



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: 19-02 (CPL 04-01) | **EFFECTIVE DATE:** October 1, 2018

SUBJECT: Regional Emphasis Program for Roadway Work Zone Activities

REGIONAL IDENTIFIER: Region VIII

ABSTRACT

- Purpose:** This Notice renews a Regional Emphasis Program (REP) to reduce the incidence of serious injuries and fatalities during roadway work zone construction activities in accordance with OSHA's Operating Plan.
- Scope:** This Notice applies to work zone construction activities in the jurisdiction of the Federal Area Offices in Region VIII.
- Reference:** OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Program (LEPs), November 10, 1999.
- Cancellations:** 18-02 (CPL 04-01) Regional Emphasis Program for Roadway Work Zone Activities
- State Impact:** None
- Action Offices:** Billings, Bismarck, Sioux Falls, Denver, and Englewood Area Offices
- Originating Office:** Denver Regional Office
- Contact:** Assistant Regional Administrator/Federal State Operations
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By and Under the Authority of:

Rita Lucero
Acting Regional Administrator, VIII

Executive Summary

Workers employed in the road construction industry face many hazards that can lead to serious injury, illness, and death. Incidents involving vehicles (both motorists and construction vehicles) are the main cause of occupational fatalities in this industry. Other hazards include fall from height, overexertion and struck by objects other than vehicles.

The intent of this renewed Regional Emphasis Program is to encourage employers to take steps to address these hazards, ensure work sites are evaluated to determine if the employer is in compliance with all relevant OSHA requirements, and to help employers' correct hazards, thereby reducing potential injuries, illnesses, and death for their workers.

OSHA in Region VIII proposes to accomplish this through outreach and enforcement activities. Outreach activities have and will continue to include seminars and training sessions with stakeholders, electronic information sharing activities through newsletters, and cooperative program agreements with industry associations. Enforcement activities will include, but not be limited to, the inspection of road construction work sites with review of traffic control plans and safety and health programs in order to identify and obtain corrections of workplace hazards at all applicable inspection sites.

TABLE OF CONTENTS

I.	Purpose	4
II.	Scope	4
III.	References	4
IV.	Cancellation.....	4
V.	Expiration Date	5
VI.	Action Office.....	5
VII.	Background	5
VIII.	Inspection Scheduling	5
IX.	Inspection Procedures	6
X.	Outreach	7
XI.	Partnerships	7
XII.	OIS Coding	7
XIII.	Program Report	7

- I. **Purpose:** The purpose of this Notice is to renew a Regional Emphasis Program (REP) for the programmed inspections of roadway work zones in accordance with the provisions of OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs (LEPs).
- II. **Scope:** This Notice applies to all street and highway work zones within each Area Office's jurisdiction within Region VIII.
- III. **References:**
 - A. OSHA Instruction CPL 02-00-160, Field Operations Manual (FOM), August 2, 2016, or the most recent version at the time of the inspection opening conference.
 - B. OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Program (LEPs), November 10, 1999.
 - C. OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, January 4, 1995.
 - D. OSHA Instruction CSP 03-02-003, OSHA Strategic Partnership Program for Worker Safety and Health, November 6, 2013.
 - E. October 18, 2002, OSHA Memorandum: Annual Evaluation of Local Emphasis Programs.
 - F. November 12, 2014, OSHA Memorandum: Establishments – Targeting Lists for Emphasis Programs.
 - G. Title 29 Code of Federal Regulations, Part 1926.
 - H. December 3, 2014, OSHA Memorandum: Procedures for Local and Regional Emphasis Programs.
 - I. OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, May 28, 1998; Appendix A, April 25, 2018, or the most recent version at date of inspection opening conference.
 - J. Bureau of Labor Statistics (BLS), National Census of Fatal Occupational Injuries, 1992 through 2016.
 - K. National Work Zone Safety Information Clearinghouse, Fatal Occupational Injuries at Road Construction Sites Report, Second Quarter, 2018.
- IV. **Cancellation:** 18-02 (CPL 04-01) Regional Emphasis Program for Roadway Work Zone Activities

- V. **Expiration Date:** This REP expires on September 30, 2019.
- VI. **Action Office:** Billings, Bismarck, Sioux Falls, Denver, and Englewood Area Offices
- VII. **Background:** Each year, more workers die in the construction industry than in any other sector. The goal of the REP, through direct intervention, is to both educate employers and employees about work zone hazards and reduce occupational fatalities, injuries, and illness that are occurring in roadway work zones.

The National Work Zone Safety Information Clearinghouse reports that highway and street construction workers are at risk of fatal and serious nonfatal injury when working in the vicinity of passing motorists, construction vehicles, and equipment. Each year, hundreds of workers are killed and thousands are injured in the highway and street construction industry. Based on the 2018 Fatal Occupational Injuries at Road Construction Sites Report between 2011 and 2016, 532 construction workers were killed at road construction sites, more than twice as many fatalities as all other industries combined. Fifty-three employees were fatally injured in Region VIII between 2003 and 2015. In 2013 alone, thirty-four employees were fatally injured in highway work zones within Region VIII. In addition to the fatal events described above, serious non-fatal injuries also occur in highway construction due to overexertion, falls, and being struck by other objects.

According to the 2015 National Census of Fatal Occupational Injuries, fatal highway incidents are the most frequent type of fatal workplace events. The 2015 BLS Economic News Release states, "Roadway incident fatalities were up 9 percent from 2014 totals, accounting for over one-fourth of all fatal injuries in 2015. 2016 BLS data showed 69 fatalities occurred in NAICS 237310, Highway, Street and Bridge Construction, relating to work zone activities.

VIII. **Inspection Scheduling:**

A. **Selection of Sites for inspection:** Due to the unique and variable conditions associated with roadway construction, each area office will select sites for inspection in a particular manner as set forth below. (Each area office will also, however, select sites for inspection pursuant to paragraph VIII.B. below.)

1. **Denver (DAO) and Englewood (EAO) Offices:** The Area Director will, as resources allow, develop a list of roadway work zone sites within the Area Office's jurisdiction. The list will be developed from the Colorado Department of Transportation (CDOT) Home Page <http://www.coloradodot.info/> of Scheduled Lane/Road Closures. The Current Condition Page www.coloradodot.info/travel/scheduled-lane-closures.html provides access to the most recent information about conditions on Colorado's highways, including a "week at a time" schedule of Lane/Road Closures.

When an inspection cycle list is needed the Area Director will determine the number of work sites that will be included in the cycle. The Area Director

will then compile a list that includes all the roadway work sites then found on the above DOT lists by quadrant. The compiled list of roadway work zone sites will be reviewed and all sites that are outside the area office's territorial jurisdiction will be deleted.

A random numbers table will then be applied to create a list of work sites in accordance with the November 12, 2014, Memorandum: Establishments-Targeting Lists for Emphasis Programs. The Area Director will then select from the randomized list the number of sites required for the inspection cycle. The selected sites will be scheduled for inspection. All selected sites will be inspected, unless the deletion criterion (described below) applies to a selected site. (The Denver and Englewood Area Offices will also inspect certain additional sites as described in paragraph VIII.B. below.)

2. **Billings, Bismarck, and Sioux Falls Area Offices:** The Billings, Bismarck, and Sioux Falls Area Offices will select worksites for inspection based on the selection method set forth in paragraph VIII.B. below (CSHO observation of a serious hazard in a roadway work zone).

- B. **Sites also to be inspected whenever a serious hazard is observed.** (This is the primary selection method for the Billings, Bismarck, and Sioux Falls Area Offices, and is an additional selection method for all other area offices.) Each Area Office will also select worksites for inspection based on a Compliance Safety and Health Officer's (CSHO's) observation of a serious hazard in a roadway work zone. If, in the normal course of travels, a CSHO observes a serious hazard during work activities in the roadway within the Area Office's jurisdiction, the CSHO will call the Area Office to inform the Area Director or other supervisor of their intent to conduct the inspection.
- C. **Additions:** Additions to all lists generated will be made in accordance with November 12, 2014 OSHA Memorandum Subject: Establishments-Targeting Lists for Emphasis Programs.
- D. **Deletions:** Each area office will maintain a list of sites that are inspected. Before directing an inspection pursuant to section VIII.A, above, the Area Director will determine whether the subject site has had a programmed inspection within the last 90 days. If so, that site will not be the subject of a programmed inspection during the current cycle unless a serious hazard is observed, in which case, an inspection will be authorized. Any work zone site on a current cycle that has not been inspected by the time this notice expires shall be included in the alphabetical list generated the following year, provided this notice is renewed for the following fiscal year and such work zone is still in existence.

IX. **Inspection Procedures:**

- A. Only those CSHO's who have been trained in the recognition and abatement of

hazards specific to the roadway work zones will be assigned to lead these inspections.

- B. Designated CSHOs will be provided with and use appropriate PPE, including high visibility vests and amber safety lights.
- X. **Outreach:** The Area Offices have conducted and will continue to provide outreach on hazards in the highway, street and bridge construction industry. Outreach has been in the form of speeches, training seminars, and newsletters to groups identified by the Compliance Assistance Specialist (CAS) and CSHOs.
- XI. **Partnerships:** Partnerships may be developed with the covered employers in accordance with OSHA Instruction CSP 03-02-003, OSHA Strategic Partnerships for Worker Safety and Health.
- XII. **OIS Coding:** Inspections conducted under this REP will be identified in the OSHA Information System (OIS) as follows:
 - A. Current instructions for completing the appropriate inspection classification boxes on the OIS Inspection Form will be followed.
 - B. Inspections which are targeted as a result of this REP will be coded as “WORKZONE” in the *Local Emphasis Program* block and as “Programmed Planned” in the *Initiating Type* block.
 - C. Inspections involving work zone safety issues which are initiated as a result of a complaint, referral by another agency, fatality/catastrophe or other programmed activity will be coded as “WORKZONE” in the *Local Emphasis Program* block, and as the appropriate unprogrammed activity in the *Initiating Type* block.
- XIII. **Program Report:** Upon expiration of the REP, the Area Offices will provide a report of this program to the Regional Office no later than October 31, 2019. The effectiveness will be reported using the “Program Evaluation Items for Local Emphasis Programs (LEPs),” located in Appendix A of CPL 04-00-001 and the Directorate of Enforcement Programs’ memorandum dated October 18, 2002 for Annual Evaluations of Local Emphasis Programs. The Regional Office will submit one evaluation of this program to the National Office.

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