

Analyzing & Litigating Utility Contact Accidents

UA2

schedule to be announced
Myrtle Beach, SC

Instructors: Allen L. Clapp, PE,
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attorney (to be announced)

Revised for
2010

About the seminar

This advanced continuation of the original Utility Contact Accidents seminar uses case studies to emphasize the use of OSHA "Employee Misconduct" defense criteria and multi-employer work site citation policy to determine responsibility for any worker-related accident. It is helpful but not mandatory for attendees to have attended the Investigating & Documenting Utility Contact Accidents seminar or have extensive knowledge of its subjects. Regardless of whether you are gathering data, analyzing the accident, or developing the appropriate litigation strategy, it is vital that you understand what information must be obtained from whom, how to analyze it, and how it can be used most effectively in litigation. Discussions by OSHA regulations instructors/engineers and litigation attorneys help you to put allegations and facts into proper perspective, determine responsibilities, and plan effective testimony and arguments for trial.

Who should attend

- ◆ attorneys
- ◆ paralegals
- ◆ investigators
- ◆ engineers
- ◆ risk managers
- ◆ claims managers
- ◆ claims agents
- ◆ OSHA compliance officers
- ◆ OSHA hearing officers

Important topics

- ◆ Responsibilities of utility employers and workers
- ◆ Responsibilities of building contractors and workers
- ◆ How to determine responsibilities of employers and employees
- ◆ How to apply codes and standards to appropriate parties
- ◆ How to use appropriate formats to document and determine whether each party met the appropriate requirements
- ◆ How to use injury information to aid in determining actions at time of accident
- ◆ How to prepare and use witnesses effectively
- ◆ How to use exhibits effectively

In addition, you receive

- ◆ 2007 National Electrical Safety Code
- ◆ NESC Handbook, 6th Edition
- ◆ Bound Student Workbook, including applicable OSHA regulations and documents, as well as summary sheets to aid development of discovery and trial strategy.
- ◆ Excerpts from Practical Utility Safety
- ◆ Exercise/Answer sets
- ◆ CEUs and NC PDHs awarded upon successful completion of workshop
- ◆ Plus continental breakfasts, complete lunches, & refreshments

3.5 Days — \$1945

Day 1

- ◆ Using injury information
 - Electricity transmission injuries
 - Arc flash injuries
 - Ventricular fibrillation
 - Blunt trauma
 - Using injuries to analyze position/actions of injured
- ◆ Effects of electrical contact and flash burns on humans
 - Myths related to electrical burns
 - Mechanisms of electrical injury
 - History of theories of electrical injury
 - Effect of current flow on the heart
 - Effect of current flow on extremities
 - Working with your consulting physician to prepare trial presentations
- ◆ OSHA Act of 1970
 - Responsibilities of employers
 - Responsibilities of employees
 - Application of OSHA: number of employees
- ◆ How to train, instruct, supervise and discipline employees to assure compliance with safe work practices
 - Introduction to human factors
 - Worker training
 - Worker testing
 - Worker response to training
 - Work planning
 - Worker instructions
 - Worker supervision
 - Worker retraining
 - Training documentation
- ◆ Requirements for Safety Signs
 - NESC rules requiring safety signs
 - Applicable ANSI standards
 - Attributes of good safety signs
- ◆ Role of Human Factors
 - Detection of hazards
 - Perception of risk
 - Human error
 - Information to gather at scene
 - Human factors in utility contacts
 - Litigation issues
- ◆ Review of NESC clearances
 - Clearances of conductors & cables above ground
 - Clearances of conductors & cables to buildings, billboards, tanks and other installations

Day 2

- ◆ Introduction to Case Study 1: Worker injured constructing new building beside joint-use power & communication line
- ◆ Basic worker safety standards applying to work on a building construction site near overhead utility lines
 - OSHA construction industry regulations (Rules of construction, accident prevention responsibilities, safety training & education, personal protective equipment, protection of employees from energized lines passing through or near job site, cranes & derricks, vehicles & mech., concrete and masonry construction, concrete pumps, and fall protection)
 - State regulations (state vs. federal regulations, High Voltage Line Safety Acts)
 - American National Standards (ANSI B30.5 crane use, Insulating or grounding nearby lines)
- ◆ Additional regulations often involved in construction site utility line contacts
 - Use of ladders and ladder requirements
 - Training for ladder use
 - Excavations around power lines
 - State call-before-you-dig programs
 - Scaffold requirements
 - Helicopter work near power lines
- ◆ Additional standards often involved in construction site utility line contacts
 - Using cranes around power lines
 - Using equipment under power lines
 - Ladder requirements
 - Scaffold requirements
 - Tree removal
 - Concrete pumping
- ◆ Documenting and analyzing evidence in electrical contact accidents
 - Matching evidence marks
 - Witness memory loss
 - Measurements
 - Photocopy
 - Accident report
 - Confidential report conclusions
- ◆ Comments on maintenance of appropriate records and control of evidence
- ◆ Basic technical information often useful to jurors
 - Inspections
 - Why high-voltage lines are necessary
 - Overhead vs. underground
- ◆ Use of exhibits in depositions and at trial - Discussion of examples

Day 3

- ◆ Preparation of fact witnesses and expert witnesses to effectively aid jurors in understanding the impact of utility standards and procedures on public safety
- ◆ Using the OSHA Employee Misconduct Defense requirements as a tool to analyze the responsibilities of employers and employees
 - Appropriate work rules addressing behavior and conditions
 - Communication of work rules to employees
 - Supervision of employees
 - Enforcement of work rules
- ◆ Using OSHA regulations and ANSI standards for multiemployer work site to analyze employer responsibilities
 - How OSHA views the responsibilities of multiemployers
 - OSHA directives to compliance officers
 - How to meet OSHA regulations using ANSI A10.33
- ◆ Analysis of responsibilities of parties in Case Study 1
 - Power utility
 - Telephone utility
 - Landowner
 - General contractor
 - Subcontractor
 - Excavator
 - Concrete pumper
 - Concrete finisher
 - Reinforcing crew
 - Concrete form crew
- ◆ Introduction to Case Study 2: Communication worker injured by contact with power lines on joint-use pole
 - History of work at this site
 - Details of accidents
 - Entities involved

Day 4

- ◆ OSHA & NESC work rules applicable to communication work line
 - Communication operation, maintenance & construction
 - NESC sections 41-43
- ◆ Analysis of responsibilities of parties in Case Study 2
 - Power utility
 - Communication utility
 - Communication utility contractor
 - Communication utility contractor employees
- ◆ Introduction to Case Study 3: Power line worker injured while working on pole
 - Work being performed
 - Personnel at scene
 - Initial testimony vs. final testimony
- ◆ OSHA & NESC work rules applicable to supply line work
 - Operation & maintenance
 - Construction
 - NESC sections 41, 42 and 44
- ◆ Analysis of responsibilities of parties in Case Study 3
 - Power utility
 - Power utility contractor
 - Power utility contractor employees

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Note: Adjourn @ 11:00am; plan flights for 1:30pm or later.

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