

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
Jacksonville Area Office  
1851 Executive Center Drive, Suite 227  
Jacksonville, FL 32207-2350  
Phone: (904)232-2895 FAX: (904)232-1294



## Citation and Notification of Penalty

**To:**  
Callaway Contracting, Inc.  
and its successors  
10950 New Berlin Road  
Jacksonville, FL 32226

**Inspection Number:** 315477067  
**Inspection Date(s):** 05/06/2011-05/06/2011  
**Issuance Date:** 11/02/2011

**Inspection Site:**  
14203 Normandy Boulevard  
Jacksonville, FL 32221

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal

conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the page 3 Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

**Right to Contest** - You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

**Penalty Payment** - Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

**Notification of Corrective Action** - For violations which you do not contest, you should notify the U.S. Department of Labor Area Office promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation. Please inform the Area Office in writing of the abatement steps you have taken and of their dates, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc.

**Employer Discrimination Unlawful** - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

**Employer Rights and Responsibilities** - The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Notice to Employees** - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 11/02/2011. The conference will be held at the OSHA office located at Jacksonville Area Office, 1851 Executive Center Drive, Suite 227, Jacksonville, FL, 32207-2350 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.



**Citation and Notification of Penalty**

**Company Name:** Callaway Contracting, Inc.  
**Inspection Site:** 14203 Normandy Boulevard, Jacksonville, FL 32221

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**Citation 1 Item 1** Type of Violation: **Serious**

29 CFR 1910.212(a)(3)(ii): Point(s) of operation of machinery were not guarded to prevent employee(s) from having any part of their body in the danger zone(s) during operating cycle(s):

- a. On or about May 10, 2011, in the mechanic's shop, the Central Machinery 16-speed drill press, serial number 43389, was not guarded, exposing employees to being struck by flying chips of metal or being drawn into the point of operation.
- b. On or about May 10, 2011, in the mechanic's shop, the Walker Turner 1100 Series 15-inch drill press, was not guarded, exposing employees to being struck by flying chips of metal or being drawn into the point of operation.
- c. On or about May 10, 2011, in the mechanic's shop, the Buffalo 20-inch drill press was not guarded, exposing employees to being struck by flying chips of metal or being drawn into the point of operation.

**ABATEMENT CERTIFICATION AND DOCUMENTATION ARE NOT REQUIRED**

<b>Date By Which Violation Must be Abated:</b>	<b>Corrected During Inspection</b>
<b>Proposed Penalty:</b>	<b>\$ 2310.00</b>

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See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Callaway Contracting, Inc.  
**Inspection Site:** 14203 Normandy Boulevard, Jacksonville, FL 32221

**Citation 1 Item 2** Type of Violation: **Serious**

29 CFR 1910.212(b): Machine(s) designed for fixed location(s) were not securely anchored to prevent walking or moving:

- a. On or about May 10, 2011, in the mechanic's shop, the Central Machinery 16-speed pedestal drill press was not anchor/bolted to the floor to prevent tipping or walking, exposing employees to being struck by the drill press.

**ABATEMENT CERTIFICATION AND DOCUMENTATION ARE NOT REQUIRED**

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 2310.00

**Citation 1 Item 3** Type of Violation: **Serious**

29 CFR 1910.304(g)(5): The path to ground from circuits, equipment, and enclosures was not permanent, continuous, and effective:

- a. On or about May 10, 2011, in the mechanic's shop, the pedestal floor fan, model number HVP #300, serial number 0002859-1115, did not have a ground plug, exposing employees to an electrical shock hazard.

**ABATEMENT CERTIFICATION AND DOCUMENTATION ARE NOT REQUIRED**

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 3850.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Callaway Contracting, Inc.  
**Inspection Site:** 14203 Normandy Boulevard, Jacksonville, FL 32221

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**Citation 1 Item 4 Type of Violation: **Serious****

29 CFR 1926.1408(g)(1)(i): The employer did not train each operator or each crew member assigned to work with equipment on the procedures to be followed in the event of electrical contact with a power line.

- a. On or about May 6, 2011, at the 1400 block of Normandy Boulevard, employees working with a Lorain LRT rough terrain crane near energized overhead power lines rated at 15,200 volts were not trained on the procedures to be followed in the event the equipment made electrical contact with a power line. Training did not include items (A) through (F) of the standard, exposing employees to an electrocution hazard.

**ABATEMENT CERTIFICATION AND DOCUMENTATION ARE REQUIRED.**

<b>Date By Which Violation Must be Abated:</b>	<b>11/28/2011</b>
<b>Proposed Penalty:</b>	<b>\$ 3850.00</b>

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See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Callaway Contracting, Inc.  
**Inspection Site:** 14203 Normandy Boulevard, Jacksonville, FL 32221

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The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness resulting from an accident.

**Citation 1 Item 5a** Type of Violation: **Serious**

29 CFR 1926.1412(d)(1): A competent person did not visually inspect the equipment prior to each shift the equipment was in use: The inspection must consist of observation for apparent deficiencies. Taking apart equipment components and booming down is not required as part of this inspection unless the results of the visual inspection or trial operation indicate that further investigation necessitating taking apart equipment components or booming down is needed. Determinations made in conducting the inspection must be reassessed in light of observations made during operation:

- a. On or about May 6, 2011, at the 1400 block of Normandy Boulevard, the Lorain model LRT rough terrain crane used to unload reinforced dowell baskets was not inspected each day by a competent person prior to use to include the minimum requirements under 1926.1412(d)(1)(i) through (xiv).

**ABATEMENT CERTIFICATION AND DOCUMENTATION ARE REQUIRED.**

<b>Date By Which Violation Must be Abated:</b>	<b>11/28/2011</b>
<b>Proposed Penalty:</b>	<b>\$ 3850.00</b>



**Citation and Notification of Penalty**

**Company Name:** Callaway Contracting, Inc.  
**Inspection Site:** 14203 Normandy Boulevard, Jacksonville, FL 32221

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**Citation 1 Item 5b** Type of Violation: **Serious**

29 CFR 1926.1412(e)(1): The equipment in service was not inspected monthly for each month it was in service in accordance with paragraph (d) of this section:

- a. On or about May 6, 2011, at the 1400 block of Normandy Boulevard, the Lorain Model LRT rough terrain crane used to unload reinforced dowel baskets had not been inspected each month.

**ABATEMENT CERTIFICATION AND DOCUMENTATION ARE REQUIRED.**

**Date By Which Violation Must be Abated:** 11/28/2011

**Citation 1 Item 6** Type of Violation: **Serious**

29 CFR 1926.1417(c)(1): The procedures applicable to the operation of the equipment including rated capacities, (load charts), recommended operating speeds, special hazards warning, instructions, and operators manual were not readily available in the cab for use by the operator:

- a. On or about May 6, 2011, at the 1400 block of Normandy Boulevard, the Lorain Model LRT rough terrain crane used to unload reinforced dowel baskets did not have an operator's manual readily available in the cab of the crane.

**ABATEMENT CERTIFICATION AND DOCUMENTATION ARE NOT REQUIRED.**

**Date By Which Violation Must be Abated:** Corrected During Inspection  
**Proposed Penalty:** \$ 3850.00



**Citation and Notification of Penalty**

**Company Name:** Callaway Contracting, Inc.  
**Inspection Site:** 14203 Normandy Boulevard, Jacksonville, FL 32221

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for illness or injury.

**Citation 1 Item 7a Type of Violation: **Serious****

29 CFR 1926.1427(k)(2)(ii): Where an employee assigned to operate machinery did not have the required knowledge or ability to operate the equipment safely, the employer did not train that employee prior to operating the equipment. The employer did not evaluate the operator to confirm that he/she understood the information provided in the training:

- a. On or about May 6, 2011, at the 1400 block of Normandy Boulevard, the operator of the Lorain Model LRT rough terrain crane to unload reinforced dowel baskets was not adequately trained to operate the equipment safely, nor was the operator evaluated to confirm that he understood the minimal information provided as on the job training, exposing employees to electrical shock, struck-by and crushed by hazards.

**ABATEMENT CERTIFICATION AND DOCUMENTATION ARE REQUIRED**

Date By Which Violation Must be Abated:	11/28/2011
Proposed Penalty:	\$ 3850.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Callaway Contracting, Inc.  
**Inspection Site:** 14203 Normandy Boulevard, Jacksonville, FL 32221

**Citation 1 Item 7b** Type of Violation: **Serious**

29 CFR 1926.1430(c)(2): Transition Period. During the four year phase in period for operator certification or qualification as provided in 1926.1427(k) the employer did not train the operator who had not yet been certified or qualified in the areas addressed in 1926.1427(j):

- a. On or about May 6, 2011, at the 1400 block of Normandy Boulevard, the operator of the Lorain Model LRT rough terrain crane to unload reinforced dowel baskets was not adequately trained to operate the equipment safely, nor was the operator evaluated to confirm that he understood the minimal information provided as on the job training, exposing employees to an electrical shock, struck-by and crushed-by hazards.

**ABATEMENT CERTIFICATION AND DOCUMENTATION ARE REQUIRED.**

**Date By Which Violation Must be Abated:** 11/28/2011

**Citation 1 Item 8** Type of Violation: **Serious**

29 CFR 1926.1430(b): The employer did not train each employee who was assigned to work as a signal person who did not meet the requirements of 1926.1428(c) in the areas addressed in that paragraph:

- a. On or about May 6, 2011, at the 1400 block of Normandy Boulevard, employees designated as signal persons for the Lorain Model LRT rough terrain crane used to unload reinforced dowel baskets were not trained.

**ABATEMENT CERTIFICATION AND DOCUMENTATION ARE REQUIRED.**

**Date By Which Violation Must be Abated:** 11/28/2011

**Proposed Penalty:** \$ 3850.00



**Citation and Notification of Penalty**

**Company Name:** Callaway Contracting, Inc.  
**Inspection Site:** 14203 Normandy Boulevard, Jacksonville, FL 32221

**Citation 2 Item 1** Type of Violation: **Willful**

Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to being struck by hazards:

- a. On or about May 6, 2011 at the 1400 block of Normandy Boulevard, a 5/16 inch diameter alloy steel binder chain was used for lifting steel reinforced dowel baskets, exposing employees to being struck by the chain and the load.

**ABATEMENT CERTIFICATION AND DOCUMENTATION ARE NOT REQUIRED**

Among other methods, recognized and feasible means of abatement to correct the hazard include, but not limited to: using chain slings manufactured of grade 80 steel or above, using chains that are specifically manufactured for lifting, have been tested and are properly tagged.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 42350.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Callaway Contracting, Inc.  
**Inspection Site:** 14203 Normandy Boulevard, Jacksonville, FL 32221

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**Citation 2 Item 2** Type of Violation: **Willful**

29 CFR 1926.1408(a)(2): Upon the employer determining if any part of the equipment, load line, or load (including rigging and lifting accessories), when operated up to the equipments maximum working radius in the work zone, could get closer that 20 feet to a power line. The employer did not meet the requirements in Option (1), Option (2) or Option (3) of this section:

- a. On or about May 6, 2011, at the 1400 block of Normandy Boulevard, the employer failed to de-energize and ground the circuit, establish a 20 feet clearance from the 15,200-volt power lines, or follow table "A", for the Lorain rubber wheeled crane used to unload reinforced dowel baskets near overhead power lines, exposing employees to an electrocution hazard.

**ABATEMENT CERTIFICATION AND DOCUMENTATION ARE NOT REQUIRED.**

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 53900.00

**Citation 2 Item 3** Type of Violation: **Willful**

29 CFR 1926.1412(f)(1): At least every twelve (12) months, the equipment was not inspected annually by a qualified person:

- a. On or about May 6, 2011, at the 1400 block of Normandy Boulevard, the Lorain Model LRT rough terrain crane used to unload reinforced dowel baskets had not been inspected at least annually by a qualified person.

**ABATEMENT CERTIFICATION AND DOCUMENTATION ARE REQUIRED.**

Date By Which Violation Must be Abated:	11/28/2011
Proposed Penalty:	\$ 42350.00

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See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Callaway Contracting, Inc.  
**Inspection Site:** 14203 Normandy Boulevard, Jacksonville, FL 32221

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**Citation 2 Item 4** Type of Violation: **Willful**

29 CFR 1926.1424(a)(2)(ii): To prevent employees from entering hazard areas, the employer did not erect and maintain control lines, warning lines, railings or similar barriers to mark the boundaries of the hazard areas and/or did not train each employee to understand what these markings signify:

- a. On or about May 6, 2011, at the 1400 block of Normandy Boulevard, the Lorain Model LRT rough terrain crane used to unload reinforced dowel baskets did not have the swing radius barricaded, exposing employees to the hazard of being struck by the rotating superstructure.

**ABATEMENT CERTIFICATION AND DOCUMENTATION ARE NOT REQUIRED.**

Date By Which Violation Must be Abated: 11/28/2011  
Proposed Penalty: \$ 42350.00

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See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Callaway Contracting, Inc.  
**Inspection Site:** 14203 Normandy Boulevard, Jacksonville, FL 32221

**Citation 3 Item 1** Type of Violation: **Other**

29 CFR 1910.305(g)(2)(iii): Flexible cords and cables were not connected to devices and fittings so that strain relief was provided that would prevent pull from being directly transmitted to joints or terminal screws:

- a. On or about May 10, 2011, in the mechanic's shop, the portable halogen shop light power cord had exposed wires at the stress relief, exposing employees to an electrical shock hazard.
- b. On or about May 10, 2011, in the mechanic's shop, an extension cord used with a portable lighting and pedestal fan had exposed wires at the stress relief, exposing employees to an electrical shock hazard.

**ABATEMENT CERTIFICATION AND DOCUMENTATION ARE NOT REQUIRED.**

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 0.00

  
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BRIAN J. STURTECKY  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
Jacksonville Area Office  
1851 Executive Center Drive, Suite 227  
Jacksonville, FL 32207-2350  
Phone: (904)232-2895 FAX: (904)232-1294



## INVOICE/ DEBT COLLECTION NOTICE

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**Company Name:** Callaway Contracting, Inc.  
**Inspection Site:** 14203 Normandy Boulevard, Jacksonville, FL 32221  
**Issuance Date:** 11/02/2011

**Summary of Penalties for Inspection Number 315477067**

<b>Citation 1, Serious</b>	= \$	<b>27720.00</b>
<b>Citation 2, Willful</b>	= \$	<b>180950.00</b>
<b>Citation 3, Other</b>	= \$	<b>0.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	= \$	<b>208670.00</b>

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To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to:

"DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

OSHA does not agree to any restrictions or conditions put on any check or money order for less than the full amount due and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

**Interest.** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is 2%. Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you

file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

**Delinquent Charges.** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

**Administrative Costs.** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

  
\_\_\_\_\_  
BRIAN J. STURTECKY  
Area Director

11-02-11  
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Date