one feasible and acceptable abatement method to correct this hazard is to ensure that employees are wearing proper high visibility/reflective garments when working in or near roadways. Ensure that employees are trained in the requirements of high visibility garments and the dangers of not wearing adequate personal protective equipment.