

**Case 110. 54-year-old male road construction laborer was killed when he was struck by an oncoming vehicle operated by a driver who was intoxicated.**

On December 2, 2005, a 54-year-old male road construction laborer was killed when he was struck by an oncoming vehicle operated by a driver who was intoxicated. The deceased was a temporary worker who was hired to act as a flagman for a road construction project. The blacktop roadway was clear, dry, and in good condition. It had one westbound lane and one eastbound lane. The road crew had the required advanced warning signs. Orange construction barrels were located on both the north and south side of the roadway. A large orange road sign was located on the north side. The sign, which had seven LED lights in a horizontal pattern, was blinking on and off. The sign was also equipped with red and white reflective stickers on the east side of the trailer, which could be seen by westbound traffic. On the south side of the roadway, there was a traffic cone, a stop/slow sign and a pole that was believed to have held the stop/slow sign. The event was unwitnessed. The deceased was found laying approximately 20 to 30 feet west of the stop/slow sign location on the south shoulder. The deceased was wearing an orange reflective vest. It was unknown where the deceased was standing when he the oncoming westbound vehicle struck him. Sunset was at 5:05 p.m. The deceased has spoken with a coworker at approximately 5:30 p.m. He was struck sometime after that conversation. A coworker called the police at approximately 5:45 p.m. after being notified by a motorist that a “man was down”. The deceased was declared dead at the scene.

MIOSHA did not issue any citations to the deceased’s employer, but did issue a Serious citation to the firm that contracted with the temporary agency.

Serious:

SIGNALS, SIGNS, TAGS AND BARRACATES, RULE 2223(7).

Contracting firm did not provide lighting for traffic regulators while working after dark.