

Case 168. 35-year-old male truck driver emptying his trailer load was killed when a nearby gravel trailer located six feet away collapsed onto his tractor cab.

On May 30, 2007, a 35-year-old male truck driver emptying his trailer load was killed when a nearby gravel trailer (Truck 1) collapsed onto his tractor cab. Both drivers worked for the same company. The equipment operator at the construction site directed the driver of Truck 1 to the location where he was to dump his load of soil. The driver backed the gravel train into position, elevated the dump box, and was in the process of emptying his load of material. The decedent backed his gravel train (Truck 2) next to Truck 1. The decedent's truck was within six feet of the passenger side of Truck 1. The decedent's tractor cab was not cab-to-cab with Truck 1 but cab-to-trailer. Truck 1 had evacuated the dirt and topsoil from his dump trailer with the exception of an accumulation of clay, which had compacted itself into the area of the dump trailer closest to the decedent's truck cab. Truck 1's telescoping cylinder buckled, and the dump trailer collapsed onto the roof of the decedent's cab and crushed it. The decedent, who was sitting in the driver's seat, died of asphyxiation and blunt-force injuries. It was postulated that the remaining clay in the dump trailer of Truck 1 might have created an unstable weight distribution within the dump box causing it to tip.

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

SERIOUS: GENERAL RULES, PART 1, RULE 114(2)(b)

An accident prevention program shall, as a minimum, provide for the following:

Instruction to each employee regarding the operation procedures, hazards, and safeguards of tools and equipment when necessary to perform the job.

Instruction on safe operating practices for gravel train truck operations were not communicated to employees.

SERIOUS: GENERAL RULES, PART 1, RULE 114(2)(d)

An accident prevention program shall, as a minimum, provide for the following:

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.

Employees and workers were exposed to a loaded trailer at maximum height creating an unstable condition with the possibility of serious physical harm or death.