



## CHAPTER 17

# SAFETY

The Contractor is responsible for providing a safety program that provides a safe work-place for its workers, other workers on the Project, Agency employees, Agency repre-sentatives, and the public. That program must fulfill the requirements of the Contract as well as all applicable laws and regulations concerning safety, health, and sanitation standards. See Contractor safety standard, STD96002 for additional responsibility infor-mation. The Contractor may also be held responsible for the safety program and prac-tices of each of its Subcontractors.

The primary responsibility for enforcing safety and health law rests with the Oregon Oc-cupational Safety and Health Division (OR-OSHA). Its representatives will inspect work sites if they receive complaints of hazardous conditions.

### 17-1 Drug Testing Program

Subsection 00170.74 of the Contract and ORS 279C.505(2) require the Contractor to have in place and maintain throughout the life of each Project, an employee drug test-ing program. The Contractor will also require its Subcontractors to have an employee drug testing program.

The Resident Engineer (RE) is not responsible for monitoring the Contractor's drug test-ing program. However, the Agency may audit, review, or request a copy of the Contrac-tor's drug testing program. If the RE is aware of problems or incidents, the RE should notify the Contractor or other authorities.

## 17-2 Project Safety

The RE oversees Contractor compliance with the Contract requirements, such as Temporary Protection and Direction Traffic Control. The RE will require the Contractor to complete the ODOT Safety Questionnaire for Contracted Construction Projects and submit to the RE prior to the Pre-Construction Conference. [See Exhibit 17(A).] This form is available at the Construction Forms webpage.

[Refer to Chapter 11 – Before On-Site Work Can Begin, Section 11-2 Pre-construction Conference.]

If the RE notes a safety violation, it should be brought to the attention of the Contractor's Superintendent. If the violation is corrected, this event should be noted in the Project diary or on the General Daily Progress Report, and no further action is required.

If the RE detects or is aware of a safety violation that presents an imminent danger, and the Contractor fails to take immediate corrective action, the RE should order that Work be suspended until the hazard is eliminated. Contact the ODOT Region Safety Manager for advice and guidance. This event should also be noted in the RE's diary or on the General Daily Progress Report.

All employees should be alert for potential danger at all times. Plan ahead so that you do not place yourself in dangerous situations. Look out for your safety, as well as that of other workers and the public. Everyone at the Project Site must comply with the safety requirements of the Contractor, including requirements for hard hats, safety glasses, etc.

Monitor traffic control, devices, and movement of traffic frequently to detect unsafe conditions or situations. Assure that the Contractor is properly maintaining traffic control and devices. If a deficiency is noted, bring it to the immediate attention of the Contractor. The RE should suspend the Contractor's operations if the Contractor does not correct unsafe conditions in a timely and proper manner.

The RE must address the issue of safety when completing the Prime Contractor Performance Evaluation. [Refer to Chapter 34 - Contractor Performance Evaluation.]

## 17-3 Work Zone Law Enforcement

Work Zone Law Enforcement (WZLE) is a direct project charging program run by Transportation Safety Office (TSO). Law Enforcement use in work zones is intended to make the work zone safer for workers and the traveling public by waking drivers up and slowing drivers down. WZLE can be identified on the [WZLE Decision Tree](#) throughout the project lifecycle, starting with scoping. If WZLE hasn't been identified by project by award (using the pre-award process), but it is needed, Resident Engineers (REs) will need to follow the full 30 step process outlined on the "'to be' 30-Step Process" tab in the [WZLE Workbook](#).

The workbook contains 30 breakout tabs as well as 15 program tabs and a tab on Frequently Asked Questions. One breakout tab for each step in the WZLE process to provide additional information, sub steps, contacts, resources, links, and forms.

### **When a Force Order has been approved for WZLE on a project**

The RE will communicate with Law Enforcement (LE):

1. Invite LE to the pre-con meeting (S17 – Invite LE Pre-Con Meeting) (S19 – Pre-Con Meetings).
2. Strategize WZLE placement with LE (S17).
3. Discuss Work Zone schedule and communicate any changes to schedule with LE (S20 – Communicating WZ Changes).
4. Ensure WZLE presence in Work Zone is captured in daily logs (S21 – Record LE in Daily Report).

The RE will approve and pay invoices:

1. Region Transportation Safety Coordinator (RTSC) will receive invoices from LE and provide initial review (S23 – Submit WZLE Invoice) (S23 – WZLE Invoice Example) (S24 – Review & Approve Invoice).
2. RTSC will send invoices to RE (S25 – Invoice sent to Cost Off).
3. RE will make final approval of invoice (S26 – Pay using WZLE subjob).
4. RE will make payment of the invoice using the WZLE EA/subjob and State Force Order (S15 – Anticipated Items @ PS&E) (S18 – State Force Order).

When WZLE is identified during construction –

1. RE will estimate WZLE needs using the Work Zone Decision Tree and identify funding (S1 – Identify WZLE Needs) (S2 – Estimate WZLE Hours) (S3 – Calculate WZLE Cost) (S4 – Identify Funding Source).
2. RE will notify RTSC (S5 – Request RTSC identify LEA) RTSCs are identified on Step S5.
3. RTSC will communicate WZLE needs with LE and set up a WZLE work order (Step S6 through Step S14).
4. RE will request specific WZLE EA/subjob set up by STIP Coordinator (S4 Row 79).
5. RE will fill out Post-Award LPIF (S15 – Anticipated Items @ PS&E).
6. RE will execute Force Order (S18 – State Force Order).
7. LE requests at least 3 weeks advance notice for scheduling resources.

The Transportation Safety Office (TSO) and Project Management Office (PMO) have developed various WZLE reports. The RE will review the [WZLE Needs Identification](#) report to verify all known WZLE needs have been communicated to RTSC and set up between ODOT and LE Agencies. The WZLE Program Manager will review WZLE EA / Sub Job Error report and contact RE if WZLE sub job isn't set up correctly (see post-award process on step 15).

If you have any questions or need further information, the WZLE Program Manager and the Region Transportation Safety Coordinators are identified on the "Contacts – Questions" tab on the [WZLE Workbook](#).

## **17-4 Accident Investigation and Reporting**

When a serious or fatal accident involving the traveling public or a pedestrian occurs within the limits of a construction Project, the RE or Inspector must investigate the accident to:

8. Ensure that the traffic control was and is operating adequately and properly. If the Inspector was not at the Project Site when the accident occurred, the Inspector should discuss the situation with the Contractor to ensure that traffic control was proper. If the traffic control needs to be modified, the RE or Inspector must ensure that it is done immediately by the Contractor.
9. Record information that will allow the Agency to adequately defend itself in the event of legal action or an insurance claim. If possible, take pictures and/or video of the accident site. Agency personnel may also be called to testify in private legal actions about conditions at the time of an accident.

The Inspector and/or RE should record all information related to the accident in the General Daily Progress Report and/or the RE's Diary, including:

1. Date, time, and location of accident.
2. Description of vehicles, names of drivers, occupants, or pedestrians (if known).
3. Condition of roadway and traffic at time of accident.
4. Traffic control configuration at time of accident, including description of Contractor Work activities.
5. Location and description of traffic control devices in the vicinity of the accident or that may have contributed to the accident.
6. Any changes that are made to traffic control because of the accident must also be described.
7. Complete a Report of Motor Vehicle Accident or Hazardous Material Incident Observed or Investigated by Employee, form 734-3589, when required or requested to do so by others.

8. Complete an investigation and Report of Damage to Highway Structure, form 734-3373. Submit the form, along with any accident photos and police reports to the Claims Against Others (CAO) Coordinator. Any questions regarding this process should be directed to the CAO Coordinator. [Refer to Chapter 31 – Protection of Work / Responsibility for Damages.]

In addition, you may be required to provide:

1. A listing or diagram of temporary and permanent signs, with their legends, and their locations in the vicinity of the accident.
2. A listing or diagram of locations of other traffic control devices, including arrow boards, changeable message signs, lane transitions, etc.
3. A description of the condition of pavement markings in the vicinity of the accident.
4. Color photographs of the area around the accident site to depict the conditions at the time of the accident.
5. A copy of any accident report that the law enforcement officer may have completed.

If Agency personnel are at the accident site, they may:

1. Assist in providing first aid if properly trained and/or getting medical help, if needed.
2. Assist in arranging for traffic control unless law enforcement officers have taken over traffic control.

In summary, the RE must ensure, when an accident occurs within a construction Project, that:

1. Traffic control is modified or improved, if needed, to improve traffic movement.
2. Adequate information is recorded to allow the Agency to defend itself, or present information when requested, in legal action. This information is also public information. Upon request, the Agency must produce it in a Public Records Request. The RE should contact the Contract Administration Engineer (CAE) for questions or concerns regarding Agency liability of such a request.

