

**Case 362. 21-year-old roadway construction traffic regulator died when he was struck by a pickup truck operated by a motorist.**

A 21-year-old roadway construction traffic regulator died when he was struck by a pickup truck. The decedent was a college student participating in an internship with the firm. A truck attached to an arrow board and a traffic regulator was positioned in the eastbound lane (not on the shoulder as required by the Michigan Department of Transportation) of a two-lane roadway which was undergoing foundation testing. This was the firm's first day at the jobsite. A morning meeting was held between the firm's employees regarding the setup of the temporary traffic controls for the vehicles traveling eastbound. The firm's employees moved the arrow board closer to the road boring activity. Forty-two-inch cones were utilized to define the taper. The decedent was standing next to the flashing arrow sign in the eastbound lane. The decedent and the traffic regulator for the westbound lane had just switched their signs to allow the eastbound traffic to flow. The driver of vehicle #1 (pickup truck) was looking at some deer in the field and didn't see the decedent and his Stop sign until he hit him. When the decedent was struck by the pickup, he was propelled in a northwest direction more than 75 feet. Section 6E.02 of the Michigan Manual of Uniform Traffic Devices (MMUTCD) states the apparel background (outer) material shall be fluorescent orange-red, fluorescent yellow-green or a combination of the two as defined in the ANSI standard. The background color on the decedent's jacket was black. Emergency response was called. After arrival, he was declared dead at the scene.

MIOSHA Construction Safety and Health Division issued the following Serious citations at the conclusion of its investigation.

**Serious:** SIGNALS, SIGNS, TAGS, AND BARRICADES, PART 22

- RULE 408.42221 CS: An employer shall provide, install, and maintain signals, signs, barricades, and tags as prescribed by this part, where an employee might be, or would likely be, injured if not alerted to the hazard.

Employee struck by motorist while performing traffic regulating duties.

A) The arrow board and traffic regulator station were positioned in the travel way.

B) The arrow board was positioned too close to the work area.

C) Speed reduced ahead and speed limit signs were not included.

- RULE 408.42223(5) CS: An employer shall provide, and a traffic regulator shall wear, high-visibility safety apparel that meets the Performance Class 2 or 3 requirements of the ANSI/ISEA 107 "High-Visibility Safety Apparel and Headwear", 2004 edition (see Section 1A.11), which is adopted by reference in R408.42209, or equivalent revisions, and labeled as meeting the ANSI/ISEA 107-2004 standard performance for Class 2 or 3 risk exposure.

Employee was wearing improper High-Visibility Safety Apparel and was struck by motorist while performing traffic regulating duties.