

State of California  
Division of Occupational Safety and Health  
CAL/OSHA DISTRICT OFFICE  
2424 Arden Way, Suite 165  
Sacramento, CA 95825  
Phone: (916) 263-2800 Fax: (916) 263-2798



## Citation and Notification of Penalty

**To:**  
**Disney Construction Inc.**  
and its successors  
859 Cowan Road #3  
Burlingame, CA 94010

**Inspection Number:** 317251106  
**Inspection Date(s):** 05/30/2014 11/03/2014  
**Issuance Date:** 11/04/2014  
**CSHO ID:** K4874  
**Optional Report #:** 082-14  
**Reporting ID:** 0950621

**Inspection Site:**  
4540 Putah Creek Road  
Winters, CA 95694

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

**This Citation and Notification of Penalty** (hereinafter Citation) is being issued in accordance with California Labor Code Section 6317 for violations that were found during the inspection/investigation. **This Citation or a copy must be prominently posted upon receipt by the employer at or near the location of each violation until the violative condition is corrected or for three working days, whichever is longer.** Violations of Title 8 of the California Code of Regulations or of the California Labor Code may result in some instances in prosecution for a misdemeanor.

**YOU HAVE A RIGHT** to contest this Citation and Notification of Penalty by filing an appeal with the Occupational Safety and Health Appeals Board. To initiate your appeal, you **must** contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of this Citation. If you miss the 15 working day deadline to appeal, the Citation and Notification of Penalty becomes a final order of the Appeals Board, not subject to review by any court or agency.

**Informal Conference** - You may request an informal conference with the Manager of the District Office which issued the Citation within 10 working days after receipt of the Citation. However, if the citation is appealed, you may request an informal conference at any time prior to the day of the hearing. Employers are encouraged to schedule a conference at the earliest possible time to assure an expeditious resolution of any issues. At the informal conference, you may discuss the existence of the alleged violation, classification of the violation, abatement date or proposed penalty.

Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an agreement which resolves this matter without litigation or contest.

## **APPEAL RIGHTS**

The Occupational Safety and Health Appeals Board (Appeals Board) consists of three members appointed by the Governor. The Appeals Board is a separate entity from the Division of Occupational Safety and Health (Division) and employs experienced attorneys as administrative law judges to hear appeals fairly and impartially. To initiate an appeal from a Citation and Notification of Penalty, you must contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of a Citation. After you have initiated your appeal, you must then file a completed appeal form with the Appeals Board, at the address listed below, for each contested citation. Failure to file a completed appeal form with the Appeals Board may result in dismissal of the appeal. Appeal forms are available from district offices of the Division, or from the Appeals Board:

Occupational Safety and Health Appeals Board  
2520 Venture Oaks Way, Suite 300  
Sacramento, CA 95833  
Telephone: (916) 274-5751 or (877) 252-1987  
Fax: (916) 274-5785

If the Citation you are appealing alleges more than one item, you must specify on the appeal form which items you are appealing. You must also attach to the appeal form a legible copy of the Citation you are appealing.

Among the specific grounds for an appeal are the following: the safety order was not violated, the classification of the alleged violation (e.g., serious, repeat, willful) is incorrect, the abatement requirements are unreasonable or the proposed penalty is unreasonable.

**Important:** You must notify the Appeals Board, not the Division, of your intent to appeal within 15 working days from the date of receipt of the Citation. Otherwise, the Citation and Notification of Penalty becomes a final order of the Appeals Board not subject to review by any court or agency. An informal conference with the Division does not constitute an appeal and does not stay the 15 working day appeal period. If you have any questions concerning your appeal rights, call the Appeals Board, (916) 274-5751 or (877) 252-1987.

## PENALTY PAYMENT OPTIONS

Penalties are due within 15 working days of receipt of this Citation and Notification of Penalty unless contested. If you are appealing any item of the citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form for payment.

If you are paying electronically, please have the Penalty Remittance Form on-hand when you are ready to make your payment. The company name, index code, reporting ID, and Citation number(s) will be required in order to ensure that the payment is accurately posted to your account. Please go to [www.dir.ca.gov/dosh](http://www.dir.ca.gov/dosh) to access the secure payment processing site.

If you are paying by check, return one copy of the Citation, along with the Notice of Proposed Penalties Sheet and the Penalty Remittance Form and mail to:

Department of Industrial Relations  
Cashier, Accounting Office  
P. O. Box 420603  
San Francisco, CA 94142-0603

CAL/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

## NOTIFICATION OF CORRECTIVE ACTION

For violations which you do not contest, you should notify the Division of Occupational Safety and Health promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation and Notification of Penalty. Please inform the District Office listed on the Citation by submitting the CAL/OSHA Form 160 and/or 161 with the abatement steps you have taken and the date the violation was abated, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc. The adjusted penalty for serious and general violations **has already been** reduced by 50% on the presumption that the employer will correct the violations by the abatement date." **If the CAL/OSHA Form 161 is not received in the District Office within 10 days following the abatement date, the abatement credit is revoked, causing the penalty to double.**

**Note: Return the CAL/OSHA Form 160/161 to the District Office listed on the Citation and as shown below:**

Division of Occupational Safety and Health  
2424 Arden Way, Suite 165  
Sacramento, CA 95825  
Telephone: (916) 263-2800

## EMPLOYEE RIGHTS

**Employer Discrimination Unlawful** - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under Labor Code Section 6310 or 6311. An employee who believes that he/she has been discriminated against may file a complaint no later than six (6) months after the discrimination occurred with the Division of Labor Standards Enforcement.

**Employee Appeals** - An employee or authorized employee's representative may, within 15 working days of the issuance of a citation, special order, or order to take special action, appeal to the Occupational Safety and Health Appeals Board the reasonableness of the period of time fixed by the Division of Occupational Safety and Health (Division) for abatement. An employee appeal may be filed with the Appeals Board or with the Division. No particular format is necessary to initiate the appeal, but the notice of appeal must be in writing.

If an Employee Appeal is filed with the Division, the Division shall note on the face of the document the date of receipt, include any envelope or other proof of the date of mailing, and promptly transmit the document to the Appeals Board. The Division shall, no later than 10 working days from receipt of the Employee Appeal, file with the Appeals Board and serve on each party a clear and concise statement of the reasons why the abatement period prescribed by it is reasonable.

Employee Appeal Forms are available from the Appeals Board, or from a District Office of the Division.

**Employees Participation in Informal Conference.** Affected employees or their representatives may notify the District Manager that they wish to attend the informal conference. If the employer objects, a separate informal conference will be held.

## DISABILITY ACCOMMODATION

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the programs of the Division of Occupational Safety and Health, should contact the Disability Accommodation Coordinator at the local district office or the Statewide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The Statewide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on-computer-disk, and audio-cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing or conference.

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Division of Occupational Safety and Health  
RID 0950621 Index 4021  
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**Inspection Number:** 317251106  
**Inspection Dates:** 05/30/2014 - 11/03/2014  
**Issuance Date:** 11/04/2014  
**CSHO ID:** K4874  
**Optional Inspection Nbr:** 082-14



Phone: (916) 263-2800 Fax: (916) 263-2798

**Citation and Notification of Penalty**

**Company Name:** Disney Construction Inc.  
**Inspection Site:** 4540 Putah Creek Road, Winters, CA 95694

**Citation 1 Item 1 Type of Violation: **Regulatory****

T8 CCR 1613.5(a)(3): Cranes and Derricks in Construction. Inspections - Periodic. Periodic inspections shall be conducted at least four times a year. The annual certification, as required by General Industry Safety Orders, Sections 5021(a) and Construction Safety Orders Section 1613.6, can serve as one of the required periodic inspections. The periodic inspections shall be evenly spaced or as close to evenly spaced as scheduling permits through the year. Cranes shall not be operated more than 750 hours, between periodic inspections. An inspection record shall be maintained which includes the date of the inspection, the signature of the person who performed the inspection, and the serial number or other identifier of the crane inspected, the items checked and the results of the inspection. The most recent inspection record shall be maintained on file.

During an inspection related to an accident which occurred on May 30, 2014, at a construction site located near 4540 Putah Creek Road, Winters, CA, the Cal/OSHA program was not provided with the most recent periodic inspection records for a Link Belt HC238 crane which was being operated by employees of Disney Construction Inc.

Date By Which Violation Must be Abated: Abated  
Proposed Penalty: \$ 375.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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**Citation and Notification of Penalty**

**Company Name:** Disney Construction Inc.  
**Inspection Site:** 4540 Putah Creek Road, Winters, CA 95694

**Citation 1 Item 2 Type of Violation: Regulatory**

T8 CCR 1610.9(a)(2): Cranes and Derricks in Construction. Equipment over Three Tons Rated Capacity. All cranes and derricks used in lifting service, exceeding three tons rated capacity, and their accessory gear shall not be used until the employer has ascertained that such equipment has been certificated as evidenced by current and valid documents attesting to compliance with the following: Certificates attesting to current compliance with testing and examination standards of requirements shall be maintained for each crane or derrick and shall be in a form acceptable to the Division. (See Section 4885, Plate V.) A copy of such certification shall be available with each crane and derrick or at the project site.

On or about May 30, 2014, Disney Construction Inc. with employees working at a construction site located near 4540 Putah Creek Road, Winters, CA, had been operating a Link Belt HC238 250,000lb crane for lifting service which was not certified and current on compliance with testing and examination standards.

Date By Which Violation Must be Abated:	Abated
Proposed Penalty:	\$ 375.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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**Citation and Notification of Penalty**

**Company Name:** Disney Construction Inc.  
**Inspection Site:** 4540 Putah Creek Road, Winters, CA 95694

**Citation 1 Item 3 Type of Violation: General**

T8 CCR 1616.6(h)(1): Cranes and Derricks in Construction. Hoisting Personnel. Trial lift and inspection. A trial lift with the unoccupied personnel platform loaded at least to the anticipated lift weight shall be made from ground level, or any other location where employees will enter the platform, to each location at which the platform is to be hoisted and positioned. Where there is more than one location to be reached from a single set-up position, either individual trial lifts for each location, or a single trial lift, in which the platform is moved sequentially to each location, shall be performed; the method selected shall be the same as the method that will be used to hoist the personnel.

On May 30, 2014, a Disney Construction Inc. crane operator, operating a Link Belt HC238 crane at a construction site located near 4540 Putah Creek Road, Winters, CA, did not perform a trial lift with the unoccupied personnel platform attached to each location at which the platform is to be hoisted and positioned in the same method that was to be used to hoist the personnel.

Date By Which Violation Must be Abated: 12/08/2014  
Proposed Penalty: \$ 750.00

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**Citation and Notification of Penalty**

**Company Name:** Disney Construction Inc.  
**Inspection Site:** 4540 Putah Creek Road, Winters, CA 95694

**Citation 1 Item 4 Type of Violation: **General****

T8 CCR 1616.6(j)(2): Cranes and Derricks in Construction. Hoisting Personnel. Proof testing. The platform shall be lowered by controlled load lowering, braked, and held in a suspended position for a minimum of five minutes with the test load evenly distributed on the platform.

On May 30, 2014, a Disney Construction Inc. crane operator, operating a Link Belt HC238 crane at a construction site located near 4540 Putah Creek Road, Winters, CA, did not proof test the personnel platform prior to lifting employees by performing controlled load lowering, braking, and then holding the personnel platform in a suspended position for a minimum of five minutes with the test load evenly distributed on the platform.

Date By Which Violation Must be Abated: 12/08/2014  
Proposed Penalty: \$ 750.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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**Citation and Notification of Penalty**

**Company Name:** Disney Construction Inc.

**Inspection Site:** 4540 Putah Creek Road, Winters, CA 95694

**Citation 1 Item 5 Type of Violation: **General****

T8 CCR 1618.2(a): Cranes and Derricks in Construction. Signal Person Qualifications. The employer of the signal person shall ensure that each signal person meets the Qualification Requirements [subsection (c)] prior to giving any signals.

On May 30, 2014, Disney Construction Inc. with employees working at a construction site located near 4540 Putah Creek Road, Winters, CA, did not ensure the signal person assigned to signal a crane operator on a personnel platform lift operation met the Qualification Requirements listed in subsection (c) prior to giving any signals.

Date By Which Violation Must be Abated:

12/08/2014

Proposed Penalty:

\$ 750.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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**Citation and Notification of Penalty**

**Company Name:** Disney Construction Inc.  
**Inspection Site:** 4540 Putah Creek Road, Winters, CA 95694

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**Citation 1 Item 6 Type of Violation: General**

T8 CCR 1618.4(b): Cranes and Derricks in Construction. Training. Signal persons. The employer shall train each employee who will be assigned to work as a signal person who does not meet the requirements of Section 1618.2(c) in the areas addressed in that section.

Disney Construction Inc. did not train a signal person to meet the Qualification Requirements of Section 1618.2(c) before assigning him on May 30, 2014, to signal a crane operator on a personnel platform lift operation at a construction site located near 4540 Putah Creek Road, Winters, CA.

Date By Which Violation Must be Abated: 12/08/2014  
Proposed Penalty: \$ 750.00

**State of California**

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**Citation and Notification of Penalty**

**Company Name:** Disney Construction Inc.  
**Inspection Site:** 4540 Putah Creek Road, Winters, CA 95694

**Citation 2 Item 1** Type of Violation: **Serious**

T8 CCR 1613.4(a): Cranes and Derricks in Construction. Inspections - Each Shift. Each Shift. A qualified person shall visually inspect the crane's or derrick's controls, rigging and operating mechanism prior to the first operation on any work shift. The inspection shall consist of observation for apparent deficiencies. Taking apart equipment components and booming down is not required as part of this inspection unless the results of the visual inspection or trial operation indicate that further investigation necessitating taking apart equipment components or booming down is needed. Any unsafe conditions disclosed by the inspection requirements of this Article shall be corrected promptly. Defective components of equipment which create an imminent safety hazard shall be replaced, repaired or adjusted prior to use. At a minimum the inspection shall include all of the following: Control mechanisms for maladjustments interfering with proper operation. Hooks and latches for deformation, cracks, excessive wear, or damage such as from chemicals or heat. The equipment for level position within the tolerances specified by the equipment manufacturer's recommendations, both before each shift and after each move and setup. Safety devices and operational aids for proper operation.

On May 30, 2014, Disney Construction Inc. with employees working at a construction site located near 4540 Putah Creek Road, Winters, CA, did not ensure a qualified person visually inspected a Link Belt HC238 crane's controls, rigging, operating mechanism and hook safety latch prior to the first operation on the work shift.

Date By Which Violation Must be Abated: 12/08/2014  
Proposed Penalty: \$ 8435.00

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Phone: (916) 263-2800 Fax: (916) 263-2798

**Citation and Notification of Penalty**

**Company Name:** Disney Construction Inc.  
**Inspection Site:** 4540 Putah Creek Road, Winters, CA 95694

**Citation 3 Item 1** Type of Violation: **Serious**

T8 CCR 1616.6(a): Cranes and Derricks in Construction. Hoisting Personnel. The use of equipment to hoist employees is prohibited except where the employer demonstrates that the erection, use, and dismantling of conventional means of reaching the work area, such as a personnel hoist, ladder, stairway, aerial lift, elevating work platform, or scaffold, would be more hazardous, or is not possible because of the project's structural design or worksite conditions.

On May 30, 2014, Disney Construction Inc., with employees working at a construction site located near 4540 Putah Creek Road, Winters, CA, operated a Link Belt HC238 crane to hoist employees with a personnel platform which was prohibited, because other less hazardous conventional means of reaching the work area were available.

Date By Which Violation Must be Abated: 12/08/2014  
Proposed Penalty: \$ 8435.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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**Citation and Notification of Penalty**

**Company Name:** Disney Construction Inc.  
**Inspection Site:** 4540 Putah Creek Road, Winters, CA 95694

**Citation 4 Item 1 Type of Violation: **Serious****

T8 CCR 1616.6(d)(5)(E): Cranes and Derricks in Construction. Hoisting Personnel. Equipment criteria. Devices. Anti two-block. A device which automatically prevents damage and load failure from contact between the load block, overhaul ball, or similar component, and the boom tip (or fixed upper block or similar component) shall be used. The device(s) shall prevent such damage/failure at all points where two-blocking could occur.

On May 30, 2014, an employee of Disney Construction Inc. operated a Link Belt HC238 crane at a construction site located near 4540 Putah Creek Road, Winters, CA, to hoist employees in a personnel platform which was not equipped with an anti two-block device which automatically prevents damage and load failure from contact between the load block, overhaul ball, or similar component, and the boom tip (or fixed upper block or similar component).

Date By Which Violation Must be Abated: 12/08/2014  
Proposed Penalty: \$ 8435.00

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**Citation and Notification of Penalty**

**Company Name:** Disney Construction Inc.  
**Inspection Site:** 4540 Putah Creek Road, Winters, CA 95694

**Citation 5 Item 1** Type of Violation: **Serious**

T8 CCR 1616.6(h)(4): Cranes and Derricks in Construction. Hoisting Personnel. Trial lift and Inspection. Immediately after the trial lift, the competent person shall: Conduct a visual inspection of the equipment, base support or ground, and personnel platform, to determine whether the trial lift has exposed any defect or problem or produced any adverse effect.

On May 30, 2014, Disney Construction Inc. working at a construction site located near 4540 Putah Creek Road, Winters, CA, did not have a competent person conduct a visual inspection of the equipment, base support or ground, and personnel platform, to determine whether the trial lift had exposed any defect or problem or produced any adverse effect prior to hoisting personnel.

Date By Which Violation Must be Abated: 12/08/2014  
Proposed Penalty: \$ 8435.00

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**Citation and Notification of Penalty**

**Company Name:** Disney Construction Inc.  
**Inspection Site:** 4540 Putah Creek Road, Winters, CA 95694

**Citation 6 Item 1 Type of Violation: **Serious****

T8 CCR 1616.6(h)(6): Cranes and Derricks in Construction. Hoisting Personnel. Trial lift and Inspection. Any condition found during the trial lift and subsequent inspection(s) that fails to meet a requirement of this standard or otherwise creates a safety hazard shall be corrected before hoisting personnel.

On May 30, 2014, Disney Construction Inc., working at a construction site located near 4540 Putah Creek Road, Winters, CA, allowed a personnel platform to be hoisted with employees on it, before a competent person inspected the personnel platform and corrected any condition found to create a safety hazard prior to hoisting personnel.

Date By Which Violation Must be Abated: 12/08/2014  
Proposed Penalty: \$ 8435.00

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**Citation and Notification of Penalty**

**Company Name:** Disney Construction Inc.  
**Inspection Site:** 4540 Putah Creek Road, Winters, CA 95694

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**Citation 7 Item 1** Type of Violation: **Serious**

T8 CCR 1616.6(j)(4): Cranes and Derricks in Construction. Hoisting Personnel. Proof testing. Personnel hoisting shall not be conducted until the competent person determines that the platform and rigging have successfully passed the proof test.

On May 30, 2014, Disney Construction Inc., working at a construction site located near 4540 Putah Creek Road, Winters, CA, allowed a personnel platform to be hoisted with employees on it, before a competent person inspected the personnel platform and rigging and corrected any condition found to create a safety hazard prior to hoisting personnel.

Date By Which Violation Must be Abated: 12/08/2014  
Proposed Penalty: \$ 8435.00

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**Citation and Notification of Penalty**

**Company Name:** Disney Construction Inc.

**Inspection Site:** 4540 Putah Creek Road, Winters, CA 95694

**Citation 8 Item 1 Type of Violation: **Serious****

T8 CCR 1616.6(k)(2)(B): Cranes and Derricks in Construction. Hoisting Personnel. Work practices. Platform occupants must: Not stand, sit on, or work from the top or intermediate rail or toeboard, or use any other means/device to raise their working height.

On May 30, 2014, a Disney Construction Inc. employee working at a construction site located near 4540 Putah Creek Road, Winters, CA, stood and worked from the top rail of a personnel platform in order to attach a chain around the crane hook while hoisted approximately 80 feet in the air.

Date By Which Violation Must be Abated:

12/08/2014

Proposed Penalty:

\$ 6750.00

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**Citation and Notification of Penalty**

**Company Name:** Disney Construction Inc.  
**Inspection Site:** 4540 Putah Creek Road, Winters, CA 95694

**Citation 9 Item 1** Type of Violation: **Serious**

T8 CCR 1511(b): General Safety Precautions. Prior to the presence of its employees, the employer shall make a thorough survey of the conditions of the site to determine, so far as practicable, the predictable hazards to employees and the kind and extent of safeguards necessary to prosecute the work in a safe manner in accordance with the relevant parts of Plate A-2-a and b of the Appendix.

On May 30, 2014, Disney Construction Inc., with employees working at a construction site located near 4540 Putah Creek Road, Winters, CA, did not make a thorough survey of the conditions of the site to determine, so far as practicable, the predictable hazards to employees and the kind and extent of safeguards necessary to prosecute the work in a safe manner in accordance with the relevant parts of Plate A-2-a and b of the Appendix prior to hoisting two employees over 80 feet in the air with a crane and a personnel platform which fell, resulting in serious accident related fatal injuries to the two employees riding in the platform.

Date By Which Violation Must be Abated: 12/08/2014  
Proposed Penalty: \$ 22500.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**State of California**

Division of Occupational Safety and Health  
RID 0950621 Index 4021  
2424 Arden Way, Suite 165  
Sacramento, CA 95825

**Inspection Number:** 317251106  
**Inspection Dates:** 05/30/2014 - 11/03/2014  
**Issuance Date:** 11/04/2014  
**CSHO ID:** K4874  
**Optional Inspection Nbr:** 082-14



Phone: (916) 263-2800 Fax: (916) 263-2798

**Citation and Notification of Penalty**

**Company Name:** Disney Construction Inc.  
**Inspection Site:** 4540 Putah Creek Road, Winters, CA 95694

**Citation 10 Item 1** Type of Violation: **Serious**

T8 CCR 1616.6(g)(1)(A): Cranes and Derricks in Construction. Hoisting Personnel. Attachment and rigging. Hooks and other detachable devices. Hooks used in the connection between the hoist line and the personnel platform (including hooks on overhaul ball assemblies, lower load blocks, bridle legs, or other attachment assemblies or components) shall be: 1. Of a type that can be closed and locked, eliminating the throat opening. 2. Closed and locked when attached.

On May 30, 2014, Disney Construction Inc., working at a construction site located near 4540 Putah Creek Road, Winters, CA, did not ensure a hook safety latch used with a Link Belt HC238 crane, closed, latched and locked eliminating the throat opening after attaching the rigging of a personnel platform. The personnel platform slid off the hook and fell approximately 80 feet when the safety latch opened resulting in serious accident related fatal injuries to the two workers in the platform.

Date By Which Violation Must be Abated: 12/08/2014  
Proposed Penalty: \$ 22500.00



Compliance Officer/District Manager

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California  
Division of Occupational Safety and Health  
CAL/OSHA DISTRICT OFFICE  
2424 Arden Way, Suite 165  
Sacramento, CA 95825  
Phone: (916) 263-2800 Fax (916) 263-2798

## NOTICE OF PROPOSED PENALTIES

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**Company Name:** Disney Construction Inc.  
**Inspection Site:** 4540 Putah Creek Road, Winters, CA 95694  
**Mailing Address:** 859 Cowan Road #3, Burlingame, CA 94010

**Issuance Date:** 11/04/2014

**Reporting ID:** 0950621  
**Index Code:** 4021

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### Summary of Penalties for Inspection Number 317251106

Citation 1, General	= \$	3750.00
Citation 2, Serious	= \$	8435.00
Citation 3, Serious	= \$	8435.00
Citation 4, Serious	= \$	8435.00
Citation 5, Serious	= \$	8435.00
Citation 6, Serious	= \$	8435.00
Citation 7, Serious	= \$	8435.00
Citation 8, Serious	= \$	6750.00
Citation 9, Serious	= \$	22500.00
Citation 10, Serious	= \$	22500.00
<b>TOTAL PROPOSED PENALTIES</b>	<b>= \$</b>	<b>106110.00</b>

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Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form.

If you are paying by credit (MasterCard and Visa): Please have this form on-hand when you are ready to make your payment. The company name, index code, reporting ID, and Citation number(s) will be required to ensure that the payment is accurately posted to your account. Please go to [www.dir.ca.gov/dosh](http://www.dir.ca.gov/dosh) to access the secure payment processing site.

If you are paying by check: Mail this Notice of Proposed Penalties, the Penalty Remittance Form, along with a copy of the Citation and Notification of Penalty to:

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DEPARTMENT OF INDUSTRIAL RELATIONS  
CASHIER, ACCOUNTING OFFICE

P. O. BOX 420603  
SAN FRANCISCO, CA 94142-0603

CAL/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions or endorsements do not exist.

**DEPARTMENT OF INDUSTRIAL RELATIONS**  
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH - CAL/OSHA  
Cashier, Accounting Office  
P.O. Box 420603  
San Francisco, CA 94142-0603  
Phone (415) 703-4291 or (415) 703-4295 FAX (415) 703-3037

**PENALTY REMITTANCE FORM**

<b>CIVIL PENALTY INFORMATION</b>	<b>INSPECTION NUMBER</b> <u>317251106</u> <b>REPORTING ID</b> <u>0950621</u> <b>INDEX CODE</b> <u>4021</u>
<b>ESTABLISHMENT NAME</b>	<u>Disney Construction Inc.</u>
<b>CONTACT PERSON</b>	_____
<b>PHONE NO.</b>	_____ <b>FAX NO.</b> _____
<b>SITE ADDRESS</b>	<u>4540 Putah Creek Road, Winters</u>
<b>MAILING ADDRESS</b>	<u>859 Cowan Road #3, Burlingame, CA, 94010</u>

**CITATION INFORMATION** (Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed.)

Payment is for the following Citation Items: (e.g. Citation 1, Items 1-5; Citation 3)

\_\_\_\_\_

**TYPE OF PAYMENT ENCLOSED**

<b>CHECK OR MONEY ORDER INFORMATION</b>	
CHECK ENCLOSED IN THE AMOUNT OF	\$ _____
MONEY ORDER ENCLOSED IN THE AMOUNT OF	\$ _____

(Please make check or money order payable to **CAL/OSHA** and mail to the Cashier, Accounting Office, at the above address. Reference the Inspection Number on the "memo" portion of your check or money order.)

Go to [www.dir.ca.gov/dosh](http://www.dir.ca.gov/dosh) to access the on-line third party secure payment processing site  
OR Complete this section and fax to (415) 703-3037

<b>CREDIT CARD INFORMATION</b>	
VISA OR MASTERCARD CREDIT CARD NO. _____	EXPIRATION DATE _____
CREDIT CARD SECURITY CODE (last 3 digits on back of card) _____	
NAME OF CARDHOLDER _____	SIGNATURE _____
CARDHOLDER PHONE NO. _____	FAX NO. _____
AMOUNT OF PAYMENT - \$ _____	

----- FOR OFFICE USE ONLY -----

AUTHORIZATION NO. _____	DATE PROCESSED _____
PROCESSED BY _____	

Please call (415) 703-4291 or 703-4295 or complete the information above and fax to (415)-703-3037

# Investigation Summary

MOD	Date	1. Reporting ID <b>R 2 D 1</b>				2. Summary Number (Identifies This Summary) <b>202676292</b>							
3. Related Inspection Numbers	3.1 Type <b>I</b>	Number <b>317251106</b>		3.2 Type <b>I</b>	Number		3.3 Type <b>I</b>	Number		3.4 Type <b>I</b>	Number		4. Total Entries <b>1</b>

5. Injured/Deceased (Name)	6. Inspection Number (3.1, 3.2, etc.)	7. Sex	8. Age	9. Injury		10. Nature of Injury <small>Non</small>	11. Part of Body	12. Source of Injury	13. Event Type	14. Environmental Factor	15. Human Factor	16. Task		17. Substance Code	18. Occupation Code
				a. Hospitalized	b. Fatal							c. Assigned	d. Not Reg.		
				Mark "X" in only one box						Mark "X" in only one box					
1. <b>Marcus Zane Powell</b>	<b>3.1</b>	<b>M</b>	<b>26</b>	<b>X</b>		<b>21</b>	<b>13</b>	<b>24</b>	<b>05</b>	<b>18</b>	<b>06</b>		<b>X</b>		<b>598</b>
2. <b>Glenn Allen Hodgson</b>	<b>3.1</b>	<b>M</b>	<b>49</b>	<b>X</b>		<b>21</b>	<b>13</b>	<b>24</b>	<b>05</b>	<b>18</b>	<b>06</b>		<b>X</b>		<b>598</b>
3.															
4.															
5.															
6.															
7.															
8.															
9.															
10.															

19. Type of Event **100' + fall with personnel basket which detached from Crane.**

20. Abstract

Abstract Line Number

1. On May 30, 2014, approximately (@) 7:22 AM, the Sacramento District office was notified by the Winters, CA. Police Dept. that two employee's working on a crane had fallen in a personnel basket and were fatally injured. The Division arrived on site @ 8:30 AM. The location was a construction site of a future bridge.

2.

3.

4. The day prior to the accident near the end of the work shift, a wire rope had broken (described as the Kelly Line) on a Manitowoc crane being used as a drill rig. The Kelly line raises and lowers the drill. The tail end of the broken Kelly line was now up near the shiv at the top of the Manitowoc boom and would need to be pulled down and reattached to the drill rig. The crane operator also the Superintendent of the project, stated they had to perform the repair in the air because the drill rig was down in a hole and could not be moved because the drill rig was still attached with two other support lines. The morning of the accident two EE's were raised up @ 80 to 100' into the air riding in a personnel platform attached to a 1977 FMC Link Belt HC238 crane. The task was to pull down the Kelly line on the adjacent Manitowoc crane using the Link Belt crane and gravity from the weight of the hook, block and personnel platform. The workers attached a chain with a clamp to the broken Kelly line then ran the other end of the chain to the hook on the Link Belt crane. As the operator lowered the men and began pulling the Kelly line out of the Manitowoc crane, the Kelly line suddenly stopped (Jammed in the sheave of the Manitowoc crane) causing the hook on the link belt crane to tilt back. When the hook tilted it dislodged the bridle (Rigging) holding the personnel basket to the hook, the bridle ring went past the hooks safety latch which was defective and did not lock. The men and platform fell @ 80'. The workers were pronounced deceased at the site by the Yolo County Coroner. One of the employees killed in the fall was the son of the crane operator / Superintendent.

11.

12.

13.

14.

Case File Page \_\_\_\_\_ of \_\_\_\_\_



NARRATIVE SUMMARY

Establishment Name <b>Disney Construction Inc.</b>	Inspection Number <b>317251106</b>
Management Contacted <b>Peter Worhunsky</b>	Title <b>Project Manager</b>

Information on Injured		Covered by Worker's Compensation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Name, Address, and Phone Number	Occupation			
<b>Marcus Zane Powell</b> [REDACTED]	<b>Operator</b>			
<b>Glenn Allen Hodgson</b> [REDACTED]	<b>Pile Driver</b>			

Use additional form(s) as needed.

Witness Name(s) and Title				*Check box preceding name if confidentiality is given
*	Names and Title(s)	Address	Phone No.	Signed Statement?
	<b>Mark Powell</b> <b>Superintendent / Crane Operator</b>	[REDACTED]	[REDACTED]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	<b>Douglas Goodrich</b> <b>Pile Driver</b>	[REDACTED]	[REDACTED]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	<b>Thomas Federighi "Tommy"</b> <b>Operator</b>	[REDACTED]	[REDACTED]	Yes <input type="checkbox"/> No <input type="checkbox"/>

Summary

Introduction

On May 30, 2014, approximately (@) 7:22 AM, the Sacramento District office was notified by the Winters, CA. Police Dept. that two employee's working on a crane had fallen in a personnel basket and were fatally injured. The Division arrived on site @ 8:30 AM. The location was a construction site of a future vehicle bridge. Disney Construction employs over 100 people. The day of the accident there were 16 people on site, 9 of which were involved in the repair of a Manitowoc crane being used as a drill rig. There were no sub contractors on site. BOI and the Cal/OSHA Crane unit were dispatched to the scene.

Accident Description

The day prior to the accident near the end of the work shift, a wire rope had broken (described as the Kelly Line) on a Manitowoc crane being used as a drill rig. The Kelly line raises and lowers the drill. The tail end of the broken Kelly line was now up near the sheave at the top of the Manitowoc boom and as per the ER would need to be pulled down and reattached to the drill rig. The crane operator also the Superintendent of the project, stated they had to perform the repair in the air because the drill rig was down in a hole and could not be moved because the drill rig was still attached to the Manitowoc crane with two other support lines. The morning of the accident two EE's were raised up @ 80 to 100' into the air riding in a personnel platform attached to a 1977 FMC Link Belt HC238 crane. The task was to pull down the Kelly line on the adjacent Manitowoc crane using the Link Belt crane and gravity from the weight of the hook, block and personnel platform. The workers attached a chain with a clamp to the broken Kelly line then ran the other end of the chain to the hook on the Link Belt crane. As the operator lowered the men and began pulling the Kelly line out of the Manitowoc crane, the Kelly line suddenly stopped (Jammed in the sheave of the Manitowoc crane) causing the hook on the link belt crane to tilt back.

## Summary (continued)

### Accident Description Cont.

When the hook tilted it dislodged the bridle (Rigging) holding the personnel basket to the hook, the bridle ring went past the hook's safety latch which was defective and did not lock. The men and platform fell @ 80'. The workers were pronounced deceased at the site by the Yolo County Coroner. One of the employees killed in the fall was the son of the crane operator / Superintendent.

### Findings

The HC238 Link Belt crane was not certified for lifting service when the accident occurred. The plate V had expired in Sept of 2013. The ER did not produce evidence of daily, quarterly, trial lift or proof testing inspections. The rigging for the personnel platform did not fit into the throat of the hook which side loaded the hook tilting it off center. The safety latch was missing the locking mechanism so the latch could not be locked into place. One of the workers could not reach the hook to wrap the chain around it while hoisted in the air, so he had to climb up on the rails of the personnel platform while suspended @ 80' + in the air. No one inspected the Kelly line on the Manitowoc crane for kinks, (Dog Legs) twists, bird caging, etc. which it had all of these. A twist in the Kelly line caused it to jam between the sheave and the sheave cover at the top of the boom. The ER did not consider other methods to repair the drill rig, such as disassembly or the use of an aerial lift. A long list of mechanical deficiencies were found by a third party crane inspection company after the accident with the Link Belt HC238 crane used to lift the workers in the personnel platform. Repairs needed ranging from defective out riggers, unmarked control levers, no anti two-block, no level indicators and a host of other problems on the 1977 crane. Poor visibility by the crane operator and an untrained signal person who could not see the work being performed was also an issue. Most of the EE's involved in the repair were new to the company and had never performed this type of procedure before. No certifications or training records related to rigging and signaling were provided by the ER for the EE assigned to do these tasks.

### Conclusion

Work to repair the drill rig should have been carried out by conventional means. Since the decision was made to use a crane and a personnel platform, the root cause of the accident was the failure to survey and inspect the equipment being used and the equipment being repaired. To develop a plan and procedures for the repairs and use workers who were trained and familiar with this process. Ensure the rigging for the personnel platform fit properly and was capable of being locked onto the hook. Use a crane that was certified as mechanically sound. To properly carry out all trial runs and proof tests prior to hoisting employees.

The ER will receive multiple citations.

Use additional sheet(s) as needed.

		Signature	Date
Prepared by:	CSHO	[Redacted]	10/17/14
Reviewed by:	DM	[Redacted]	11/11/14
	Regional Manager		

## NOTICE OF ACCIDENT-RELATED VIOLATION AFTER INVESTIGATION

2. **Disney Construction Inc.**  
**859 Cowan Road #3**  
**Burlingame, CA.94010**

3. Page 1 of 1

4. AN INVESTIGATION OF AN INDUSTRIAL ACCIDENT OR OCCUPATIONAL ILLNESS WAS CONDUCTED BY Mike Buzdas AT A PLACE OF EMPLOYMENT LOCATED AT 4540 Putah Creek Road, Winters, CA. 95694 ON 5/30/2014

5. DESCRIBE THE CONDITION INSPECTED:

Accident associated with a bridge construction project which occurred on May 30, 2014 when two Employees were fatally injured when the personnel platform they were riding in fell @ 80 feet.

It has been determined by the Division that the fatal or serious injury, illness or exposure described above was related to the following serious, willful or repeat violation:

SERIOUS  
CLASSIFICATION OF VIOLATION

1511 (b), 1616.6(g)(1)(A)  
TITLE 8 CCR SECTION

6. Signature

  
Safety Engineer/Industrial Hygienist

7. Signature

  
District Manager

8. Date of issuance

11/4/14

9. Date inspection completed

11/3/14

Upon request, the Division will provide the employer with a copy of its inspection report pertaining to this investigation.

10. 2  
Region

1  
District

K4874  
SE/IH Identification No.

082-14  
Optional Report No.

317251106  
Cal/OSHA 1 Report No.