

23. Struck by Vehicle

A **28-year-old** crew leader was killed while picking up litter along the side of a state road. The victim and his three man crew were assigned to pick up litter along the road. The victim was the driver of the company truck used in the project. He set up a mobile work zone for his crew approximately two miles in length with a “Litter Ahead” sign placed at each end of the work zone to alert drivers that the work was going on. He stopped the truck periodically to allow his crew members out to pick up litter and then he picked up the bagged litter and the crew members when they finished a section of the roadway. At one point, the victim stopped on the shoulder of the road, exited the truck, and crossed the road to pick up some cardboard boxes on the side of the west bound lane. He waited on the shoulder for traffic to pass and an automobile stopped in the west bound lane to allow him to cross. At the same moment, a dump truck carrying a load of sand was approaching the stopped car from the rear. The truck driver swerved to the right to avoid hitting the stopped automobile and locked the brakes of his truck. The dump truck sideswiped the passenger rear corner of the automobile, skidded off the highway, slid through a concrete drainage ditch and hit the embankment beyond the ditch. The impact caused the dump truck to flip over and the rear axle broke free from the chassis and drive train of the truck. Meanwhile, the crew members were yelling to the victim to get out of the way. However, he was not able to avoid being struck by the rear axle of the dump truck. The bed of the dump truck came to rest on the victim’s lower extremities. His injuries were fatal.

Citation(s) as Originally Issued

Citation 1

Item 1 T.C.A. 50-3-105(1)	The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that the employer did not equip the truck with strobe lights or rotating lights visible when facing the front of the truck.
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Citation 2

TDL Rule 0800-1-3-.05(1)(a)	An oral report of an employment accident resulting in a fatality or the inpatient hospitalization of three or more employees was not made within eight (8) hours after the occurrence to the nearest Area Office of the Division of Occupational Safety and Health or to the TOSHA toll-free central telephone number (1-800-249-8510).
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See Photo on Next Page



Incident site showing skid marks made by dump truck