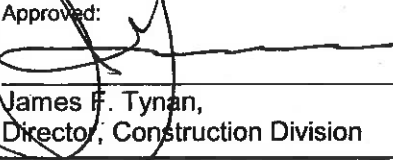


To: SUPERSEDED BY EI 08-024 EFFECTIVE 9/4/08		New York State Department of Transportation ENGINEERING INSTRUCTION	EI 06-025
Title: REVISION TO STANDARD SPECIFICATIONS - §107-05B. PROJECT SAFETY AND HEALTH PLAN - WORKPLACE VIOLENCE			
Distribution: ☐ Manufacturers (18) ☒ Local Govt. (31) ☒ Agencies (32) ☒ Surveyors (33) ☒ Consultants (34) ☒ Contractors (39) ☐ ()		Approved:  James F. Tynan, Director, Construction Division Date <u>8-28-04</u>	

ADMINISTRATIVE INFORMATION:

- This Engineering Instruction (EI) is effective upon signature.
- This EI does not supersede any other issuance.
- This revision will be incorporated into a future update of the Standard Specifications.

PURPOSE:

- This EI issues a revision to §107-05B. of the Standard Specifications of January 2, 2002.

TECHNICAL INFORMATION:

- This revision to §107-5B. *Project Safety and Health Plan* requires contractors to include procedures to address distraught, emotionally disturbed and/or homeless persons.

IMPLEMENTATION:

- Main Office Design Quality Assurance Bureau will insert the standard specification shelf note beginning with projects submitted for the letting of 01/11/07.
- Engineers-in-Charge of ongoing contracts and those let prior to the inclusion of the shelf note in the contract proposal should file a copy of this EI in the contract records as documentation of the change in accordance with the Contract Administration Manual (CAM) §104-02.

TRANSMITTED MATERIALS:

This EI transmits standard specification shelf note Project Safety and Health Plan.

BACKGROUND:

The intent of §107-05B. is to provide direction for compiling a written Project Safety and Health Plan, which identifies and addresses specific safety and health concerns, including workplace violence. Contractors and Department personnel frequently encounter potentially distraught, emotionally disturbed and/or homeless persons, particularly in urban settings, but also in rural settings. A recent incident has highlighted the need for Contractors and the Department to have procedures to deal with these potential situations. The primary focus need not be on how to deal with every potential situation, but rather when to seek assistance and who to contact.

Examples of workplace violence incidents include residents objecting to construction activity such as removing a tree, confrontation over a curb cut location, a driver continuously sounding a horn while waiting for a flagger, persons throwing objects at workers, domestic violence confrontation on the work site, and displaced persons objecting to construction activities at a work site.

CONTACT: Direct questions regarding this EI to Tom Melander of the Construction Division via e-mail at TMelander@dot.state.ny.us or at (518) 457-6472.

PROJECT SAFETY AND HEALTH PLAN

Make the following changes to the Standard Specifications of January 2, 2002, as modified by EI 05-011:

Page 101 of 149, **Delete** §107-05B. *Project Safety and Health Plan* and **Replace** it with the following:

B. Project Safety and Health Plan. The Contractor shall perform all necessary planning, supervision, and training activities to ensure that all of the requirements of 29 CFR 1926 are fully met for all workers employed in the construction of the contract. The Contractor shall provide to the Department prior to the start of work satisfactory evidence that all current requirements of 29 CFR 1926 will be adequately addressed. As a minimum, the Contractor shall provide a written Project Safety and Health Plan which documents the Contractor's company policy relative to safety, and which identifies and addresses specific safety and health concerns to be encountered on the project. Before the work begins and periodically throughout the project, the Contractor's project supervision staff shall meet with the Engineer to review and discuss the status of safety issues on the project. An appropriate notice shall be posted on the contract site that the Project Safety and Health Plan is available for examination by any worker employed on the project. As a minimum this plan shall include the following items:

- Identification of project and company safety officers.
- Hazardous Materials Communications Plan.
- Employee Safety Training Program.
- Company safety policy.
- Procedures to address project safety and health concerns.
- Procedures to address distraught, emotionally disturbed persons and/or homeless persons.
- Procedures for compelling worker compliance with safety and health requirements.

Certain of these items may be submitted in the format of a Company Safety and Health Program, with the Project Safety and Health Plan limited to project-specific issues.

The Contractor shall ensure that each subcontractor employed on the project complies with this requirement. The Contractor shall provide to the Department a Project Safety and Health Plan covering all work to be done by the subcontractor prior to starting work. As an alternative, the Contractor may provide a certification that all activities performed by and workers employed by the subcontractor will be subject to the Contractor's Project Safety and Health Plan.

Submission of the required Project Safety and Health Plan by the Contractor and its acceptance by the Department shall not be construed to imply approval of any particular method or sequence for addressing safety and health concerns, or to relieve the Contractor from the responsibility to adequately protect the safety and health of all workers involved in the project as well as any members of the public who are affected by the project.