



US69 EXPRESS  
**CONSTRUCTORS**



**US69 EXPRESS CORRIDOR MODERNIZATION AND  
EXPANSION PROJECT  
PARTNERSHIP AGREEMENT**

12/18/2024

United States Department of Labor  
Occupational Safety and Health Administration (OSHA)

&

US69 Express Contractor Joint Venture  
(Ames Construction / Emery Sapp and Sons)

7400 W 129th St., #100  
Overland Park, KS 66213

## **I. Identification of Partners**

The partners in this Agreement will include the following:

- a. Occupational Safety and Health Administration, Wichita, KS Area Office
- b. The Kansas Department of Labor, Division of Industrial Safety and Health
- c. US69 Express Contractor Joint Venture, a joint venture between Ames Construction and Emery Sapp and Sons (“US69 Express JV”)

## **II. Purpose/Scope**

- a. The Wichita Area Office of the Occupational Safety and Health Administration (“OSHA”), the Kansas Department of Labor, Division of Industrial Safety and Health (“KDOL”), and US69 Express recognize the need for a safe and healthy jobsite. The goal of this OSHA Strategic Partnership (“OSP”) Agreement is to help ensure that a safe work environment will be provided for all employees working on the US69 Express Modernization and Corridor and Expansion Project (the construction of US69 in Overland Park, KS).
- b. The US69 Express Corridor Modernization and Expansion Project will seek to improve user safety by:
  - Promoting a transportation system that accommodates the needs for all users and modes;
  - Reducing long-term congestion on US69;
  - Adding Express Lanes for northbound and southbound traffic;
  - Reconstructing the 167th Street Interchange; and
  - Improving drainage along the corridor.
- c. The total cost for the project is estimated to be about \$570 million. The project started in the fall of 2022, and substantial completion is expected in the fall of 2025, with miscellaneous work and punch list items extending into summer of 2026.
- d. This partnership is designed to address potential construction hazards at this worksite and to promote and recognize contractors (trade partners) on-site that have demonstrated an effective safety and health program.
- e. Specifications and assignments within this Agreement do not relieve the trade partners from or lessen their safety and health responsibilities, nor change any contractual obligations between US69 Express JV or any of US69 Express JV’s trade partner(s), nor does it lessen any/all affirmative defenses, legal rights, or due

process afforded trade partners with respect to government agency enforcement action.

- f. This Agreement will serve to establish a cooperative effort in ensuring workplace safety and maintaining an open line of communication between OSHA, US69 Express JV, and all of the contractors on the worksite. This Agreement is consistent with OSHA's long-range efforts to develop a contractor/government partnership approach to safety management. It allows for better use of OSHA resources and innovation in safety management, as well as encouraging more participation in the safety process from the construction community.

### III. Goals/Strategies

OSHA has identified the top four causes of fatalities in construction. These are falls, struck by equipment or machinery, electrocution, and caught-in or between equipment or materials. The overall goal for this Agreement is to promote a zero-incident culture, where partners learn from near misses, minimize injuries and illnesses, and share industry best practices, resulting in a positive work environment for everyone who enters the site.

Additionally, the partners hope to create a working relationship that focuses on preventing work-related fatalities and injuries by establishing the foundation for an effective jobsite safety and health program, which results in timely control or elimination of serious workplace hazards.

Goals	Strategies	Performance Measures
Reduce the total number of injury and illness cases, thereby providing a safer and healthier work environment for workers at the project.	Review the OSHA 300 data of all project trade partners.	Total Case Incident Rate (“TCIR”)
Achieve zero fatalities.	Team will meet to discuss incident statistics and jobsite findings on a weekly basis.	Conduct an annual comparison of actual project injury and illness data to the baseline, which shall be the most current published BLS Data for NAICS 23. Note: The baseline rates for NAICS 23 are 2.4 for TCIR, 1.5 for Days Away Restricted or Transferred (DART), and 1.0 for Days Away From Work (DAFW) Rates.

Goals	Strategies	Performance Measures
Conduct job-site analyses.	Safety staff to engage in weekly safety reviews, as well as review Job Hazard Analysis (“JHA”) developed by all foremen.	Track safety reviews, inspections, and JHAs process and discuss/report findings and corrective actions (if any) at weekly meetings.
Hazard Prevention and Control – Implement innovative strategies to eliminate serious accidents, including the four primary construction hazards (falls, struck-by, caught-in, and electrical).	Team to engage in safety committee(s) at various levels to positively influence the project and foster safety learning and development.	Review safety committee findings at weekly meetings on-site. Document safety items noted during site walks.
Provide for general safety and health and job/task-specific hazard training.	Utilize orientation process, weekly safety meetings, New Employee Training program, as well as other trainings developed for the job.	Track training and review at weekly project meetings.
Provide for worker involvement.	Provide worker involvement / participation in safety observations program, weekly site safety meetings, site safety audits, and OSHA initiatives, including the National Fall Prevention Stand-Down, Safe and Sound Week, and Trench Safety Week.  Encourage questions and input by staff/craft.	Track weekly safety meeting attendance and participation in OSHA safety campaigns including the National Fall Prevention Stand-Down, etc.  Provide positive reinforcement for craft to be identified, tracked, and recognized.

Goals	Strategies	Performance Measures
Provide for diversity, equity, inclusion, and accessibility in the workplace.	<p>Provide safety and health information and training in the language that employees can understand.</p> <p>Conduct daily safety stand-up meetings.</p> <p>Encourage minority representation in the labor force at every jobsite.</p> <p>Encourage mentoring of minorities and women subcontractors on safety and health management systems in the workplace.</p>	<p>Document and track employee recognition of hazards in the workplace.</p> <p>Document all safety and health training provided to minorities or women subcontractors.</p> <p>Document all mentoring activities to minorities and women subcontractors.</p>

**Program Implementation Strategies**

US69 Express JV requires all partners on the US69 Express Corridor Modernization and Expansion Project to comply with the Site-Specific Safety Manual. Elements of this Manual include, but are not limited to, the following:

- a. Require that all workers on the project are provided a site-specific safety orientation prior to starting work. The orientation will include information on employee workplace rights and responsibilities.
- b. Ensure that a competent person will be provided for all tasks as required by OSHA standards and regulations.
- c. Require that trench plans, fall protection plans, emergency response plans, lift plans, and daily job hazard analysis be developed, reviewed, and documented prior to starting work as it relates to the contractor’s scope of work.
- d. Require that daily site safety inspections be conducted by US69 Express Project Safety Manager or another designated individual. All inspection findings and corrective actions will be documented, tracked, and communicated to all levels of workers on the project.

- e. Provide resources to conduct OSHA 10/30-hour outreach, JHA development, incident investigation, and other general construction safety training. Training will be provided periodically to project workers and management. Safety and health training will be conducted in Spanish as the need arises.
- f. Require and ensure that all tiered trade partners have effective drug/alcohol testing and return to work programs.
- g. Track and evaluate project safety performance, including developing and distributing “Lessons Learned” information.
- h. Require that health-related issues arising during the construction project are adequately addressed by the creating contractor with participation by US69 Express Project Safety Manager. An effective monitoring program will be implemented to assess exposures to health hazards. Control measures will be implemented when exposure exceeds permissible exposure limits.
- i. Provide recognition to trade partners that demonstrate the ability to provide a safe working environment.
- j. Require any contractor using tower or mobile cranes to demonstrate proper working conditions through inspections conducted by qualified crane inspectors prior to use. Maintain documentation of inspections at the project.
- k. Require that all crane operators be competent and certified to operate the specific crane in use. Maintain documentation at the project site to demonstrate competency.
- l. Require that all critical lifts be identified and develop and implement a plan to safely perform lifts prior to the lift.
- m. KDOL will provide consultation visits, health sampling, program review, training, implementation of safety and health management systems, and any other safety or health support as requested by the General Contractor US69 Express JV. A consultation visit would be a review of hazards and hazard abatement at the invitation of the General Contractor US69 Express JV.

#### **IV. Safety and Health Management System**

US69 Express JV uses Heavy Construction Systems Inc “(HCSS)” and “KPA Flex Software”, which are both online software with applications to help document safety, as part of their Safety and Health Program (“Program”). These applications give users access to their crew’s pre-shift JHAs, which foremen use daily. Safety observations, near miss reports, incident reports, and weekly inspections can also all be performed and tracked through these applications. Once an employee goes through a training, the training will also get uploaded to keep track of trainings. These applications will be monitored by onsite safety managers. Elements of this Program include, but are not limited to, the following:

### **Management Leadership**

- a. Communicate worksite policy on safe and healthful work and working conditions, so that all personnel with responsibility at the site fully understand the priority and importance of safety and health protection in the organization.
- b. Establish and communicate a clear goal for the Program and define objectives for meeting that goal, so that all members of the organization understand the results desired and measures planned for achieving them.
- c. Provide visible top management involvement in implementing the Program so that all employees understand management's commitment is serious.
- d. Assign and communicate responsibility for all aspects of the Program so that managers, supervisors, and employees in all parts of the organization know what performance is expected.
- e. Have the authority to enforce safety rules and regulations. This authority will include provisions to hold subcontractors and employees accountable and, if necessary, remove contractor employees from the job site.
- f. Provide adequate authority and resources to responsible parties so that assigned responsibilities can be met.
- g. Hold managers, supervisors, and employees accountable for meeting their responsibilities so that essential tasks will be performed.
- h. Review Program operations at least annually to evaluate their success in meeting the goals and objectives. Identify deficiencies and revise the Program and/or the objectives when they do not meet the goal of effective safety and health protection.

### **Worksite Analysis**

- a. Conduct periodic workplace inspections/audits for the purpose of identifying and correcting safety and health hazards. Fall, electrical, struck-by, and caught-between hazards will be documented and corrected. HCSS and KPA software will be used to document and track.
- b. Inspections/audits will be conducted as frequently as deemed necessary by the partners but in no case less than once every month.
- c. Analyze any new task, processes, materials, and equipment.
- d. Perform routine pre shift JHAs.
- e. Provide a reliable system for employees to notify management personnel about conditions that appear hazardous and to receive timely and appropriate responses.

Encourage employees to use the system without fear of reprisal. This system will utilize employee insight and experience in safety and health protection and allow employee concerns to be addressed.

- f. Investigate accidents and “near miss” incidents so that their causes and means of prevention can be identified.
- g. Maintain records of recordable injuries and illnesses as required by OSHA.
- h. Analyze injury and illness trends to identify work practice improvements or material modifications necessary to prevent accidents.

#### **Hazard Prevention and Control**

- a. Establish safe work practices and procedures that are understood and followed by all affected parties.
- b. Provide the required personal protective equipment.
- c. Maintain the facility and equipment to minimize hazards.
- d. Plan and prepare for emergencies, and conduct training and emergency drills as needed, to ensure that proper responses to emergencies will be “second nature” for all persons involved.
- e. Establish a medical program that includes first aid onsite, as well as nearby physician and emergency medical care, to ensure proper treatment of any injury or illness that occurs.

#### **Safety and Health Training**

- a. Instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his/her work environment to control or eliminate any hazards or other exposure to illness or injury.
- b. Train workers on fall protection, prevention of electrocutions, caught-between, and struck-by accidents.
- c. Ensure select personnel are trained in basic first aid and CPR.
- d. Train personnel in hazard communications.
- e. Make safety data sheets (SDSs) readily available to all employees.
- f. Train workers in any other aspects that will enable them to do their jobs safely.

### **V. Worker Involvement**

Worker involvement is an essential component of an effective safety and health Program.

- a. Arrange for and encourage employee involvement in the structure and operation of the Program and in decisions that affect their safety and health, so that they will commit their insight and energy to achieving the Program's goal and objectives.
- b. Ensure workers engage in the Program through participation in activities such as safety walkthroughs, weekly site safety meetings, site safety audits, task hazard analyses, and incident investigations (as appropriate), as well as OSHA initiatives, including the National Fall Prevention Stand-Down, Safe and Sound Week, and Trench Safety Week. The project team will also include participation in Construction Suicide Prevention Week. Supervisors and General Superintendents will also be trained in first aid/AED use.

## **VI. Performance Measures**

The effectiveness of this Agreement will be assessed quarterly, annually, and at the end of the project through the following performance measurements:

- a. OSHA recordable injuries and illnesses to determine the TCIR for the project site, as compared to the most recently published BLS rate for NAICS 23.
- b. The applicable number of employers, supervisors, and employees trained. All trade partners will be required to conduct and document weekly safety toolbox talks.
- c. The number of safety and health programs instituted.
- d. Outcome measures will be gathered monthly and will incorporate data to analyze the number of hours worked, number of injuries, illnesses, fatalities, and serious hazards found as a result of onsite audits, job site inspections, and OSHA inspection activity.
- e. Job site inspections will indicate the number of hazards observed and corrected by US69 Express JV and each affected trade partner.
- f. Near miss incidents and first aid cases will be tracked.

## **VII. Annual Evaluation**

The partnership will be evaluated on an annual basis using the Strategic Partnership Annual Evaluation Format measurement system, as specified in Appendix C of CSP 03-02-003, OSHA Strategic Partnership Program for Worker Safety and Health Directive.

US69 Express JV is responsible for gathering the data to evaluate and track the overall results and success of the partnership program.

The OSP evaluation committee, as outlined in Section X, is responsible for writing and submitting the annual evaluation report.

### **VIII. OSHA Verifications**

OSHA will verify compliance with this Agreement through the following types of activity:

- a. Off-site verifications may be performed by a designated OSHA Wichita Office staff member and by a representative of the KDOL. The off-site verifications will assist with maintaining the effectiveness of the partnership without entering the worksite and typically will include review of injury and illness data, jobsite self-inspections, and other data and reports.
- b. Quarterly on-site non-enforcement verifications will be conducted by a designated OSHA Wichita Office staff member and a representative of the KDOL to review and discuss the progress of the partnership. The review will typically include a presentation of site safety and health Program status and activities by US69 Express JV, followed by a walkthrough of the worksite. During these visits, serious hazards will be identified, and the implementation of safety and health management systems will be discussed. All serious hazards identified will be corrected immediately. If management refuses to correct the hazards, a referral will be made for an enforcement inspection.

### **IX. Incentives**

- a. Citations issued to site trade partners shall include maximum penalty reduction for good faith, as prescribed by CPL 02-00-164, Field Operations Manual (“FOM”), dated April 14, 2020, or the most current revision.
- b. Priority will be given to the utilization of “phone and fax” for safety and health complaints in lieu of on-site inspections. The scope of the phone and fax investigation process may not be expanded beyond what is allowed in the FOM.
- c. Other-than-serious violations observed and immediately abated during an OSHA visit shall not be cited.
- d. US69 Express JV and trade partners may contact the Wichita Area OSHA Office for clarification of safety and health related issues.
- e. Creating a working relationship between OSHA, US69 Express JV, and trade partners will enhance employee safety and health specific to this project and nationally through education and the sharing of best practices.

### **X. OSP Management and Operation**

An OSP evaluation committee made up of the signatories to the Agreement, or their designated appointees, will review contractor compliance and involvement in the partnership; analyze

jobsite audits; make partnership improvements; and evaluate partnership modifications, achievements, and success.

## **XI. Worker and Employer Rights**

This Agreement does not preclude employees and/or employers from exercising any right provided under the OSH Act, nor does it abrogate any responsibility to comply with rules and regulations adopted pursuant to the Act.

## **XII. OSP Term**

This Agreement shall be in effect until completion of the major construction activities. Should OSHA or US69 Express JV elect to withdraw from participation in the partnership, thirty (30) day's written notice of the intent to terminate shall be provided to the other participant. During this thirty-day period, the parties will have an opportunity to resolve any issues to avoid termination. Termination by either party shall constitute a cancellation of the partnership. In the event of a termination, each party agrees that it shall not, directly, or indirectly, contact the media regarding the termination, and it shall not discuss with the media any issues or matters regarding the termination. OSHA and US69 Express JV are the only entities that can terminate this partnership.

## **XIII. Signatures**

Based upon a mutual interest to protect construction workers, the parties below agree to the above terms on the OSHA/KDOL/US69 Express JV Partnership Agreement for the US69 Express Corridor Modernization and Expansion Project.

The date of this OSHA/KDOL/US69 Express JV Partnership Agreement is \_\_\_\_\_, 2024.

**Principal Participants:**

<b>Signatory</b>	<b>Signatory</b>
<hr/> <p>Todd Underwood Area Director</p> <p>Occupational Safety and Health Administration, Wichita Area Office</p>	<hr/> <p>-</p>
<hr/> <p>Michael Schley Assistant Midwest Regional Safety Manager Ames Construction</p>	<hr/> <p>Sawyer Junker Project Safety Manager Ames Construction</p>
<hr/> <p>Evaristo Gonzales Jr. Regional Safety Manager Emery Sapp &amp; Sons</p>	<hr/> <p>Rob Gullikson Senior Project Manager Ames Construction</p>
<hr/> <p>Keaton Bolinger Safety Manager Emery Sapp &amp; Sons</p>	<hr/> <p>Allen Vinyard Division Director Kansas Department of Labor, Division of Industrial Safety and Health</p>