



Loss Control Insights

Public Liability on Construction Sites

Claim frequency and monetary awards continue to increase dramatically for public liability issues. Because of this trend, it is critical that contractors focus on reducing risks on construction sites that can lead to property damage or personal injury to the public, contractors, visitors and homes and businesses within or adjacent to the construction site.

The identification and control of potential hazards through pre-job planning and daily inspections of operations can reduce or eliminate liability. Certain municipalities specify the minimum protection that must be used.

This bulletin provides a starting point in identifying potential public liability problems on construction sites and ways to reduce exposures. Each construction site should be assessed for its specific hazards based on the scope of work, location and public movement.

Public Relations

Generally, property owners become upset when they are uninformed or misinformed about a project in the area. An easy way to get started on the right foot is to notify property owners of the basic scope of work and schedule.

Focus on the positive efforts that will be made to keep noise, dust and vibration to a minimum. Highlight anticipated traffic disruptions and describe how homeowners will be able to get to their homes and how customers will gain access to businesses in and around the construction site.

Give property owners your business details and include the telephone number of the field office; let them know who is in charge and how the person can be reached. You may receive more calls from disgruntled people than you would like, but it is better to be aware of a problem or concern before litigation.

Providing information to people who will be living or working next to your site will go a long way to improve relationships. These efforts may reduce the potential for loss and nuisance complaints, which consume valuable supervisory time.

Public Protection

The scope of work, size and location of the project will determine the magnitude of public protection required. There are several common public interactions with the job site to plan for. These are areas that must be considered during the bidding process and monitored continuously during construction.

Attractive Nuisance

Children and teenagers love to explore construction sites. The construction site is an attractive nuisance, which is an object or an environment that may attract a person. When a person is attracted to the site and subsequently injured, a potential liability is created.

Areas that may be attractive nuisances include access ways to tower cranes and stair towers, heavy equipment, excavated material, dewatering ponds, excavations and unattended ladders. Access to these areas should be controlled. Special precautions also should be taken to block access to confined spaces, e.g., pipelines, manholes, auger piles and tunnel entries.

Pedestrians

Channel pedestrians as far away from the site, and in as orderly a manner as is possible. Use covered walkways for overhead protection when appropriate. Use fencing whenever possible, and provide lighting and signs to warn and direct. Maintain all walkways in clean, slip-proof condition. Eliminate tripping hazards.

Traffic Control

Consider using detours, when possible, to minimize traffic flow through the project. Reduce confusion by using clean and clear signage. Drive through the traffic control set up to ensure compliance and make sure

there is documentation. Check the set up periodically and maintain all lights, cones, signs, etc. When using people to direct traffic, ensure that they are adequately trained.

Look for ground hazards within the construction zone that can cause accidents or damage (e.g., potholes, washouts, dust, mud, manhole covers, and steel plates). Also watch out for traffic devices that can be blown onto vehicles.

Property Protection

A survey of property surrounding the project site prior to construction is important in controlling liability costs. When construction activities can damage an existing structure or disrupt a business, a survey should be conducted to document existing conditions; the conditions should be monitored as construction progresses. Often, an outside consultant can provide unbiased data that will be helpful in litigation.

Pile driving, underpinning, blasting, dewatering, excavating, tunneling and tieback operations are examples of operations that can cause vibration, cracking, dust, settling, and other problems for nearby buildings and businesses.

Save all photographs, videotapes, measurements and other data collected during the pre-construction survey. Continue monitoring conditions during construction. A post-construction survey should be conducted and comparisons made when appropriate.