January 27, 2017

Dear Advisory Committee Member:

Subject: Field Survey Operations, Working Alone

As you know, on April 26, 2016, the Advisory Committee for Field Survey Operations, Working Alone (Committee) met to consider potential health and safety concerns associated with working alone during field surveying operations.

Please find enclosed a draft copy of that meeting’s minutes, which, once finalized, will be forwarded to the Standards Board, along with my recommendation as Committee Chair, that no further Title 8 rulemaking development occur in this subject area, at the present time.

With a focus on concerns raised by Committee Members about field surveying worker safety, subsequent to the April 26th meeting, Board staff engaged in research and analysis of the potential for further rulemaking to this area, prior to reaching certain conclusions.

Among key concerns of Committee participants with the California Land Surveyors Association, and with the Operating Engineers Locals 3 and 12, were traffic hazards faced by land surveying personnel working in open roadway lanes, as well as the dangers posed to surveyors by moving equipment and vehicles traversing construction sites.

Regarding the roadway safety issue, my analysis included scrutiny of the California Manual on Uniform Traffic Control and Devices (MUTCD), which is incorporated by reference within Section 1598(a). Within it is some safety guidance applicable to roadway surveying work, most particularly that provided by a signage and flagging diagram, Figure 6H-15(CA). And beyond guidance, there also is a regulatory requirement specific to surveyor safety, spelled out in the following note accompanying that figure:

“For surveying on the center line of a high-volume road, one lane shall be closed using the information illustrated in Figure 6H-10(CA)”

The note referencing Figure 6H-10 goes on to illustrate the protective positioning of flaggers to increase the safety of surveyors accessing monuments on two lane roads.

To the extent interested parties believe the above cited MUTCD provisions do not go far enough in providing for the safety of surveyors working in roadways, the question then would be how best to pursue improving it. One answer may be to engage in discussion with the agency having authority over the MUTCD, CalTrans, about the potential for expanding upon the safety it provides. Among reasons for this approach would be: the primary regulatory authority over roadway safety is held by CalTrans; the preexistence of CalTrans regulation concerning roadway...
safety of surveyors; and the difficulty in attempting to formulate (Title 8) occupational safety regulations that would not duplicate, or conflict with, the existing MUTCD or Vehicle Code.

Another consideration, part of Board staff’s analysis, was existing Title 8, Construction Safety Orders, Section 1592(e):

(e) Hauling or earth moving operations shall be controlled in such a manner as to ensure that equipment or vehicle operators know of the presence of rootpickers, spotters, lab technicians, surveyors, or other workers on foot in the areas of their operations. (emphasis added)

Having the very construction site circumstance of concern already be the subject of Section 1592(e), brings into question the wisdom of engaging in additional rulemaking focused only on one among the listed professions. Indeed, the inclusion of that expressly incomplete list, serves to highlight the fact that most, if not all, concerns for the safety of workers in those circumstances, are not unique to those engaged in land surveying. In addition, there is the advisability, mentioned above in regard to the MUTCD, of building upon existing protections, rather than starting from square one on a separate track.

Although it will be my recommendation that the work of this Advisory Committee not result in formal rulemaking, your participation on it is serving to help the Board better understand safety issues of concern to the land surveying profession and their employers. One way this will occur is through Board Member review of the Committee’s meeting minutes. Toward that purpose, please review the enclosed meeting minutes, and submit back any requested corrections, or comments, either by email (mnelmida@dir.ca.gov) or phone (916-274-5724), no later than February 28, 2017.

Sincerely,

Michael Nelmida
Senior Engineer - Standards

Enclosures:
1. Minutes
2. Post Advisory Committee Roster

cc: (With Enclosures)
All Standards Board Members
Marley Hart, Executive Officer, OSHSB
Michael Manieri, Principal Engineer, OSHSB
Juliann Sum, Chief, DOSH
Eric Berg, Deputy Chief of Health, DOSH
Amber Rose, Area Director, Region IX, Federal OSHA

Kevin Thompson, Cal/OSHA Reporter