

## **EXECUTIVE SUMMARY**

### **OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**

#### **Summary of Tutor-Saliba-Perini – Decision After Reconsideration**

This is a metro-rail case concerning temporary staircases providing access from grade to construction office trailers. The citations alleged section 1626(e) violations because the stairways had an elevation drip of approximately 4' from the sides of the top step or landing, and no "stair railings" to protect employees against the hazard of falling off the side. The Board applied its **County of L.A.,MTA** "open side" interpretation and found that approximately 4 feet was an "appreciable [fall] distance." Therefore, the stairways had "open sides" subject to the section 1626(e) "stair failing" requirements, and the alleged violation was upheld.

The Appeals Board's decision in this case has been appealed to the superior court by the Employer, Tutor-Saliba-Perini. The Employer filed a Writ of Mandate in Superior Court on January 21, 2000 seeking reversal of the Board's decision. Writ of Mandate was denied, by the Superior Court, because of late filing.

Tutor-Saliba-Perini 96-3766 & 97-783  
December 21, 1999  
**1626(e)**