

TO: ALL REGIONAL DIRECTORS

**MODIFIED BY EI 72-071
EFFECTIVE 7/19/1972**



ENGINEERING INSTRUCTION

NEW YORK STATE DEPARTMENT OF TRANSPORTATION

SUBJECT: SAFETY AND HEALTH REGULATIONS
FOR CONSTRUCTION

Subject Code: 7.32-3-1

Distribution:



Main Office



Regions



Special

Code: EI-72-25

Date: 3/15/72

Supersedes:

APPROVED:

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This Instruction supersedes Deputy Chief Engineer Sternbach's memorandum of October 6, 1971, to All Regional Directors, and Deputy Chief Engineer Graham's Instruction 71-71 on this subject.

We are mailing under separate cover, copies of the February 17, 1972 Federal Register which contain recent modifications to the Title 29 Code of Federal Regulations Part 1518, Safety and Health Regulations for Construction. These copies should be incorporated with the copies of the Federal Register, Volume 36, No. 75, sent to you last Fall.

As stated under Section 1910.18, paragraph B, Part 1518 is now referred to as Part 1926 and cross-referencing is accomplished by referral to the digits following the decimal point.

All of the modifications should be reviewed and noted by Design and Construction personnel. Particular attention should be paid to the changes in excavation where the requirements for sheeting or layback of banks or sides of trenches greater than four (4) feet in depth have been changed again to five (5) feet. However, "Trenches less than 5 feet in depth shall also be effectively protected when examination of the ground indicates hazardous ground movement may be expected.

All contractors should be notified in writing of this change, and informed that payment will no longer be made for sheeting of trenches less than five (5) feet in depth, unless approved by the Regional Director for areas where hazardous ground movement may be expected.

Current design details and estimates should be modified to reflect the above changes.

Since there are still differences between the Federal and State regulations, the more stringent provisions will apply in each instance. A special note to this effect is included in all contracts let on and after June 17, 1971.

The FHWA Notice sent to you with the aforementioned memorandum of October 6, 1971 is still valid. Please note the bottom of page 3 of that Notice which indicates that the responsibility for the

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enforcement of the Federal standards rests initially with the Highway Departments. It will therefore, be necessary for each of your Engineers-in-Charge and Construction Supervisors to become familiar with the new Federal requirements, as modified. As a minimum, it is recommended that they become familiar with the following sections:

- Safety belts, life lines and lanyards.
- Safety nets.
- Signs, Signals, and Barricades--General.
- Traffic Signs.
- Signaling.
- Ladders and Scaffolding.
- Excavations, Trenching and Shoring.

It is expected that, within the next few years, the New York State Department of Labor will issue revised standards which will incorporate and resolve the discrepancies between the requirements of the N. Y. State Department of Labor's Industrial Code Rule No. 23 and the Federal Safety and Health Regulations for Construction.

JS:MDG:RNS:FS
Attachment