



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 04-00 (LEP 014) | **EFFECTIVE DATE:** October 1, 2004
SUBJECT: Local Emphasis Program (LEP) for Road Construction Work Zone Activities

REGIONAL IDENTIFIER: Region V

ABSTRACT

Purpose: To continue a Local Emphasis Program (LEP) for inspections of road construction work zone activities in accordance with the provisions of OSHA CPL 2-0.102A - Procedures for Approval of Local Emphasis Programs (LEPs).

Scope: Region V Federal Enforcement Offices

References: CPL 2-0.102A - Procedures for Approval of Local Emphasis Programs (LEPs); OSHA CPL 2.103 Field Inspection Reference Manual (FIRM); OSHA TED 8-0.2 OSHA Strategic Partnerships for Worker Safety and Health

Cancellations: None

State Impact: None

Action Offices: Region V Federal Enforcement Offices

Originating Office: Enforcement Programs

Contact: Assistant Regional Administrator
Enforcement Programs
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By and Under the Authority of
Michael G. Connors
Regional Administrator

1. Purpose: The purpose of this Notice is to continue a Local Emphasis Program (LEP) for the programmed inspections of road construction work zones in accordance with the provisions of OSHA Instruction CPL 2-0.102A, Procedures for Approval of Local Emphasis Programs (LEPs).
2. Scope: This Notice applies to road construction work zones within the jurisdiction of Region V.
3. References:
 1. OSHA CPL 2.25I Scheduling System for Programmed Inspections
 2. OSHA CPL 2-0.102A - Procedures for Approval of Local Emphasis Programs (LEPs)
 3. OSHA TED 8-0.2 OSHA Strategic Partnerships for Worker Safety and Health
4. Expiration: This LEP expires on September 30, 2005, but may be renewed on an annual basis.
5. Background:
 1. The Transportation Equity Act of the 21st Century (TEA-21) represented a significant investment (\$218 billion in construction improvement projects) in urgently needed reconstruction and maintenance of existing infrastructure under traffic. Construction work zones will be established in high congestion, high speed locations where the public is already stressed by the length and tension of commutes and travel times, and construction workers will be at greater risk. It is estimated that construction work zones are likely to appear as frequently as every 30 to 40 miles on the interstates. The general public is not fully aware of the probable impact on their daily routine. Gridlock has already occurred in many of the large metropolitan areas following major incidents.
 2. Construction workers in general have one of the highest fatality rates of any industry. Highway construction workers are at even greater risk because they not only are exposed to the same hazards that are typically found in commercial or residential construction, but also because they may become the victim of a car or truck crash. A NIOSH study found that 1 of 3 workers killed in construction work zones were struck by motorists (mostly truck-related).
 3. OSHA data shows that over the past 5 years there have been 54 fatalities in Region V involving employees working on road construction sites. The majority of these fatalities were the result of employees being struck by highway and construction vehicles. Employees working on road construction sites also face hazards from crane use, trenching activities, falling from heights, lead exposure,

silica exposure, and numerous other safety and health hazards. In addition to the large, long-term construction projects that exist, there are many small scale, short duration road construction projects that take place throughout Region V.

6. Inspection Scheduling:

1. The Area Director will develop a list of road construction work zone sites within the Area Office's jurisdiction. The list will be developed using sources of local knowledge which may include the UTENN listings, Dodge Reports or other sources. The Area Director may set a minimum contract dollar amount for inclusion on the list.
2. The Area Director will schedule randomly selected enforcement inspections from this list as follows.
 1. The list of road construction work zones will be reviewed and deletions will be made in accordance with the deletion criteria in CPL 2.25I. The corrected list will be sorted by company name in alphabetical order. If there is more than one listing for a company, it will be sorted by city name in alphabetical order. Random numbers will be assigned to the alpha list of companies, using a random number table. The list will be resorted in ascending order of random numbers assigned resulting in a list of sites for inspection.
 2. This random list will be divided into cycles of five for scheduling purposes. The sites within the cycle may be inspected in any order which maximizes the utilization of available resources. Each inspection cycle shall be completed before another cycle is begun.
 3. Due to the transitory nature of the activities, road construction work zones where serious hazards are observed by CSHOs will be added to the active cycle regardless of dollar amount, and may be inspected as part of that cycle.

7. Inspection Procedures:

1. Inspections will be conducted beginning in October 2003 and will be conducted in accordance with the FIRM.
2. Only those CSHOs who have been trained in the recognition and abatement of hazards specific to road construction work zones will be assigned these inspections.
3. Designated CSHOs will be provided with and use appropriate PPE, including high visibility vests and amber safety lights.

8. Outreach:

1. No new outreach activities are being initiated by this LEP.
2. Area Offices will support existing outreach efforts, including providing training on the content of this directive.

9. Partnerships:

1. Each State is free to develop a partnership in accordance with the TED 8-0.2.
2. Partnerships may include incentives such as:
 1. Outreach information and assistance during the initial implementation phase of a Partnership;
 2. Priority consideration for onsite consultative services provided by OSHA's 21(d) Program;
 3. Programmed inspections that focus on the most serious hazards prevailing at the partnering workplaces;
 4. Penalty reductions calculated in accordance with agency procedures in the Field Inspection Reference Manual (FIRM) that provide good-faith reductions for effective safety and health programs;
 5. Agreement about ways the parties may provide positive publicity about the partnership and the partnering establishments; and
 6. Providing technical assistance will be a valuable component in many partnerships.

10. IMIS Coding:

1. Inspections which are targeted as a result of this LEP will be coded as ROADCON in block 25c. and as Programmed Planned in block 24.
2. Inspections which are initiated as a result of a complaint, referral by another agency, or fatality/catastrophe will be coded as ROADCON in block 25c., and as the appropriate unprogrammed activity in block 24.
3. Inspections which are conducted as a result of the inspections initiated in a and b above will be coded as ROADCON in block 25c. and Programmed Related or Unprogrammed Related in block 24.

11. Program Evaluation:

1. Area Offices will prepare a written evaluation of this LEP in the format specified by OSHA Instruction CPL 2-0.102A - Procedures for Approval of Local Emphasis Programs (LEPs) Appendix A. Evaluations will be submitted annually. The evaluation will include a recommendation for the continuance or elimination of the LEP.