


TO: SUPERSEDED BY EB 96-016 EFFECTIVE 5/7/96	 <h1 style="margin: 0;">ENGINEERING BULLETIN</h1> <p style="margin: 0;">NEW YORK STATE DEPARTMENT OF TRANSPORTATION</p>
Distribution: <input checked="" type="checkbox"/> Main Office <input checked="" type="checkbox"/> Regions <input type="checkbox"/> Special	Code: <u>EB 86-11</u>
APPROVED: <u><i>K.W. Schutte</i></u>	Date: <u>03/25/86</u> Supersedes:
SUBJECT: Construction Division Policy Statement on Safety and Summary of Responsibilities Subject Code <u>7.32-3 (107,619)</u>	

This Engineering Bulletin Expires N/A

PREL.	FINAL
DESIGN	LANDSCAPE
RECEIVED FACILITIES DESIGN DIVISION APR 04 1986	
CIRC.	FILE

CONSTRUCTION DIVISION POLICY STATEMENT ON SAFETY

The Construction Division, in coordination with the Regional Construction Groups, is charged with carrying out the management, administration, and supervision of the Department's construction program. An essential element in the effective management of this program is the assurance of public and worker safety. Establishment of a Construction Division Safety Policy is an important first step toward the goal of providing a safe work environment for both contractor and DOT personnel.

The contractor is required by the specifications to perform all work in the contract in a workmanlike manner with due regard for the safety and health of his employees and the public. The responsibility for ensuring compliance with this requirement on all construction contracts rests with the Regional Director, the Regional Construction Engineer, his Construction Supervisors, and the Engineers-In-Charge. The safety and well-being of DOT employees on all construction contracts is likewise the responsibility of the Regional Construction Engineer and his staff.

The promotion of a safe work environment requires a coordinated effort with responsibilities assigned, assumed, and fulfilled by all concerned. While each level of supervision is directly responsible for various segments of the safety effort, it is important to emphasize that every employee is responsible for safety and health in this Department. The Construction Division is strongly committed to safety and will work to develop new and better means of promoting safety consciousness in the administration of the construction program.

CONSTRUCTION DIVISION SAFETY PROGRAM SUMMARY OF RESPONSIBILITIES

The Construction Division Policy Statement on Safety outlines the importance of providing a safe work environment on construction projects. The contractor as well as the DOT construction administration and inspection staff must shoulder various responsibilities in order to implement the safety policy. This document attempts to define those responsibilities and to emphasize the importance of safety consciousness in the administration of the construction program.

1. Responsibilities of the Regional Construction Engineer, Construction Supervisor, and Engineer-In-Charge

Although every construction project on an active highway carries an inherent risk associated with the conflict between work operations and normal traffic patterns, every effort must be made to ensure the continuity of traffic flow and the safety of the traveling public.

The Regional Construction Engineer will designate the Engineer-In-Charge as the Department qualified individual to handle traffic control on a full-time basis at the project level. The Engineer-In-Charge may in turn designate a subordinate as the responsible individual in the event that he is not able to devote sufficient time to this task.

The Construction Supervisor will inspect each project regularly and see to it that the designated person supervising the traffic control operation is properly performing his duties.

The Engineer-In-Charge is most responsible for supervising the contract traffic control plan and ensuring that all contract requirements relating to maintenance and protection of traffic are fulfilled. He shall monitor contractor compliance with contract requirements, issue appropriate warnings of deficiencies in the traffic control operation, and assess penalties when the deficiencies are not promptly corrected. Repeated violations of the contract provisions and lack of responsiveness by the contractor may warrant invocation of Articles 8 and 11 of the contract.

The program to provide a safe work environment for Department personnel on construction projects requires

establishment and enforcement of safety regulations, training of employees in safety techniques, dissemination of safety information, and promotion of safety awareness in the work force.

The Regional Construction Engineer is responsible for promoting safety awareness, arranging for safety training courses for field employees, and for providing employees with appropriate safety clothing and protective gear. The Construction Supervisor must assist in this effort and monitor field compliance with safety regulations.

The Engineer-In-Charge must enforce safety regulations, including the use of highly visible apparel, hard hats, and other protective gear. He must constantly be alert for unsafe conditions and make sure that appropriate corrective action is taken when necessary. He shall counsel DOT employees on proper safety procedures and is responsible for reporting all accidents and injuries on the project.

Contract provisions require the contractor to comply with OSHA and other regulations regarding the safety and health of workers employed in construction and demolition work. Although DOT is not directly responsible for the enforcement of OSHA regulations, the Regional Construction Engineer and his staff do have an inherent responsibility to ensure that contractors and subcontractors do not require any of their employees, in the performance of the contract, to work in surroundings or under working conditions which are unsanitary or dangerous to the health and safety of such employees.

All aspects of the contractor's safety program should be discussed at the preconstruction meeting. The Regional Safety Representative should be invited to attend preconstruction meetings for projects which pose unusual or difficult problems from a safety standpoint. The Regional Construction Engineer must impress upon the contractor the Department's commitment to a safety oriented project.

The Engineer-In-Charge shall routinely inspect the contractor's operations for compliance with safety requirements and shall notify the contractor when apparent safety violations are discovered. In case of situations where there is imminent danger to an employee or the public, the Engineer-In-Charge shall direct the contractor to take immediate corrective action and shall direct work to stop if corrective action is not taken. Proper use of personal protective gear, safety equipment, traffic control devices, flagging procedures, ladders and

scaffolding, and protection of workers in trenches shall be among standards included in routine inspection of the contractor's operations.

When the contractor is uncooperative to the extent that the OSHA compliance officer posts a "Notice of Alleged Imminent Danger," the Engineer-In-Charge shall invoke Article 8 of the contract and shall order all work on the operations involved with the safety infractions stopped.

Construction personnel may consult with the Regional Safety Representative for assistance in determining the existence of unsafe conditions, or for interpretations of OSHA language.

2. Responsibilities of the Contractor

Primary responsibility for the maintenance and protection of traffic belongs to the contractor under the maintenance of traffic specification. The contractor is responsible for complying with all aspects of the Item 619 specification and for immediately complying with directions from the Engineer-In-Charge to correct any deficiencies in the traffic control operation.

All work related to traffic control shall conform to the requirements of the New York State Manual of Uniform Traffic Control Devices. All flaggers shall be trained in proper techniques of flagging and hand signals to control the flow of traffic.

The contractor shall have primary responsibility for the health and safety of his own personnel. He shall comply with all Federal, State and local laws, rules and regulations regarding the safety and protection of his, and his subcontractors', work force.

The contractor shall take immediate action to correct deficiencies when ordered to do so by the Engineer-In-Charge. The method used to correct a deficiency is the responsibility of the contractor.

The contractor must make every effort to promote safety consciousness among his employees, and to provide training, safety equipment, and supervision to ensure a safe work environment. Safety must not be sacrificed for productivity.

The contractor and subcontractor have joint responsibility for performing the subcontract work in accordance with all applicable laws, rules and regulations regarding the safety and protection of the work force.

The contractor shall procure and maintain insurance as required by Section 107-06 of the Standard Specifications. No work may be performed on the project at any time unless the required insurance is in force.

3. Responsibilities of the Project Inspection Staff

Construction inspectors whose duties include inspection of activities which require traffic control shall monitor the contractor's compliance with the provisions of Item 619 of the contract. While they should ensure that adequate measures are taken for public safety, inspectors should not assume any of the contractor's responsibility and, thereby, his liability. Particular methods or means of compliance with the provisions of Item 619 should not be specified; rather, compliance should be requested (ordered if necessary) by reference to noted deficiencies and the desired end result.

The construction inspectors are the Department representatives most closely associated with the contractor's work activities and should serve as the liaison between contractor and Engineer-In-Charge concerning safety issues. They are the first line of enforcement of safety requirements. They shall monitor the contractor's compliance and follow up on any corrective action ordered to rectify safety violations or deficiencies.

The first rule regarding personal safety is that every employee in the Department is responsible for complying with and promoting safety and health requirements on the job. This is most important for construction inspectors who, by the very nature of their work, are exposed to potentially hazardous situations on a day to day basis, and are responsible for the safe work conditions of others.

The creation of a safe work environment for project personnel is dependent upon the existence of a safety consciousness among employees and a positive attitude toward safety. Construction inspectors must be willing to set an example for others by strictly following safety guidelines and adhering to safety standards.

Each inspector has a responsibility to know and comply with the Department's safety standards as they apply to field assignments. Of particular importance is compliance with the Department's policy concerning the use of hard hats and high visibility apparel. Highly visible apparel not only makes the traveling public aware of one

individual in close proximity to the traveled way, but also draws attention to the entire work zone and others within it.

4. General Safety Rules

The following responsibilities and procedures are essential to a successful safety program in this Department:

Every employee is responsible for safety and health in this Department.

Every program manager and supervisor is responsible for the safety and health of subordinates. This responsibility and authority cannot be delegated.

The Employee Safety & Health Section is the focal point for this Department's safety and health program. The Director of Employee Safety & Health and the Regional Safety Representatives will provide guidance and advice on all safety and health related matters.

All employees must take every reasonable precaution to prevent accidents and injury to themselves, other employees, and to the public.

All employees have the responsibility to report unsafe conditions or practices to their immediate supervisors.

No employee shall possess or consume any alcoholic beverage, illegal drug, or any other intoxicating substance on a job site, on state property, or in a state vehicle at any time during regular or overtime working hours. No employee shall report to work unfit for duty as a result of consuming alcohol, illegal drugs, or other intoxicants prior to or during the hours of work.

Every employee shall receive the proper training required to perform any task safely.

Where personal protective clothing or equipment is required by Department regulations, it will be furnished by the Department. Proper use of this clothing and equipment will be strictly enforced.