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Director Preliminary Review Bureau	SUBJECT: SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION Subject Code: 7.32-3-1	
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APPROVED: <i>Paul Stembach</i> Deputy Chief Engineer (Construction Subdivision)		

This is in reference to Engineering Instruction 72-25 and the material previously furnished to each Region relative to the O.S.H.A. requirements. Please advise your staff of the following guidelines relative to this Department's responsibilities for the enforcement of such requirements.

A. State vs Federal Safety Regulations

1. Project personnel need to administer the O.S.H.A. regulations as well as the State safety requirements per Industrial Code Rule 23 issued by the State Department of Labor, Board of Standards and Appeals. In the event of conflict between the two sets of regulations, the more stringent requirement will apply.
2. While the basic responsibility for the enforcement of the federal occupational safety and health standards rests with the U. S. Department of Labor, the FHWA has a responsibility to monitor their enforcement on federal-aid projects since they are included in the contract requirements.
3. Similarly, this Department must enforce the safety provisions as well as other statutory or contract requirements, giving proper recognition to the responsibilities and authorities of the other agencies involved.
4. The O.S.H.A. regulations apply to all construction contracts, regardless of funding or letting date.

B. Contractor's Responsibility

1. The contractor is responsible for compliance with the federal construction safety standards as a statutory obligation under Federal law applying to all employers subject to regulations promulgated and enforced by the Occupational Safety and Health Administration. He must also comply with these safety standards as a contractual obligation on all direct federal and federal-aid projects.
2. The contractor is further required to establish and maintain sound safety training programs, keep informed on current regulations and

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technical safety standards, and to advise all subcontractors of the safety requirements to which they are also subject.

C. Preconstruction Conference

Prior to starting work at the site, the contractor should be reminded of his responsibilities and requested to outline his proposed methods of complying with the safety requirements at a preconstruction conference at which the following should be included in the agenda:

1. The contractor's awareness of the safety provisions as they affect the project work.
2. The availability of current copies of the requirements to his supervisory work force.
3. The contractor's safety program; safety organization and staff, methods of conveying information to employees regarding safety requirements and practices, plans for maintaining safety consciousness among employees, etc. The contractor should identify the person who will be responsible for safety on the project.
4. The manner in which the contractor will see that his subcontractors comply with the safety standards.
5. The contractor's plan for meeting basic safety requirements for the project; arrangements for first aid and medical attention, sanitation facilities, personal protective equipment, handling of traffic, storage of fuels and explosives, etc. Plans for eliminating potential hazards identified as likely to be encountered under the particular construction conditions.

D. N.Y.S. Department of Transportation's Responsibility in Monitoring Construction Operations for Safety

1. Copies of the current safety standards and regulations should be readily available at each project site and the project staff should be properly instructed as to their general requirements.
2. It is not intended that project personnel make a detailed review of the contractor's operations for compliance with the safety requirements on an item by item basis. However, where violations are noted, they should be called to the attention of the contractor for correction. Where violations are of a minor nature, oral notifications should suffice. However, in case of imminent danger, where serious injury may occur, the contractor should be promptly directed to effect immediate corrective action, followed by written notification. Failure by the contractor to promptly correct such major violations should result in a direct order to stop work on the operations involved and the application of other sanctions as appropriate.

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3. If clarification is needed regarding any of the State or Federal safety provisions, the Regional Office may contact the following:
 - a. The District Office of the New York State Department of Labor.
 - b. Alfred Barden, Regional Administrator, O.S.H.A.
Telephone: 971-5921 (New York City)
 - c. Rudy Jordan, Local O.S.H.A. Office
Telephone: 473-2700 (Syracuse)

However, violations of the safety regulations should not be directly reported to O.S.H.A. without first consulting this office and only in instances of major violations and lack of cooperation by the contractor. In such instances, this office will first attempt to resolve the problem at the State and Departmental levels.

4. In the event of minor violations which are not corrected by the contractor after due notification, the New York State Labor Department, District Office, should be advised. Please note that, generally, adherence to the State safety requirements will provide substantial conformance with the O.S.H.A. requirements. The New York State standards are being revised to conform with the federal requirements and compliance with only the State standards will eventually need to be monitored.
5. Under no circumstances should the contractor be instructed orally or in writing on how to correct a deficiency. The violation should simply be cited as well as the specific regulation involved.
6. The O.S.H.A. booklet, "Recordkeeping Requirements," was distributed to all Regions previously for the information of the project staff and contractors. Adherence to recordkeeping regulations is a statutory obligation rather than a specific contractual obligation, but the project staff should inform the contractors of these requirements to avoid citations and penalties for noncompliance.
7. Project personnel should concentrate (but not limit) their safety review on the seven areas listed in Engineering Instruction 72-25, as follows:
 1. Safety belts, life lines, and lanyards
 2. Safety nets
 3. Signs, signals and Barricades - General
 4. Traffic Signs
 5. Signaling
 6. Ladders and Scaffolding
 7. Excavations, Trenching and Shoring

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E. Safety Inspections

Safety inspections of the contractor's operations may be made from time to time by representatives of the Federal Highway Administration and by compliance officers of O.S.H.A. and the New York State Labor Department. Regional and project personnel should cooperate fully with such officials in conducting the safety inspections.

Attached herewith is a thumbnail summary of the federal safety provisions which may assist our project personnel in general project safety reviews.

JS:MC

Attachment

BRIEF SUMMARY

FOR

REVIEWING OCCUPATIONAL SAFETY AND HEALTH PROVISIONS ON HIGHWAY CONSTRUCTION PROJECTS

(From AASHO Informational Guide on Occupational Safety
on Highway Construction Projects)

To assist project engineers and inspectors in seeing that safety regulations and standards are observed on highway construction projects, the following checklist has been developed. This listing indicates the steps to be taken in preparation for the work, and it includes some of the important items to be checked during the construction process. This brief summary does not cover all construction safety requirements. The complete detailed requirements are contained in the construction safety regulations and standards published by the Occupational Safety and Health Administration.

Preconstruction

Before construction is actually started, project personnel should:

1. Become conversant with the occupational safety and health regulations for construction.
2. become fully familiar with the plans and specifications for the project.
3. Identify those aspects of the work meriting special attention from the standpoint of hazard elimination.
4. Participate in a preconstruction conference with the contractor to discuss construction safety on the project. The following points should be covered:
 - a. The contractual obligation of the contractor for complying with Federal construction safety standards.
 - b. Availability of the safety standards that apply to the contract.
 - c. The accident prevention program of the contractor-- organization, staff, names of responsible individuals, meetings, training, reports, etc.
 - d. Contractor responsibility for seeing that subcontractors comply with safety regulations.

- e. The contractor's plans for meeting specific safety requirements and for eliminating potentially critical hazards on the project.
5. Have a written record placed in the project file covering safety measures discussed.

Construction Operations

When construction starts, and throughout the construction period, project personnel in their observation of operations should be alert to note any violations of the applicable safety requirements. The following listing, based on the Federal construction safety standards, indicates some of the principal requirements that must be met.

1. First aid and medical services. The contractor must provide readily accessible first aid kits; and telephone numbers of doctors, hospitals and ambulances must be conspicuously posted.
2. Housekeeping. Scrap and used materials--scattered debris and combustible scrap--that would constitute hazards to workmen must be cleared from work areas.
3. Noise exposure. If effective means cannot be provided to lower noise level exposures to permissible levels, personal protective equipment must be provided.
4. Head protection. Employees subject to danger of head injury from impact of falling objects or from electrical shocks or burns must wear protective helmets.
5. Eye and face protection. Must be provided when employees are subject to hazards from physical, chemical, or radiation agents.
6. Safety nets. Required when work places are more than 25 feet above ground or water surface, where use of ladders, scaffolds or safety lines are not practicable. Nets must extend 8 feet beyond work area and may not be more than 25 feet below the work area.
7. Hand tools. Electrically powered hand tools must be of the double insulated type or grounded. Hand held power tools must be equipped with constant pressure switches. Power actuated tools must be operated by employees trained in the operation of the particular tool.
8. Ladders. Must be free of defects and adequately supported or anchored; and must not be more than 24 feet in length (double cleat) or 30 feet in length (single cleat).

9. Scaffolds. Scaffolds more than 10 feet above the ground must have 2-by-4-inch guardrails, midrails, and toe boards on open sides.
10. Cranes, derricks, etc. Rated load capacities must be posted on the equipment. Boom angle and load indicating devices must be in good working order. Frequent inspections, at least annually by a competent person, must be made. Electrical distribution lines near operating equipment should be de-energized and grounded, or insulating barriers erected to prevent contact with the lines. Otherwise operation must allow at least 10 feet clearance from live electrical power lines.
11. Earth moving equipment. Audible backup warning devices must be in good operating condition. Equipment must have brakes capable of stopping and holding the equipment fully loaded, and fenders if the maximum speed exceeds 15 mph. Equipment manufactured before January 1, 1972, must have required brakes and fenders installed by June 30, 1973.
12. Excavation. Trees, boulders and other surface encumbrances located so as to create a hazard must be removed or made safe before excavation is begun.
13. Trenching. Banks more than 5 feet high must be shored or sloped to the angle of repose. Sides of trenches in unstable or soft material 5 feet or more in depth must be shored, sheeted, braced, or sloped.
14. Concrete forms. Forms must be erected and braced so as to withstand safely all vertical and horizontal loads that may be imposed on them during concrete placement. Stripped forms must be removed and stockpiled promptly after stripping. Protruding nails, wire ties, etc., must be removed to eliminate hazard.
15. Structural steel assembly. During the erection of structural steel members, the load must not be released from the hoisting line until the members are secured with at least 2 bolts at each connection, or at least 2 erection clamps at each welded connection.
16. Cofferdams. If overtopping of the cofferdam is possible by high waters, means must be provided for controlled flooding. At least 2 means of rapid egress from the work area must be provided.
17. Explosives. Smoking, firearms, matches, etc., are prohibited near explosives or while explosives are being handled, transported, or used.
18. Handling traffic through and around construction. Temporary roadways and detours must be properly maintained, and satisfactory traffic control measures must be used--signs, barricades, and flagmen.

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GENERAL CHECKLIST OF THE CONTRACTOR'S OVERALL SAFETY PROGRAM

1. Does the contractor have a definite safety program?
2. Has responsibility for safety been assigned to a specific top company official? Is there a staff for full time safety work?
3. Does the contractor make frequent safety inspections of operations on the project? Does this include subcontractor operations?
4. Does the contractor train his employees to recognize and to avoid unsafe conditions and practices related to their individual work assignments? Are periodic safety meetings held with employees?
5. Are all accidents investigated by the contractor, recorded, and reported?
6. Does the contractor keep currently informed on governmental safety regulations and standards?

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