

**Case 131. 34-year-old male construction laborer was killed by an oncoming vehicle after stepping out into the oncoming traffic lane to sweep debris from a travel (live) lane.**

A 34-year-old male construction laborer was killed by an oncoming vehicle after stepping out into the oncoming traffic lane to sweep debris from a westbound active highway travel lane. The three-lane roadway was narrowed down to one westbound travel lane. The decedent was one of nineteen employees at a bridge/overpass demolition site. It was the first day of demolition work. A deflector shield was placed on the closed lanes under the area of bridge demolition to control the falling debris. The deflector shield was a semi-trailer with plywood along the bottom of the trailer deck. The shield was approximately 18 feet high and angled about 30 degrees towards the closed lanes. There was approximately a 4-foot gap between the bottom of the bridge deck and the deflection shield. The debris fell onto the deflector shield and was directed into the closed lanes of traffic. As the demolition process took place, debris fell outside of the closed lanes and into the active highway lane. The decedent's job was to use a push broom to sweep away any debris that fell into the active lane by waiting for an opening in traffic and then step out into the lane to sweep away the debris. The incident occurred at night, although the road construction area was lit by portable lighting. The decedent was positioned on the west side of the deflector shield. He was not wearing a reflective vest. The roadway was wet at the time of the incident. There was intermittent mud and dirt on the roadway as well as very small pieces of stone and debris. The decedent stepped from behind the deflector shield into the live lane from the south side of the lane carrying his broom to sweep away the debris. The decedent looked up as he stepped into the roadway and saw the oncoming vehicle. The oncoming vehicle made an evasive maneuver to the right towards the north shoulder of the roadway. The decedent attempted to run to the north side of the lane but was struck by the vehicle. The driver pulled off the road and saw the decedent trapped underneath his rear wheel. Responding police and other worksite laborers used a front-end loader to lift the rear end of the vehicle off of the decedent's legs.

MIOSHA Construction Safety and Health Division issued the following alleged Serious citations at the conclusion of the investigation:

**GENERAL RULES, PART 1, RULE 114(1)**

An employer shall develop, maintain, and coordinate with employees an accident prevention program, a copy of which shall be available at the worksite.

The employer failed to maintain, and coordinate their Safety Program with their employees. This Safety Program would have instructed each employee in the recognition and the avoidance of hazards and dangers as they occur on the worksite. And also;

- (a) Provide training to employees on how to perform work and minimize their vulnerability in proximity to traffic.
- (b) The wearing of reflective vests while working in the proximity of traffic.

#### DEMOLITION, PART 20, RULE 2031(9)

During demolition, an employer or his or her designated representative shall make daily inspections to detect hazards and unsafe conditions. An employer shall ensure that an employee is not permitted to work where hazards exist until the hazards are corrected by shoring, bracing, or other effective means.

Employer failed to properly detect and inspect the demolition operation where debris is falling outside the working conditions while cleaning in the active lane. Employer permitted work to continue without initiating any corrective measures.

#### ACT 154 PUBLIC ACT OF 1974, 408.1011(a)

The employer shall furnish to each employee, employment and a place of employment which is free from recognized hazards that are causing, or are likely to cause, death or serious physical harm to the employee.

Employer failed to furnish employment and a place of employment that is free of recognized hazards that are causing or likely to cause death or serious physical harm to employees. Failure to enclose the top portion of the deflector while the demolition process is taking place to prevent debris from falling onto the active lane.

Among other methods, one feasible and acceptable method to correct this hazard is to enclose the top portion of the deflector up to the bottom of the bridge during the demolition process directing the debris into the safety zone.

#### SIGNALS, SIGNS, TAGS, AND BARRICADES, PART 22, RULE 2223(2)

An employer shall ensure that all operations have routine inspections of traffic control elements for acceptable levels of operation. When traffic exposures are such that signs, signals, or barricades do not provide the necessary protection on, or adjacent to, a highway or street, traffic regulators or other appropriate traffic controls shall be provided. Modification of traffic controls, such as determined by a qualified person who is responsible for the project traffic control.

Employer failed to modify the work operation through routine inspection when the traffic exposures to their employees are hazardous and inadequate exposing employees to dangers while performing their work adjacent to traffic while cleaning demo debris.