

DOSH DIRECTIVE

Department of Labor and Industries
Division of Occupational Safety and Health
Keeping Washington safe and working

6.55 Cone-Setting Requirements

Date: July 20, 2012

I. Purpose

This Directive provides guidance to DOSH consultation and compliance staff for when they encounter cone-setting operations on a publicly traveled roadway, highway, or construction project, and how to properly cite the employer if they encounter non-compliance.

II. Scope and Application

This Directive applies to all DOSH consultation and compliance operations statewide, whenever DOSH staff encounter a Washington State Department of Transportation (WSDOT) cone-setting operation, or a public or private employer who is conducting a cone-setting operation on a publicly traveled roadway, highway, or construction project. It replaces all previous instructions on this issue, whether formal or informal.

III. References

WAC 296-155-610(2)(i), Motor Vehicles on Construction Sites, (Securing material and employees)

IV. Background

The Washington State Department of Transportation (WSDOT) was cited for employees setting cones while riding on the tailgate of a pickup truck, or while working from platforms of various motor vehicles without proper seats or safety belts. As the result of a 1996 citation, L&I entered into a settlement agreement with WSDOT concerning the setting of cones.

Since the settlement agreement with WSDOT, public and private employers performing cone-setting operations have asked to incorporate the settlement agreement between WSDOT and L&I into their operations, because these employers and their operations have been similarly cited by DOSH staff. The key characteristics of the agreement are included in Section B of the Enforcement Policies section below.

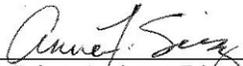
V. Enforcement Policies

- A. DOSH compliance inspectors must not issue a citation for WSDOT roadway cone-setting operations conducted in accordance with the key provisions of the settlement agreement between L&I and WSDOT.
- B. Any employer may implement the provisions of the settlement agreement between L&I and WSDOT into their cone-setting operations. If an employer desires to apply these provisions, compliance staff must be able to find the following key procedures of the settlement agreement incorporated in the employer's Accident Prevention Program for cone-setting operations:
 - 1. A declaration that riding on the tailgate of a pickup is prohibited.
 - 2. That there are only four acceptable procedures for setting cones:
 - (a) Using rear-mounted cone-setting platforms with standard guardrails.
 - (b) Using front-mounted cone-setting platforms with seats and seat belts.
 - (c) Using between-the-axles cone-setting platforms with seats and seat belts.
 - (d) Working out of the truck cab, with repeated stops to set cones or signs.
 - 3. Specifications for strength and design of the platforms.
 - 4. Use of quick-release gate or chain at either end of the rear-mounted platforms. Chain may be down on the escape end if the centerline of the platform is marked and workers stay on the other side of the centerline.
 - 5. Guidelines for determining if a truck-mounted attenuator or a shadow vehicle is needed.
- C. For a WSDOT cone-setting operation, when DOSH compliance staff are addressing an apparent violation of the settlement agreement between L&I and WSDOT, prior to a citation being issued (and, when possible, prior to the closing conference), the DOSH Regional Compliance Manager and Supervisor must consult with the DOSH Compliance Support Manager, the Standards and Technical Services Program Manager, DOSH technical staff, and the Office of the Attorney General.
- D. If DOSH compliance staff observe flagrant violations of the settlement agreement between L&I and WSDOT, DOSH staff must follow review procedures as described in Section B, above, for all citations regarding a WSDOT cone-setting operation. However, DOSH compliance staff may issue orders of immediate restraint to address flagrant violations that present immediate danger to employees performing a WSDOT cone-setting operation.

VI. Who to Contact

If DOSH staff encounter questions regarding traffic control requirements and cone-setting operations, or need additional guidance or interpretive assistance on key procedures addressed in the settlement agreement, they are encouraged to contact DOSH Technical Services.

Approved:



Anne F. Soiza, Assistant Director
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For more information about this or other DOSH Directives, contact the Division of Occupational Safety & Health at 360-902-5436 or PO Box 44610, Olympia, WA 98504-4610. Policy information is also available on the DOSH website: <http://www.lni.wa.gov/Safety>.