

U.S. Department of Labor
Occupational Safety and Health Administration
1310 W. Clairemont Avenue
Eau Claire, WI 54701
Phone: 715-832-9019 Fax: 715-832-1147



Citation and Notification of Penalty

To:
Highway Technologies, Inc.
4700 Lindale Ave N
Minneapolis, MN 55430

Inspection Number: 640558
Inspection Date(s): 09/17/2012 - 02/22/2013
Issuance Date: 02/26/2013

Inspection Site:
Mile Marker 39, US Highway 94
Menomonie, WI 54751

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.

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 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 each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

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.

Inspection Activity Data -- You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 02/26/2013. The conference will be held at the OSHA office located at 1310 W. Clairemont Avenue, Eau Claire, WI 54701 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 640558

Company Name: Highway Technologies, Inc.
Inspection Site: Mile Marker 39, US Highway 94, Menomonie, WI 54751
Issuance Date: 02/26/2013

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 1310 W. Clairemont Avenue, Eau Claire, WI 54701**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review



Citation and Notification of Penalty

Company Name: Highway Technologies, Inc.
Inspection Site: Mile Marker 39, US Highway 94, Menomonie, WI 54751

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

29 CFR 1926.1408(a)(1) The employer must identify the work zone for power line safety with equipment operations:

- (a) US Interstate Highway 94, between mile markers 28 and 41, of Wisconsin Department of Transportation project # 1022-07-74; The employer does not identify the work zone for overhead power line hazards where employees use a self-contained pile driver truck that has a 16 foot 9 inch vertical mast, such as, but not limited to:
- (1) Exposure site # 1: Vicinity of US Interstate Highway 94 and 650th Avenue, between mile markers 38 and 39, on the south shoulder of the eastbound lane, Wisconsin Department of Transportation project # 1022-07-74, between work stations 815 and 817, such as occurred on or before August 28, 2012, and
 - (2) Exposure site # 2: Vicinity of US Interstate Highway 94 and County Highway K, between mile markers 37 and 38, on the north shoulder of the westbound lane, Wisconsin Department of Transportation project # 1022-07-74, between work stations 752 and 754, such as occurred on or before August 29, 2012, and
 - (3) Exposure site # 3: Vicinity of US Interstate Highway 94 and 650th Avenue, between mile markers 38 and 39, on the north shoulder of the westbound lane, Wisconsin Department of Transportation project # 1022-07-74, between work stations 815 and 817, such as occurred on or before September 5, 2012, and
 - (4) Exposure site # 4: Vicinity of US Interstate Highway 94 and 390th Street, between mile markers 40 and 41, on the north shoulder of the westbound lane, Wisconsin Department of Transportation project # 1022-07-74, between work stations 885 and 887, such as occurred on or before September 10, 2012, and
 - (5) Exposure site # 5: Vicinity of US Interstate Highway 94 and 390th Street, between mile markers 40 and 41, on the median shoulder of the westbound lane, Wisconsin Department of Transportation project # 1022-07-74, between work stations 885 and 887, such as occurred on or before September 12, 2012, and

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 640558
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Citation and Notification of Penalty

Company Name: Highway Technologies, Inc.
Inspection Site: Mile Marker 39, US Highway 94, Menomonie, WI 54751

- (6) Exposure site # 6 (electrocution location): Vicinity of US Interstate Highway 94 and 650th Avenue, between mile markers 38 and 39, on the median shoulder of the eastbound lane, Wisconsin Department of Transportation project # 1022-07-74, between work stations 815 and 817, such as occurred on September 17, 2012.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

03/06/2013
\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Highway Technologies, Inc.

Inspection Site: Mile Marker 39, US Highway 94, Menomonie, WI 54751

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

29 CFR 1926.1408(a)(2) The employer must determine if any part of the equipment, load line or load (including rigging and lifting accessories), if operated up to the equipment's maximum working radius in the work zone, could get closer than 20 feet to a power line:

- (a) US Interstate Highway 94, between mile markers 28 and 41, of Wisconsin Department of Transportation project # 1022-07-74; The employer does not determine if the self-contained pile driver truck that has a 16 foot 9 inch vertical mast could get closer than 20 feet to an overhead power line, such as, but not limited to:
- (1) Exposure site # 1: Vicinity of US Interstate Highway 94 and 650th Avenue, between mile markers 38 and 39, on the south shoulder of the eastbound lane, Wisconsin Department of Transportation project # 1022-07-74, between work stations 815 and 817, such as occurred on or before August 28, 2012, and
 - (2) Exposure site # 2: Vicinity of US Interstate Highway 94 and County Highway K, between mile markers 37 and 38, on the north shoulder of the westbound lane, Wisconsin Department of Transportation project # 1022-07-74, between work stations 752 and 754, such as occurred on or before August 29, 2012, and
 - (3) Exposure site # 3: Vicinity of US Interstate Highway 94 and 650th Avenue, between mile markers 38 and 39, on the north shoulder of the westbound lane, Wisconsin Department of Transportation project # 1022-07-74, between work stations 815 and 817, such as occurred on or before September 5, 2012, and
 - (4) Exposure site # 4: Vicinity of US Interstate Highway 94 and 390th Street, between mile markers 40 and 41, on the north shoulder of the westbound lane, Wisconsin Department of Transportation project # 1022-07-74, between work stations 885 and 887, such as occurred on or before September 10, 2012, and

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
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Inspection Number: 640558
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Citation and Notification of Penalty

Company Name: Highway Technologies, Inc.

Inspection Site: Mile Marker 39, US Highway 94, Menomonie, WI 54751

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- (5) Exposure site # 5: Vicinity of US Interstate Highway 94 and 390th Street, between mile markers 40 and 41, on the median shoulder of the westbound lane, Wisconsin Department of Transportation project # 1022-07-74, between work stations 885 and 887, such as occurred on or before September 12, 2012, and
 - (6) Exposure site # 6 (electrocution location): Vicinity of US Interstate Highway 94 and 650th Avenue, between mile markers 38 and 39, on the median shoulder of the eastbound lane, Wisconsin Department of Transportation project # 1022-07-74, between work stations 815 and 817, such as occurred on September 17, 2012.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

03/06/2013
\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
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Inspection Number: 640558
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Citation and Notification of Penalty

Company Name: Highway Technologies, Inc.

Inspection Site: Mile Marker 39, US Highway 94, Menomonie, WI 54751

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

29 CFR 1926.1408(g)(1)(i)(F) The employer must train each operator and crew member assigned to work with the equipment safe clearance distance from power lines:

- (a) Highway Technologies Inc., Minneapolis, MN; The employer does not train each employee working on the guardrail and sign installation crews on safe clearance distance from overhead power lines.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

03/12/2013

Proposed Penalty:

\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 640558
Inspection Date(s): 09/17/2012 - 02/22/2013
Issuance Date: 02/26/2013



Citation and Notification of Penalty

Company Name: Highway Technologies, Inc.

Inspection Site: Mile Marker 39, US Highway 94, Menomonie, WI 54751

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

29 CFR 1926.1430(g)(1) The employer must evaluate each employee required to be trained under this subpart to confirm that the employee understands the information provided in the training:

- (a) US Interstate Highway 94, between mile markers 38 and 39, on the median shoulder of the eastbound lane, between work stations 815 and 817, of Wisconsin Department of Transportation project # 1022-07-74; Three employees that perform work in the vicinity of the self-contained pile driver do not know the distance requirement for machinery working in the vicinity of energized overhead power lines.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

03/12/2013

Proposed Penalty:

\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Highway Technologies, Inc.
Inspection Site: Mile Marker 39, US Highway 94, Menomonie, WI 54751

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

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

29 CFR 1926.1408(d)(1) No part of the equipment, load line, or load (including rigging and lifting accessories) is allowed within the minimum distance requirement below power lines without the employer confirming that the utility owner/operator has de-energized and visibly grounds the power line:

The employer does not ensure that no part of the equipment, load line, or load is allowed within the minimum distance requirement below power lines without confirming that the utility owner/operator has de-energized and visibly grounds the power line.

- (a) This most recently occurred at US Interstate Highway 94, between mile markers 38 and 39, on the median shoulder of the eastbound lane, between work stations 815 and 817, of the Wisconsin Department of Transportation project # 1022-07-74. Employees are exposed to electrical hazards while operating or working near a self-contained pile driver truck that has a 16 foot 9 inch vertical mast that is approximately 1 foot 6 inches below a 7,200 volt (7.2 kV) overhead power line, as occurred on September 17, 2012.

To abate this hazard in the future, the employer must ensure that no part of the equipment, load line, or load (including rigging and lifting accessories) is allowed within the minimum distance requirement below power lines without the employer confirming that the utility owner/operator has de-energized and visibly grounds the power line.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing steps it is taking to ensure compliance, including a description of how these steps protect its employees from compromising the minimum approach distance to power lines without confirming the power lines are de-energized and visibly grounded.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/26/2013
\$70000.00



Citation and Notification of Penalty

Company Name: Highway Technologies, Inc.
Inspection Site: Mile Marker 39, US Highway 94, Menomonie, WI 54751

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

29 CFR 1926.1411(b)(2): The employer must ensure that the boom/mast and boom/mast support system are lowered sufficiently to meet the minimum requirements of this standard while traveling under power lines:

The employer does not ensure that the boom/mast and boom/mast support system are lowered sufficiently to meet the minimum requirements of this standard while traveling under power lines.

- (a) This most recently occurred at US Interstate Highway 94, between mile markers 38 and 39, on the median shoulder of the eastbound lane, between work stations 815 and 817, of the Wisconsin Department of Transportation project # 1022-07-74. Employees are exposed to electrical hazards when the 16 foot 9 inch vertical mast of a self-contained pile driver truck is moved along a section of guardrail below a 7,200 volt (7.2 kV) overhead power line, as occurred on September 17, 2012 when the mast contacted a power line.

To abate this hazard in the future, the employer must ensure that the boom/mast and boom/mast support system are lowered sufficiently to meet the minimum requirements of this standard while traveling under power lines.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing steps it is taking to ensure compliance, including a description of how these steps protect its employees from compromising the minimum approach distance when traveling under power lines.

Date By Which Violation Must be Abated:

03/06/2013



Citation and Notification of Penalty

Company Name: Highway Technologies, Inc.
Inspection Site: Mile Marker 39, US Highway 94, Menomonie, WI 54751

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

29 CFR 1926.1408(d)(1) No part of the equipment, load line, or load (including rigging and lifting accessories) is allowed within the minimum distance requirement below power lines without the employer confirming that the utility owner/operator has de-energized and visibly grounds the power line:

The employer does not ensure that no part of the equipment, load line, or load is allowed within the minimum distance requirement below power lines without confirming that the utility owner/operator has de-energized and visibly grounds the power line.

- (a) This most recently occurred at US Interstate Highway 94, between mile markers 40 and 41, on the median shoulder of the westbound lane, between work stations 885 and 887, of the Wisconsin Department of Transportation project # 1022-07-74. Employees are exposed to electrical hazards while operating or working near a self-contained pile driver truck with a 17 foot vertical mast that is approximately 8 feet 2 inches below a 7,200 volt (7.2 kV) overhead power line, as occurred on or before September 12, 2012.

To abate this hazard in the future, the employer must ensure that no part of the equipment, load line, or load (including rigging and lifting accessories) is allowed within the minimum distance requirement below power lines without the employer confirming that the utility owner/operator has de-energized and visibly grounds the power line.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing steps it is taking to ensure compliance, including a description of how these steps protect its employees from compromising the minimum approach distance to power lines without confirming the power lines are de-energized and visibly grounded.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/06/2013
\$70000.00



Citation and Notification of Penalty

Company Name: Highway Technologies, Inc.
Inspection Site: Mile Marker 39, US Highway 94, Menomonie, WI 54751

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

29 CFR 1926.1408(d)(1) No part of the equipment, load line, or load (including rigging and lifting accessories) is allowed within the minimum distance requirement below power lines without the employer confirming that the utility owner/operator has de-energized and visibly grounds the power line:

The employer does not ensure that no part of the equipment, load line, or load is allowed within the minimum distance requirement below power lines without confirming that the utility owner/operator has de-energized and visibly grounds the power line.

- (a) This most recently occurred at US Interstate Highway 94, between mile markers 40 and 41, on the north shoulder of the westbound lane, between work stations 885 and 887 of the Wisconsin Department of Transportation project # 1022-07-74. Employees are exposed to electrical hazards while operating or working near a self-contained pile driver truck with a 17 foot vertical mast that is approximately 8 feet 0 inches below a 7,200 volt (7.2 kV) overhead power line, as occurred on or before September 10, 2012.

To abate this hazard in the future, the employer must ensure that no part of the equipment, load line, or load (including rigging and lifting accessories) is allowed within the minimum distance requirement below power lines without the employer confirming that the utility owner/operator has de-energized and visibly grounds the power line.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing steps it is taking to ensure compliance, including a description of how these steps protect its employees from compromising the minimum approach distance to power lines without confirming the power lines are de-energized and visibly grounded.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/06/2013
\$70000.00



Citation and Notification of Penalty

Company Name: Highway Technologies, Inc.
Inspection Site: Mile Marker 39, US Highway 94, Menomonie, WI 54751

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

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

29 CFR 1926.1408(d)(1) No part of the equipment, load line, or load (including rigging and lifting accessories) is allowed within the minimum distance requirement below power lines without the employer confirming that the utility owner/operator has de-energized and visibly grounds the power line:

The employer does not ensure that no part of the equipment, load line, or load is allowed within the minimum distance requirement below power lines without confirming that the utility owner/operator has de-energized and visibly grounds the power line.

- (a) This most recently occurred at US Interstate Highway 94, between mile markers 38 and 39, on the north shoulder of the westbound lane, between work stations 815 and 817, of the Wisconsin Department of Transportation project # 1022-07-74. Employees are exposed to electrical hazards while operating or working near a self-contained pile driver truck with a 17 foot vertical mast that is approximately 2 feet 0 inches below a 7,200 volt (7.2 kV) overhead power line, as occurred on or before September 5, 2012.

To abate this hazard in the future, the employer must ensure that no part of the equipment, load line, or load (including rigging and lifting accessories) is allowed within the minimum distance requirement below power lines without the employer confirming that the utility owner/operator has de-energized and visibly grounds the power line.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing steps it is taking to ensure compliance, including a description of how these steps protect its employees from compromising the minimum approach distance to power lines without confirming the power lines are de-energized and visibly grounded.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/06/2013
\$70000.00



Citation and Notification of Penalty

Company Name: Highway Technologies, Inc.

Inspection Site: Mile Marker 39, US Highway 94, Menomonie, WI 54751

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

29 CFR 1926.1411(b)(2): The employer must ensure that the boom/mast and boom/mast support system are lowered sufficiently to meet the minimum requirements of this standard while traveling under power lines:

The employer does not ensure that the boom/mast and boom/mast support system are lowered sufficiently to meet the minimum requirements of this standard while traveling under power lines.

- (a) This most recently occurred at US Interstate Highway 94, between mile markers 38 and 39, on the north shoulder of the westbound lane, between work stations 815 and 817, of the Wisconsin Department of Transportation project # 1022-07-74. Employees are exposed to electrical hazards when the 16 foot 9 inch vertical mast of a self-contained pile driver truck is moved along a section of guardrail approximately 2 feet 3 inches below a 7,200 volt (7.2 kV) overhead power line, as occurred on or before September 5, 2012.

To abate this hazard in the future, the employer must ensure that the boom/mast and boom/mast support system are lowered sufficiently to meet the minimum requirements of this standard while traveling under power lines.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing steps it is taking to ensure compliance, including a description of how these steps protect its employees from compromising the minimum approach distance when traveling under power lines.

Date By Which Violation Must be Abated:

03/06/2013



Citation and Notification of Penalty

Company Name: Highway Technologies, Inc.
Inspection Site: Mile Marker 39, US Highway 94, Menomonie, WI 54751

Citation 2 Item 5 Type of Violation: **Willful**

29 CFR 1926.1408(d)(1) No part of the equipment, load line, or load (including rigging and lifting accessories) is allowed within the minimum distance requirement below power lines without the employer confirming that the utility owner/operator has de-energized and visibly grounds the power line:

The employer does not ensure that no part of the equipment, load line, or load is allowed within the minimum distance requirement below power lines without confirming that the utility owner/operator has de-energized and visibly grounds the power line.

- (a) This most recently occurred at US Interstate Highway 94, between mile markers 37 and 38, on the north shoulder of the westbound lane, between work stations 752 and 754 of the Wisconsin Department of Transportation project # 1022-07-74. Employees are exposed to electrical hazards while operating or working near a self-contained pile driver truck with a 17 foot vertical mast that is approximately 6 feet 9 inches below an overhead power line, as occurred on or before August 29, 2012.

To abate this hazard in the future, the employer must ensure that no part of the equipment, load line, or load (including rigging and lifting accessories) is allowed within the minimum distance requirement below power lines without the employer confirming that the utility owner/operator has de-energized and visibly grounds the power line.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing steps it is taking to ensure compliance, including a description of how these steps protect its employees from compromising the minimum approach distance to power lines without confirming the power lines are de-energized and visibly grounded.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/06/2013
\$70000.00



Citation and Notification of Penalty

Company Name: Highway Technologies, Inc.
Inspection Site: Mile Marker 39, US Highway 94, Menomonie, WI 54751

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

Citation 2 Item 6 a Type of Violation: **Willful**

29 CFR 1926.1408(d)(1) No part of the equipment, load line, or load (including rigging and lifting accessories) is allowed within the minimum distance requirement below power lines without the employer confirming that the utility owner/operator has de-energized and visibly grounds the power line:

The employer does not ensure that no part of the equipment, load line, or load is allowed within the minimum distance requirement below power lines without confirming that the utility owner/operator has de-energized and visibly grounds the power line.

- (a) This most recently occurred at US Interstate Highway 94, between mile markers 38 and 39, on the south shoulder of the eastbound lane, between work stations 815 and 817, of the Wisconsin Department of Transportation project # 1022-07-74. Employees are exposed to electrical hazards while operating or working near a self-contained pile driver truck with a 17 foot vertical mast that is approximately two (2) inches below a 7,200 volt (7.2 kV) overhead power line, as occurred on or before August 28, 2012.

To abate this hazard in the future, the employer must ensure that no part of the equipment, load line, or load (including rigging and lifting accessories) is allowed within the minimum distance requirement below power lines without the employer confirming that the utility owner/operator has de-energized and visibly grounds the power line.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing steps it is taking to ensure compliance, including a description of how these steps protect its employees from compromising the minimum approach distance to power lines without confirming the power lines are de-energized and visibly grounded.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/06/2013
\$70000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Highway Technologies, Inc.
Inspection Site: Mile Marker 39, US Highway 94, Menomonie, WI 54751

Citation 2 Item 6 b Type of Violation: **Willful**

29 CFR 1926.1411(b)(2): The employer must ensure that the boom/mast and boom/mast support system are lowered sufficiently to meet the minimum requirements of this standard while traveling under power lines:

The employer does not ensure that the boom/mast and boom/mast support system are lowered sufficiently to meet the minimum requirements of this standard while traveling under power lines.

- (a) This most recently occurred at US Interstate Highway 94, between mile markers 38 and 39, on the south shoulder of the eastbound lane, between work stations 815 and 817, of the Wisconsin Department of Transportation project # 1022-07-74. Employees are exposed to electrical hazards when the 16 foot 9 inch vertical mast of a self-contained pile driver truck is moved along a section of guardrail approximately five (5) inches below a 7,200 volt (7.2 kV) overhead power line, as occurred on or before August 28, 2012.

To abate this hazard in the future, the employer must ensure that the boom/mast and boom/mast support system are lowered sufficiently to meet the minimum requirements of this standard while traveling under power lines.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing steps it is taking to ensure compliance, including a description of how these steps protect its employees from compromising the minimum approach distance when traveling under power lines.

Date By Which Violation Must be Abated:

03/06/2013

A handwritten signature in black ink, appearing to read "Mark Hysell", is written over a horizontal line.

Mark Hysell
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
1310 W. Clairemont Avenue
Eau Claire, WI 54701
Phone: 715-832-9019 Fax: 715-832-1147



INVOICE / DEBT COLLECTION NOTICE

Company Name: Highway Technologies, Inc.
Inspection Site: Mile Marker 39, US Highway 94, Menomonie, WI 54751
Issuance Date: 02/26/2013

Summary of Penalties for Inspection Number	640558
Citation 1, Serious	\$28000.00
Citation 2, Willful	\$420000.00
TOTAL PROPOSED PENALTIES	\$448000.00

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 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 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 the 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.

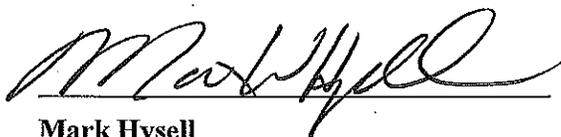
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts 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 one percent (1%). 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.

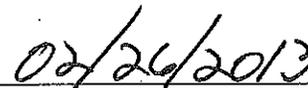
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per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



Mark Hysell

Area Director



Date