

6 Struck By—Insp # 1748341 Rocky Top Tours Inc.

A 31 year old male was asked to shut off the water to the heater hoses of a bus. As the victim did so the bus driver remained in the driver's seat with the vehicle running. The vehicle was positioned on a level, well-maintained surface. The necessary valve to close the water was located underneath the bus, requiring the victim to crawl underneath the vehicle to access the valve. No wheel chocks were used at the time of the incident. The employer did not have any written procedures for control of potentially hazardous energy sources such as the motorized bus. While underneath the bus, the vehicle lunged forward striking the victim. The victim was transported to the hospital and pronounced dead.

Citation(s) as Originally Issued

A complete inspection was conducted at the accident scene. Some of the items cited may not directly relate to the fatality.

Citation 1 Item 1 Type of Violation: Serious

29 CFR 1910.147(c)(1): Energy control program. The employer shall establish a program consisting of energy control procedures, employee training and periodic inspections to ensure that before any employee performs any servicing or maintenance on a machine or equipment where the unexpected energizing, startup or release of stored energy could occur and cause injury, the machine or equipment shall be isolated from the energy source and rendered inoperative.

In that the employer did not have an energy control program and an employee was exposed to run-over and struck-by hazards while working under a running bus with the operator in the driver's seat.

Proposed Penalty: \$7000.00

Citation 2 Item 1 Type of Violation: Other-than-Serious

TDLWD Rule 0800-01-03-.05(1)(a)1: An oral report of an employment accident resulting in a fatality was not made within eight hours after the occurrence to the nearest Area Office of the Division of Occupational Safety and Health or to TOSHA toll free telephone number (1-800-249-8510).

In that the employer did not report the fatal injury that occurred to one of its employees on 5/9/2024 as a result of injuries sustained during an incident on 5/9/24 at approximately 4:00 p.m. TOSHA received information from the media the following day and contacted the employer.

Proposed Penalty: \$2500.00

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