

Overtured skid steer—Insp # 1665536 **Rodriguez Paving and Foundation**

A 20 year old male employee was spreading gravel using a skid steer near a portion of a roadway supported by a retaining wall when the wall collapsed causing the skid steer to tumble approximately 200 feet down a mountain side.

The owner of Rodriguez Paving and Foundation sent the victim to the job site to assist another employee in the removal and spreading of backfill and gravel along the west side of a residential home. The task for the day was to remove and spread all the backfill and gravel so the basement could be properly waterproofed. One employee was operating an excavator to remove the backfill from the exterior basement wall. He would place the backfill in a pile for the victim to pick up. The victim was operating a Bobcat 299D skid steer to pick up the backfill and gravel and spread it along the driveway along the top of a retaining wall that stretched approximately 135 feet from the southwest corner of the house and was holding up the driveway. The retaining wall ranged in heights from approximately six feet at the location of the accident to about 18 feet at the southwest corner of the house. While the victim was spreading the backfill along the final section of the retaining wall a section approximately 35 feet long collapsed. The skid steer slid backwards over the remaining retaining wall and rolled approximately 300-400 feet down the mountainside with him inside. The skid steer came to its final resting spot in the trees close to the base of the mountain. The door on the skid steer was broken off while it rolled down the mountain thereby tossing the victim approximately 10 feet away from the skid steer.

It was determined that the driveway leading up to the house had a retaining wall that was sinking over time due to being improperly constructed and the rain-washing out the backfill. The retaining wall had been built without using geogrid to help stabilize the wall this the ground behind it. There was also not adequate drainage behind the wall which led to the backfill washing out and the retaining wall separating as it sank. The retaining wall gave way with the weight of the heavy equipment moving along the top of the retaining wall.

It was determined that the General Contractor and the employer were both aware of the inadequacies in the retaining wall and instructed employees to continue working on and around the retaining wall. There was also no training conducted for the recognition and avoidance of unsafe conditions that would expose employees to serious injury.

**Citation(s) as Originally Issued**

A complete inspection was conducted at the accident scene. Some of the items cited may not directly relate to the fatality.

**Citation 1 Item 1**

**Type of Violation: Serious**

**\$1200**

**29 CFR 1926.21(b)(2):** The employer did not instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his/her environment to control or eliminate any hazards or other exposure to illness or injury.

In that two employees were exposed to Vehicular rollover hazards while working in heavy equipment on a retaining wall on the side of a mountain.



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