



Board Report

File #: 2015-0677, **File Type:** Informational Report

Agenda Number: 44.

REVISED
CONSTRUCTION COMMITTEE
JUNE 18, 2015

SUBJECT: MONTHLY REPORT ON CRENSHAW/LAX SAFETY

ACTION: RECEIVE AND FILE

RECOMMENDATION

RECEIVE AND FILE **monthly report on Crenshaw/LAX Safety.**

ISSUE

The Metro Board of Directors at its April 30, 2015 meeting directed Metro Staff to report monthly on safety-related matters on the Crenshaw/LAX Project. This report is responsive to the Board directive, and represents the second of such reports, with the first report being submitted in May 2015.

DISCUSSION

As a result of several safety-related incidents experienced by Walsh/Shea Corridor Constructors (WSCC), Metro's Design-Build contractor for the Crenshaw/LAX Project, and a subsequent stop work notice issued to WSCC by Metro Staff, the Board approved a Motion which directed, among other items, the CEO to report back monthly on the safety status of the Project.

Since submitting the May status report, Metro Executive Staff met with WSCC's Executive Team on May 18th to discuss WSCC's remediation plan to address the three key safety issues identified by staff in the stop work notice. WSCC explained in detail the safety programs and safety training requirements for work crews and Management that have been in place since the inception of the Crenshaw/LAX Project, and the additional measures that have been implemented to mitigate recurrence of incidents that have been experienced on the Project.

In regards to improving the process for identification of underground utilities, which was one of the key areas of concern, WSCC explained a revised procedure for this type of work had been developed, including a 'Pre-Excavation Planning Checklist' which was provided to Metro Staff at the May 18th meeting. In addition to implementing the revised procedures, WSCC formalized the pre-activity site review process and will assign a utility project lead for every excavation. Also, WSCC conducted additional training for both craft personnel and Supervisors to designate 'competent

persons' in utility identification and protection.

To address Metro's second key concern related to the insufficient number of WSCC safety staff dedicated to oversee and enforce the safety requirements on the Project, WSCC presented their detailed safety staffing plan for each shift and committed to continue evaluating staffing needs and augmenting safety staff to be commensurate with the level and complexity of work activity. For example, as tunneling operations commences later this year, WSCC will review the level of safety staffing and dedicate resources to support the 24/7 operation.

In response to Metro's third key area of concern related to disciplinary practices for safety violations, WSCC explained the policy that is currently in place, which includes termination for acts of gross negligence or actions that could result in serious injury or death. This policy was recently re-emphasized by communicating it in conjunction with distribution of paychecks for every employee. Also, WSCC will now share employee and subcontractor safety discipline data monthly with Metro Staff to confirm enforcement of the policy.

In addition to addressing the areas of concern, the Metro and WSCC Executive teams committed to adopting a more collaborative approach by participating in each other's internal meetings, where Metro Executive Staff will attend WSCC's internal Executive Safety Committee meetings and WSCC Executive Staff will participate in Metro's All-Hands Safety meetings. In addition to attending these team meetings, Metro Executive Staff will also participate monthly in joint field inspections with WSCC's Executive Staff at various sites along the corridor to demonstrate a visible commitment to safety.

~~Attachment A includes additional details of WSCC's corrective action plan as briefly outlined above.~~

Attachment B lists incidents including industrial injuries, 3rd party injury and activities or incidents that could have resulted in injury or property damage. One industrial injury of note has occurred since our last report, an injury to the hand of an employee which limited his ability to perform regularly assigned work, but did not result in an absence.

Attachment C summarized the monthly and project-to-date industrial accident rates and WSCC continues to maintain an injury rate less than the national construction average.

Attachment D is a Board Box sent out on Friday, June 12, 2015 responding to the request of Directors Ridley-Thomas and Knabe calling for five actions including a written corrective action plan. The first attachment to this Board Box is the same as prior Attachment A; therefore, Attachment A has been deleted to avoid redundancy.

NEXT STEPS

As part of this monthly Board report, staff will continue to update the safety statistics on the Project. As such, Attachments B and C include a list of incidents reported to Metro through May 20th and

WSCC's Recordable Injuries and Injury rate as of the end of April, respectively. Starting in July, staff will present this information in its oral presentation at the monthly Construction Committee meeting as directed in the Board Motion.

Staff will partner with WSCC's team and participate in the monthly Executive Safety meetings and field reviews to oversee safety activities on the project.

Staff will also continue their recruitment efforts to add the three additional safety FTEs for the Crenshaw/LAX Project which are included in the FY 16 budget. We are working with HR to make an employment offer to the first candidate and complete the health screening and background check process so that the candidate will start during the month of June, 2015. In the meantime, we have seconded construction safety specialists through the CMSSC contract to augment our core construction safety staff, only until our Crenshaw/LAX positions are filled.

ATTACHMENTS

~~Attachment A – WSCC's Corrective Action Plan~~

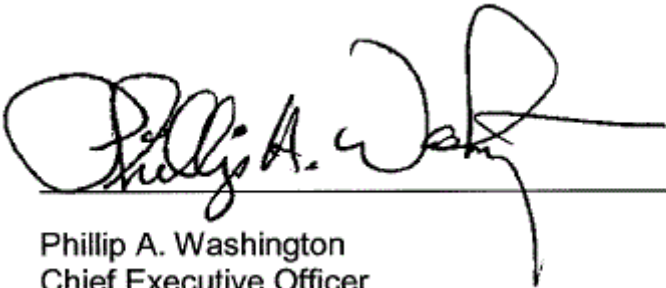
Attachment B - Project Incident and Injury Log through May 20, 2015

Attachment C - WSCC's Industrial Injury Rates through April 30, 2015

Attachment D - CEO Board Box: Response to Board Motion on Crenshaw/LAX Project Safety (This Board Box includes WSCC's Corrective Action Plan)

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Reviewed by: Stephanie Wiggins, Interim Deputy CEO, (213) 922-1023



Phillip A. Washington
Chief Executive Officer

ATTACHMENT B
WSCC Subcontractors Incident and Injury Log 2015

Number	Date/DOI	Day of the Week	Time of Incident	Company	Shift	Work Status Summary & Follow up	Remarks	Location
1	1/20/2015	Tuesday	11:00PM	Public	Night	Damage: Hit and Run	A hit and run driver struck a parking enforcement vehicle and a traffic message board.	Crenshaw and 36th St.
2	1/27/2015	Tuesday	Unknown: First report in the morning	WSCC	Graveyard	Utility Strike: Sewer Line	A sewer lateral was struck on the graveyard shift and the work was stopped. The crews began cleanup by using a vacuum truck to remove the sewage spill.	Expo Decking: South End
3	1/30/2015	Friday	2:00PM	WSCC	Day	First Aid: Superficial Laceration	During the task of supporting utilities (electrical duct bank) under the Expo deck, employee was struck by his own shovel he placed above it (about 3') causing a superficial 1"-1 1/2" laceration to the forehead. He was using a pneumatic chipping hammer w/spade attachment to chip away the compacted soil under the supported utility (at grade level), however had temporarily removed his hard hat to achieve a better angle while lying down to get under the duct bank. WSCC EMT responded and determined first aid with no further care required.	Expo Decking: South End
4	2/2/2015	Monday	Unknown: First report in the morning	WSCC	Night	Security Breach: Theft	During the graveyard shift burglars broke the south gate in the Wally Park yard and they cut the connad lock hinges of WSCC and Hayward Baker. They took a high circuit generator and other small tools. The Police were notified about the incident and WSCCC was given a police report (#150202000889).	Wally Park
5	2/13/2015	Friday	5:10PM	Malcolm Drilling	Day	Property Damage: 3rd party	While installing pile, the counterweight of the crane caused minor damage to a building located at 4357 Crenshaw Blvd. A pile had been recently installed and the crane backed up a few feet to install a second pile, without a spotter, whereby its slow counterweight swing caused minor damage to the numerical address and upper roof molding. No injury or further damage. Note: 1) Malcolm Drilling Foreman contacted WSCC second shift safety of incident; (2) spotters had been present during course of operation, however not at time prior to crane backing up.	Vernon Station

ATTACHMENT B
WSCC Subcontractors Incident and Injury Log 2015

Number	Date/DOI	Day of the Week	Time of Incident	Company	Shift	Work Status Summary & Follow up	Remarks	Location
6	2/19/2015	Thursday	4:50AM	WSCC	Night	First Aid: Eye-Debris	During torching two 3" holes for lofting chain in soldier piles, torch backfired blowing debris around. Employee was in between stacked pile and recently installed pile with face and torch at an angle; he had a welding helmet on, however debris went under the helmet and into his right eye. EMT responded and removed dirt and small metal fragment with no further issue.	UG-1
7	2/26/2015	Thursday	Unknown: First report in the morning	Public	Unknown	Property Damage: WSCC Fence.	Unknown third party vehicle struck a SCE power pole causing it to completely fracture and the pole fail on top of a pile of rubble. All personnel were instructed to stay clear of the area until the SCE team arrived.	Florence & La Brea
8	2/27/2015	Friday	11:15AM	WSCC	Day	Recordable: Restricted Duty	What: During cutting small beam sections into "T" configuration, the flange dropped 6"-8" on employee's left thigh resulting in minor bruise. Employee was taken to Proactive clinic and released as first aid. **Note: 1) The T sections are for securing deck beams to cap beams (underground station shoring (SOE)), which these were for MLK. (2) same method of cutting was in place for past few months without incident. 3) employee had been trained and instructed to make only partial cuts, but not to do final cut due to pinch exposure.	Bellanca Yard
9	3/3/2015	Tuesday	11:15AM	Hayward Baker	Day	Utility Strike: Private 8" Waterline	During the course of drilling CIDH for a column (bent 1A), an unknown & unidentified waterline was struck. Current Dig alerts & mark outs had been completed prior to the activity, however due to a private 8" fire water line, it was not on the plans or able to be marked out. No further damage to line. There was no interruption of service due to line was charged only for fire water supply to building sprinklers. Line was repaired and back in service same day; alternate plan to reroute private line as it is approx. in the center of 9' diameter CIDH and 4' below grade.	Hornet & Imperial
10	3/12/2015	Thursday	12:30PM	WSCC	Day	First Aid: Heat Illness	Employee was complaining about lighted headiness and Nausea. Employee came was brought inside the balance office to cool down and sip water for about 45min.	Florence ROW

ATTACHMENT B**WSCC Subcontractors Incident and Injury Log 2015**

Number	Date/DOI	Day of the Week	Time of Incident	Company	Shift	Work Status Summary & Follow up	Remarks	Location
11	3/13/2015	Friday	1:00 PM	WSCC	Day	First Aid: Heat Illness	An employee suffered from Heat illness due to insufficient water intake, no food for 12-18 hours and he was performing the task of asphaltting. After being seen by a doctor and being blood tested it was determined that the individual had severed from substance abuse.	Eucalyptus & Florence
12	3/16/2015	Monday	4:30 AM	WSCC	Night	Utility Strike	An AT&T line was damaged as a result of employees pulling up partial encasement; resulting in minor damage to the fiber line. (MLK 12 day closure-start of excavation).	MLK
13	3/16/2015	Monday	11:30 AM	WSCC	Day	Near Miss	Near miss-lifting protect in place shield and it slipped off tip of forks (free rigging).	MLK
14	3/16/2015	Monday	11:00 AM	WSCC	Day	Recordable: Restricted Duty	While stepping over a cut piece of steel beam, employee tripped and fractured his right ankle. The employee was using Mini-Mantis II portable gas (oxy-acetylene) cutting machine to cut the ends of the beams to the proper angle. The piece that was tripped over was left over from Saturday's day work. Employee continued to wear his welding shield which due to the shaded shield may have impaired his sight.	Bellanca Yard
15	3/17/2015	Tuesday	11:30 AM	WSCC	Day	Near Miss	An employee was unloading beams from flatbed truck and one of the beams fell from the truck no damage injury. He was inserting forks to pick two beams being supported by dunnage and did not see third dunnage board which a was not being supported. The forks hit the dunnage and tipped the beam off side of truck. (MLK-12 day closure)	MLK

ATTACHMENT B
WSCC Subcontractors Incident and Injury Log 2015

Number	Date/DOI	Day of the Week	Time of Incident	Company	Shift	Work Status Summary & Follow up	Remarks	Location
16	3/18/2015	Wednesday	~10:40 AM	BC Traffic	Day	Vendor	During the pick-up of 2 communication traffic control boards, a Traffic Control Specialist employee received a laceration of the right hand (under the thumb). Two employees of traffic control unit were planning to load two boards onto their flatbed truck, however one needed separation of the board and trailer due to its inability to be lowered caused by a previous hit & run on 2/15 which damaged the board. The damaged board section was unbolted from the frame, and prepared to be positioned on top of the trailer and the employee was directed to wait for the operator to assist him in positioning the board. The employee pulled the hoisted board toward himself and his right hand was pinched between the base plate of the board and trailer. Employee was initially treated by WSCC EMT and it was determined he required stitches; the employee was take to Kaiser by his supervisor. Shortly after leaving the Bellanca yard, the employee felt distress and 911 was called and he was taken to the hospital via ambulance for additional care.	Bellanca Yard
17	3/19/2015	Thursday	~11:25 AM	CWI Inspection Services, Inc.	Day	First Aid	The injured worker was struck by steel junior beam that became dislodged while being used in conjunction with a porto-power to jack up the steel beam in place to facilitate welding. During the jacking operation the jig slipped off the top flange of the beam, fell down, striking Martin on the left shoulder. The jig weighed approximately 100lb. He suffered a contusion to the shoulder.	MLK Yard
18	3/19/2015	Thursday	8:00 PM	WSCC	Swing	No injury associated with incident/broken concrete from beam falling.	A crane rigging incident resulted in I- beam falling off truck while unloading. No injuries as a result of this incident, this lead to a WSCC safety "Stand Down" meeting. Actual incident occurred on 3-19-15 on the swing shift but was reported to Metro on 3-20-15 the following morning.	MLK Yard

ATTACHMENT B**WSCC Subcontractors Incident and Injury Log 2015**

Number	Date/DOI	Day of the Week	Time of Incident	Company	Shift	Work Status Summary & Follow up	Remarks	Location
19	3/23/2015	Monday	1:00 pm to 9:30 pm	WSCC	Swing Shift	Utility Strike	Safety note: There was NO security provided on the contractor's work site at Vernon. Also WSCC Damaged 3" gas line on the west side of Crenshaw at 43rd st while taking out a street light foundation during sidewalk demo. Gas line was clearly marked on the sidewalk, but the gas line was embedded in the concrete of the light foundation. Contractor did not pot hole the gas line prior to sidewalk demo, Gas co performed a tem fix and will replace line on Wednesday. - Jason Johnson	Vernon
20	4/1/2015	Wednesday	~8:15	WSCC	Day	Recordable: Restricted Duty	Pile Driving crews were lofting a beam into the lead to connect to the hammer. During this operation the beam "kicked out" with the employee's ankle getting caught-in the "pinch zone" between the edge of the embankment and the beam. The crew stopped operations and called for EMS. They splinted the employee's ankle and transported him to the ER where he was treated and released. The employee received an additional evaluation from the clinic. The employee was diagnosed with a fractured ankle and placed on Modified Duty. The crew was gathered after the incident for a safety stand down to review the incident and addressed the importance of staying out of "pinch zones."	Wally Park
21	4/6/2015	Monday	2;00 AM	WSCC	Graveyard	No qualified safety representative	It was reported that WSCC had no qualified safety representative on site for the graveyard/night shift. All work concluded at the end of swing shift 2330hrs.	Crenshaw and MLK Bl.
22	4/7/2015	Tuesday	5:00 to 1:30p	WSCC	Day	Gasoline container under ground	WSCC safety was made aware of gasoline container being under ground in station. See Photo. - Jody Hall	Expo Decking: South End

ATTACHMENT B
WSCC Subcontractors Incident and Injury Log 2015

Number	Date/DOI	Day of the Week	Time of Incident	Company	Shift	Work Status Summary & Follow up	Remarks	Location
23	4/8/2015	Wednesday	1:00 pm to 9:30 pm	WSCC	Swing	DWP power duct banks	Note: it was brought to the attention of WSCC QC Al Zuniga found multiple areas on the DWP power duct banks that had loose and crumbling rock pockets and exposed conduit. Safety note: WSCC WSCC safety observed on site. It was brought to the attention of WSCC Safety Martin Hernandez that there were multiple Safety issues under the deck at MLK 1. Several broken and missing bulbs without cages on lighting 2. Burned lighting cord found in service 3. Propane heating torch Found with hose burned and repaired with Bailing wire.	MLK
24	4/8/2015	Wednesday	3:30am	WSCC	Night	Utility Strike at MLK Station (NEAR MISS)	At ~0330 the Contractor (Walsh) struck an unidentified electrical conduit while operating a pneumatic spader near the south headwall west of the existing storm drain, crew was hand excavating for installation of the replacement 30" CMP storm drain. It was reported by the contractor that a flash and smoke occurred when the conduit was struck. No injuries resulted from the strike and all personnel were removed from beneath the deck. Safety representatives from both Metro and the Contractor were on site assessing the work environment and all crew members that were working in the area. CONAD and DWP were notified immediately, DWP Dispatch 11 (Supervisor Shea) was on site at 0510hrs to de-energize the line. At 0530hr awaiting the DWP conduit repair crew to arrive. Supervision from Metro and the contractor were also informed. Sporadic power outage was observed in the neighboring streets and businesses.	MLK
25	4/8/2015	Wednesday	11:00am	Shea	Day	Gas testing logs	Metro Safety audited Shea (Terry Bryan) and found inadequate gas testing logs done by hand.	Expo yard
26	4/9/2015	Thursday	8:45 AM	WSCC	Day	Honda generator under MLK deck	At approximately 8:45 am Observed WSCC crews mobilizing a Honda generator under MLK deck with intentions to use for supplying power to electric chipping hammers. I immediately told crew to remove unit from below grade work area and they complied. This is the second gasoline use underground incident in the last two days. - Jody Hall	MLK

ATTACHMENT B
WSCC Subcontractors Incident and Injury Log 2015

Number	Date/DOI	Day of the Week	Time of Incident	Company	Shift	Work Status Summary & Follow up	Remarks	Location
27	4/9/2015	Thursday	11:30pm to 12:30am	WSCC	Day	Safety Stand Down Meeting	Contractor performed a safety stand-down open forum question and answer session (11:30pm to 12:30am) in the Exposition Yard and at MLK Yard.	Expo Yard/MLK
28	4/10/2015	Friday	9:00pm	WSCC	Swing	Site left open and unattended	Gates being left open during "Stop Work notice"- Metro Safety	Redondo
29	4/12/2015	Sunday	N/A	WSCC	Night	Near Missed	Concrete slab broke off nearly damaging an 18" waterline under Rodeo and Crenshaw.	Rodeo
30	4/24/2015	Friday	2:30AM	WSCC	Night	First Aid: Small superficial puncture in Skin	A small heated/sheared piece of pile was stuck inside the vibratory hammer's jaws, which was attempted to be removed and small fragments were superficially caught in the forehead of a WSCC employee	UG-1
31	4/30/2015	Thursday	8:00	WSCC	Day	Gas Line Incident	A gas line was struck by a track loader inside the Expo box. The Gas Company was contacted and confirmed that there was not leak or puncture to the gas line. Picture shows gas company technician sniffing (testing) for leaks.	Expo Yard
32	5/7/2015	Thursday	11:30	WSCC	Day	Reportable: Finger Fractures	Employees were tasked with moving deck panels to the west side of MLK. A panel was being lowered onto dunnage from a forklift. Employee grabbed underneath the dunnage with his right hand to reposition his piece of dunnage. At this time the operator not seeing employee lowered the deck panel. Employee noticed the panel coming down so he began pulling his hand out of the pinch point, but his 2 nd and 3 rd finger on his right hand got caught. The employee received a fracture with a laceration on both fingers.	MLK
33	5/12/2015	Tuesday	9:00AM	WSCC	Day	First Aid: Shin Bruise	While performing welding operations for SOE work, employee was straddling various beams and struck his shin on the flange. It caused a severe bruise with minor swelling. This is a late reported incident due it had occurred the week prior and it was not reported until this morning to his Foreman. Employee was initially diagnosed by WSCC EMT, sent to the clinic for final evaluation then released as a first aid. Post incident screening was completed in addition to disciplinary action for not immediately reporting incident.	Bellanca welding yard

ATTACHMENT B**WSSC Subcontractors Incident and Injury Log 2015**

Number	Date/DOI	Day of the Week	Time of Incident	Company	Shift	Work Status Summary & Follow up	Remarks	Location
34	5/19/2015	Tuesday	4:30AM	Pedestrian / Gang related	Night	Gang Demonstration / Threats	At approx. 0430 hrs. at the north west corner of Crenshaw @ MLK. An unknown group of males were violently demonstrating, shouting racial slurs and setting fire to the American Flag on the site property. No security was present at this location. Second incident in two days. LAPD rolled out, no report taken subjects were ULT incident only. Gang threats the day before.	MLK

ATTACHMENT C

WSCC and Subcontractors Recordable Injuries and Injury Rate - Crenshaw/LAX Project*

Period	Monthly Work Hours	Project-to-Date Work Hours	Monthly Recordable Injuries	Project-to-Date Recordable Injuries	Monthly Recordable Injury Rate per 200,000 Labor Hours	Project To Date Recordable Injury Rate per 200,000 Labor Hours
Jan-15	80,546	731,423	-	3	-	0.82
Feb-15	79,409	811,969	1	4	2.52	0.99
Mar-15	112,245	891,378	1	5	1.78	1.12
Apr-15	85,963	1,003,623	1	6	2.33	1.20
Total		1,089,586				

*The data provided by WSCC in the table included in the May Board report was inaccurate. The data in this table reflects the corrected information submitted by WSCC

Data Reported as of May 22

Industry Benchmark: 3.8 recordable injuries /200,000 work hours

**Metro**Los Angeles County
Metropolitan Transportation AuthorityOne Gateway Plaza
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metro.net**JUNE 12, 2015**

TO: BOARD OF DIRECTORS

FROM: PHILLIP A. WASHINGTON ^{PAW}
CHIEF EXECUTIVE OFFICER

SUBJECT: RESPONSE TO BOARD MOTION ON CRENSHAW/LAX
PROJECT SAFETY

ISSUE

At the April 30 Metro Board of Directors Meeting, Directors Ridley-Thomas and Knabe sponsored a motion, which the Metro Board of Directors approved, regarding the Crenshaw/LAX project. The motion called for the following five actions as recorded by the Board Secretary:

1. Audit the procurement process that led to the selection of Walsh-Shea;
2. Review the process by which the agency has incurred an expense of \$400,000 pursuant to the safety concerns and cause that to be the contractor's;
3. Make this a high priority with a corrective action plan submitted no later than 30 days of new CEO Phillip Washington assuming full time responsibility or at the first Board meeting in which he is present, whichever day comes first;
4. Have all of this subject to review of Counsel and be prepared to explore what constitutes a potential breach of contract; and
5. Report back monthly at Construction Committee.

DISCUSSION

At the May Metro Board of Directors meeting, I presented the substance of the Crenshaw/LAX project contractor team, Walsh/Shea's (WSCC) corrective action plan. At that time, the Board of Directors requested a written correspondence summarizing this plan as well as a response to the other elements of the Board's motion requesting action from other Board officers including the Inspector General and County Counsel. This letter addresses the Board of Director's requests, and provides the results of my personal assessment of WSCC's safety program on the C/LAX Project.

WSCC Corrective Action Plan

Following the utility strike on April 9, Metro executives, a Board Member and Board Staff Member met with WSCC executives on April 10 to discuss a path forward to lifting the stop work notice. On April 13 we received the first written response to the stop work order, and after Metro staff review, we substantively lifted the stop work notice. The April 13 correspondence has already been communicated to the Board as part of the May Board Report on Crenshaw/LAX safety.

Metro's Executive Staff met again with WSCC's executive staff on May 18 and received a comprehensive overview of WSCC's safety training, inspection and communication protocols. At that time, we received written documentation of many of their safety protocols which have been subsequently reviewed by Metro's Corporate Safety Staff. On May 21, I met personally with the respective Presidents of the Walsh Group and J. F. Shea to discuss safety matters on the project and improve the quality and frequency of our safety communication. We further discussed our dispute resolution process and jointly resolved to escalate problems more quickly through our respective chains of command and to now include myself and my counterparts at the Walsh Group and J. F. Shea as part of a higher level dispute resolution program.

Metro continued to ask WSCC for additional information and recommended changes to their corrective action plan. In response to our comments, WSCC communicated in writing, formally, again on May 25. The May 25 communication from WSCC is attached to this letter and will also be included in the June Board Report on Crenshaw/LAX safety (Attachment A). WSCC's May 25 communication included many attachments, which were reviewed by staff related to new safety procedures, safety training documents, safety disciplinary communications and more.

In their letter and attachments, WSCC substantively addressed three specific Metro concerns: Discipline for Safety Violations, Improved Utility Investigation Procedures and WSCC's Professional Safety Staffing. Metro had raised these issues to WSCC both before and subsequent to the April 9 utility strike. Also in their letter of May 25, WSCC addressed specific requests made by Director Ridley-Thomas. The specific interventions performed by WSSC to address both staff and Director Ridley-Thomas' comments are enumerated below.

1. Full Staffing to WSCC's Safety Staffing Plan – At least as of May 25, WSSC was fully staffed to their complement of two (2) Gas Testers, two (2) Emergency Medical Technicians, and six (6) other Safety Specialists and Managers. WSCC has committed to a continuous review process of safety staffing needs on the project and anticipates further staffing increases with the commencement of 24/7 tunneling. We have also jointly agreed to coordinate our safety staffing initiatives so that no loss of coverage ensues in the event a WSCC employee applies for a Metro safety position, or vice versa.
2. WSCC Discipline for Safety Violations

- a. The two individuals associated with the April 9 utility strike have been terminated for gross violations of safety procedures.
- b. Beginning April 27, and every subsequent Monday, WSCC began verbally reviewing different sections of its Injury and Illness Prevention Program (IIPP) with relevant craft and supervisory staff. Elements of the IIPP include accountability and consequences for safety violations. This extra training will continue at least until the beginning of August, 2015.
- c. WSCC began sharing safety discipline data with Metro Staff on April 17 so that we can ensure compliance with the provisions of their IIPP related to discipline when safety inspections identify deficiencies in compliance with safety rules and regulations.
- d. A paycheck mailer was distributed to WSCC employees reminding them of consequences for their failure to abide by jobsite rules, including, but not limited to safety.

3. Improved Utility Investigation and Assessment Procedures

- a. On April 13, WSSC introduced a new training module for sixty (60) craft and supervisor attendees related to their "Utility Hanger" procedures.
- b. On April 22, WSSC introduced a very detailed "Utility Competent Person" training module with forty-seven (47) craft/supervisors in attendance. Metro has received and reviewed copies of this training presentation.
- c. WSCC has now identified a utility "Czar" for the project, Mr. Jacob Dean who has project-wide responsibilities for field coordination, surveying and identification of all known utilities in new areas of excavation.
- d. WSCC has revised its utility investigation and assessment procedures which now require a quality review by the new utility Czar of their internal Pre-Excavation Checklist. Mr. Dean will also be required to perform a pre-excavation consultation for each excavation and will require Mr. Dean to perform a site walk with the responsible foreman prior to excavation.
- e. WSCC agreed to perform additional potholing work at 104th for vibratory piles and at the Expo Station for jet grouting as well as pre-construction potholing in advance of any drilling, driven piles and excavation unless a detailed task-specific plan potholing plan is prepared that indicates potholing is not necessary.

4. WSCC's Responses to Requests by Director Ridley-Thomas – Director Ridley-Thomas, in a letter to the Presidents of their respective Companies, asked for five immediate safety interventions on the Crenshaw/LAX project. Two of which

have already been addressed in this letter; improved utility identification and assessment and full WSCC safety staffing. Director Ridley-Thomas' three additional requests were addressed as follows:

- a. The current Project Manager, Mr. Joe Lee, has committed to attending Metro's All Hands Safety Staff Meeting monthly beginning with the June 18 Meeting at the Project Field Office.
- b. Each member of the WSCC Executive Team currently performs at least one monthly field safety inspection on their own, end-to-end on the project, which usually takes upwards of four hours. Frequently, their Executive Team conducts more than one monthly. In addition, Mr. Lee has now agreed to perform two additional monthly field safety inspections with Metro's Executive Director of Risk Management and Safety and the Director of Construction Safety.
 - i. The first of these sessions was completed on June 9 and included a detailed safety assessment of Crenshaw/Expo excavation and the cut and cover section adjacent to Leimert Park. A very high degree of personal protective equipment compliance was observed as was adequate fall protection including barrier construction. A minor issue related to a small break in a security perimeter fence was immediately corrected. Daily task hazard analyses documentation was completed as was the pre-excavation checklist. Another field safety inspection is scheduled for June 15.
 - ii. I will also perform periodic field safety assessments. The first of which took place this week on Wednesday, June 10 when I spent four hours touring the entire alignment and talking to executives, foremen and workers on site. Prior to my safety walkthrough at the Crenshaw/Expo station box, I was thoroughly briefed by the WSSC executive management team on their corporate safety program as well as the additional steps WSSC has taken to improve safety performance on the project. During my review, I had the opportunity to discuss safety matters with local Project Labor Agreement (PLA) employees including their safety training, Personal Protective Equipment use, their familiarity with the daily task hazard analysis process among others. I found no significant unmitigated safety hazards throughout my safety walkthrough.
- c. WSCC currently has a safety communication plan that includes the following major activities that are performed on a daily, weekly and monthly basis: Daily Job Hazard Analyses, Weekly Field Monday Safety Huddle, Monthly Executive Safety Committee, Monthly Subcontractor Safety Committee and Monthly Foreman Meeting. Safety promotional materials are also displayed prominently at many locations along the alignment.

5. Other WSCC Safety Improvement Activities WSSC Has Undertaken

- a. WSCC as of June 2 has supplied Metro their internal Review Employee Actions Performance (REAP) documentation. Their REAP plan is a field inspection and monitoring program used extensively on the project. Metro is currently reviewing our processes to evaluate the quality of these field safety assessments.
- b. WSCC has now extended an invitation to Metro Executive Staff to attend their internal Monthly Executive Safety Meeting. The first meeting to include Metro participation occurred on June 3.

Audit of the Crenshaw/LAX Procurement Process and Selection of WSCC

The Office of the Inspector General (OIG) has now drafted an audit plan and scope for this activity (Attachment B) with an expected completion date in mid-September. A large number of documents have already been submitted to the OIG from Metro's Vendor and Contract Management (V/CM) Department. Metro staff will continue to assist the OIG in any way we can so that this task can be completed as quickly and thoughtfully as possible. As a Board Officer and independent reviewer of our selection process, future communication to the Board of Directors regarding the progress of this audit will come directly from the Office of the Inspector General (OIG).

Increased Safety Quality Assurance (QA)/ Quality Control (QC) by Metro Staff

Metro responded to the Crenshaw/LAX project safety shutdown by requiring the contractor to implement the remediation program elements outlined in this letter. Internally, the Metro executive team, including the Interim Deputy CEO, the Executive Director of Finance and Budget, the Executive Director of Engineering and Construction and the Executive Director of Risk Management and Safety quickly evaluated additional steps that Metro could take to improve the enforcement of safety rules and procedures on the project. Quickly we began an internal review of our own safety oversight.

Our traditional safety field staffing model for Design/Build projects has two (2) dedicated Metro safety specialists headed by an onsite Safety Manager to perform limited safety Quality Assurance and Quality Control on the project. Our model recognizes that the primary responsibility and accountability for safety on our projects is our contractors. Consistent with this approach, our contractors bear the sole financial burden for safety related risks.

In this context, Metro's field staff has a variety of duties such as the review of contractor safety submittals, safety report generation, a review of contractor accidents/incidents report quality, reviews of contractor safety training records, resolving disputes with the contractor regarding applicable safety regulations and others. Our field safety representatives also perform field safety inspections which are logged and reviewed

with contractor staff. These three field personnel are the safety-centric eyes and ears of Metro on the project, but are insufficient to provide substantial coverage depth during peak daily work times especially on a project approaching ten miles in length. Further, with only three FTEs, no second shift coverage is possible, nor is weekend coverage and only partial third shift coverage.

This staffing model has proven successful on many of our design build projects including the Eastside Extension to the Gold Line. On it, with millions of hours worked, no lost time injuries occurred. Subsequent to the serious utility strike on April 9, we now believe that additional Metro oversight resources are prudent so that we can better assess the contractor's safety compliance during peak work hours, and also during periods when we currently have no coverage at all. Three (3) additional FTEs on the Crenshaw project were added to the FY16 budget, which the Board of Directors has now approved, to accomplish just that, a nearly 24/7 presence of Metro Safety Specialists on the Crenshaw/LAX project. This increased presence will improve the likelihood that we will be able to identify a hazardous condition for the contractor to fix prior to a serious accident or injury. Our increased presence also sends an important message to our partners at WSCC. That is, we have dramatically increased our attention to safety on the Crenshaw/LAX project for cause, and have expanded our ability to hold line management accountable for safety performance.

Until these positions become available, we will be using temporary staffing supplied by our Construction Management Support Services Contract to provide these three (3) necessary safety oversight positions. We have recently added the first two (2) temporary Construction Safety experts and are prepared to make an offer to a third temporary construction safety specialist shortly. The recruitment for the three (3) permanent Senior Construction Safety Specialists is underway.

The estimated cost of these three (3) additional safety FTEs is roughly \$400,000 annually. We have requested, in writing, that WSCC reimburse us for these costs and on March 26 they, in writing, declined to do so. WSCC's declination of reimbursement brings up the final issue in the Metro Board of Directors' motion.

Review the process by which the agency has incurred an expense of \$400,000 pursuant to the safety concerns and cause that to be the contractor's; Have all of this subject to review of Counsel and be prepared to explore what constitutes a potential breach of contract

County Counsel is in the process of reviewing both the facts and the various contract documents related to WSCC's safety performance in order to determine WSCC's compliance with its contractual obligations in this matter. As part of this analysis, County Counsel will also examine whether our incremental costs of increasing safety staffing on the Crenshaw/LAX project is reimbursable from the contractor. To facilitate County Counsel's review and analysis, Counsel has requested and Metro staff is supplying email correspondence related to safety, inspection reports performed by Metro's Engineering and Construction Department, Metro Construction Safety's audit

log, WSSC's safety incident reports, dozens of safety submittals prepared by the contractor for Metro approval, Metro's Construction Safety Manual, and many others. County Counsel has advised me that they will provide a separate confidential memo to the Board on the status of their review. Future communications regarding Counsel's review of this matter will come directly from the Office of County Counsel. Additionally, County Counsel will review the OIG audit when completed and provide a separate memo regarding any issues that may arise therefrom.

ASSESSMENT CONCLUSION AND NEXT STEPS

I believe that WSSC has taken significant steps to improve safety on the C/LAX project. Their new safety action plan is comprehensive, specific, and verifiable. In speaking with many of the site workers, they showed a thorough knowledge of the safety plans and measures. Many of them seemed embarrassed that their safety performance and record has been tarnished. There also seemed to be an atmosphere of renewed emphasis on safety. However, Metro Staff will continue to take an aggressive approach to safety oversight and will agendaize and report on Crenshaw/LAX safety matters monthly to the Construction Committee, until further notice. We will also continue our recruitment of the three (3) permanent Senior Safety Specialists. The OIG and County Counsel will continue their efforts to complete the Board directed audit and legal analysis, respectively.

ATTACHMENT

- A. WSSC Corrective Action Plan Letter of May 25
- B. OIG Audit Plan and Schedule



ATTACHMENT A

May 25, 2015

Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Los Angeles, CA 90012

Attn: Mr. Gregory Gordon Kildare – Executive Director, Enterprise Risk & Safety Management
Mr. Charles H. Beauvoir – Deputy Executive Officer, Project Management

SUBJECT: Crenshaw/LAX Safety – Path Forward
REF: E-Mail Message from Mr. Kildare to Mr. Lee (WSCC), dated May 18, 2015

Dear Mr. Kildare and Mr. Beauvoir:

Walsh/Shea Corridor Constructors (“WSCC”) is in receipt of your e-mail of May 18, 2015, in which you request detailed steps that WSCC has taken and commits to take going forward to ensure a positive safety culture on the Crenshaw/LAX Transit Project and to address the concerns of Los Angeles County Metropolitan Transportation Authority (“LACMTA”) and the LACMTA Board. This letter is intended to serve as a comprehensive response to all of your requests.

First and foremost, WSCC would like to thank you for the opportunity, provided earlier this week, to convey the critical values both entities of our Joint Venture share when it comes to Safety practices and culture in general. These matters are of paramount importance to both the Executive Management on this project and in our respective corporate offices. Our project goal is and always has been “Zero Tolerance” for job-site safety incidents and we strongly believe that our past record(s) speaks to that commitment. In fact, our Project recordable incident rate is nearly four (4) times lower than the national industry average, also well below the minimum safety goals set forth by our corporate offices.

In recent years both Walsh and Shea have received accolades and recognition for exemplifying a culture of safety on major construction projects across the United States, most notably the Cal-SHARP award that was given to the LAX Terminal Improvements team. Additionally, both companies are members of the Safety Summit committee (an exclusive group of 40 construction companies, nationwide) that meets throughout the year to share best practices with a vision for an Incident Free Environment. The sharing of these best practices and lessons-learned culminates in an annual event (across these 40 companies projects) called “Safety Week”. On May 8th, WSCC concluded the second successful Safety Week here at Crenshaw-LAX.

Prior to LACMTA issuing the Stop Work Notice on April 9, WSCC had identified several safety challenges/trends in early March and we were already taking steps to alleviate these concerns. These steps included the following:

- On March 20 and March 26, WSCC performed self-imposed phased Project-wide safety stand-downs with an emphasis on mitigating safety incidents, increasing awareness, and reinforcing a

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ATTACHMENT A

job-wide safety culture, including specific reviews of task hazards, PPE requirements, and disciplinary actions associated with PPE violations;

- On March 26, WSCC conducted mandatory supervisory safety culture training for managers and superintendents, with an emphasis on planning, accountability, maintaining our safety culture, and diligently completing our pre-excavation checklist (see Exhibit A); and
- On April 1, WSCC's Senior Management and Executives met after normal business hours to discuss our current safety culture along with the existing practices and protocols we have in place. Key topics of our discussion included the need to reinforce and improve upon our existing weekly protocols which include REAP (Review Employee Actions Performance) Card completion as well as the Safety Audit inspections we require of all Management personnel. Special consideration was focused on the need to communicate and empower not only Management but also Craft personnel to take action whenever it is deemed necessary.

Subsequent to the April 9 Stop Work Notice, the following remedial steps have been implemented, or will be shortly:

- On April 13, WSCC introduced a new training module ("Utility Hanger" training) with 60 craft/supervisors in attendance (see Exhibit B for summary of training);
- On April 22, WSCC introduced a second new training module ("Utility Competent Person" training) with 47 craft-supervisors in attendance (see Exhibit C);
- WSCC assigned Jacob Dean as the utility project lead for field coordination, survey and identification of all known Utilities prior to commencing work in new areas; and
- WSCC revised its utility identification procedure to involve consistent consultation with Jacob Dean, including pre-activity site walks with Jacob Dean and the applicable Foreman and the completion of the Pre-Excavation Planning Checklist (see Exhibit D).

With respect to the staffing of safety professionals, WSCC is now fully staffed according to the Safety Staffing Plan (8 FTEs) and will continue to evaluate staffing needs, especially with regard to tunneling, prior to the start of 24-hour, Monday-to-Friday tunneling operations. Furthermore, WSCC and LACMTA have agreed to coordinate hiring activities for technical Safety Staff to ensure that there is no loss of coverage in the event that a WSCC employee applies for an LACMTA position, or vice versa.

WSCC also has employee discipline procedures in place to minimize safety violations. These include the following:

- From the beginning of the Project, WSCC has had a zero tolerance policy for serious safety violations;
- WSCC has attached information to paychecks regarding the enforcement of discipline for safety violations (see Exhibit E);

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ATTACHMENT A

- Beginning April 27, WSCC has started to review critical components of the IIPP with staff at the Monday morning safety huddle and plans to continue this practice for the next three (3) months; and
- WSCC began sharing employee and subcontractor safety discipline data with LACMTA staff on April 17 and continues to share this information.

WSCC understands that a positive safety culture begins with leadership's commitment to safety. To that end, WSCC has made the following efforts:

- WSCC's Project Executive, Project Manager, Deputy Project Manager and Construction Manager will commit to attendance at LACMTA's monthly All-Hands Safety Meeting;
- WSCC's internal Executive Safety Review will now be attended by LACMTA's Executive Director and Construction Safety Director, with an invitation being extended shortly;
- WSCC will now review its internal Safety Report Cards with LACMTA staff;
- WSCC's Project Manager and Deputy Project Manager commit to a minimum of one monthly field safety inspection;
- WSCC has committed to two (2) additional monthly executive-level field inspections with LACMTA's Executive Director and Construction Safety Director.

Please know that WSCC remains committed to fostering a positive safety culture and preventing any safety incidents on the Crenshaw-Lax project. WSCC also appreciates LACMTA's cooperation in ensuring that we work together towards our collective goal of providing a safe, incident-free work environment for all involved. We hope that this letter has served to both answer your questions and to alleviate your recent concerns but should there be any questions please contact me at your earliest convenience.

Sincerely,

R. Joe Lee
Project Manager

Attachments: March 26 Safety Culture Training (Exhibit A)
Summary of Utility Hanger Training (Exhibit B)
Utility Competent Person Training (Exhibit C)
Pre-Excavation Planning Checklist (Exhibit D)
Craft Employee Conduct and Work Rules (Exhibit E)

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STATUS REPORT ON
REVIEW OF PROCUREMENT PROCESS FOR THE
CRENSHAW/LAX CONSTRUCTION PROJECT CONTRACT (No. 0988)
PROJECT NO. AUD-15-11

- I. Based on the April 30, 2015 Board Meeting regarding Non-Consent Item 4 – Crenshaw Project, the Office of Inspector General (OIG) has initiated a preliminary review of the procurement process for the Crenshaw/Lax Construction Contract No. 0988. The objectives of this review are:
 1. To determine if Government regulations as well as Metro’s policies and procedures were adhered to during the procurement process.
 2. To verify if important information and documents required in the Request for Qualifications (RFQ) and Request for Proposal (RFP) were received from contractor and vetted by Metro Staff (specifically in the area of safety).
- II. To achieve the above objectives, this review involves reviewing and documenting the timeline of significant events along the procurement process to determine whether government regulations, Metro’s policies and procedures, and contract requirements have been met and adhered to at each important phase. The following is a breakdown of the areas under review:
 1. Request For Qualifications (Issued December 23, 2011)
 - A. Because the contract was issued as a Design-Build, verify whether requirements of California Public Contract Code Section 20209.7 were adhered to (including the pre-qualification Questionnaire);
 - B. Verify whether Metro’s policies and procedures were adhered to; and
 - C. Determine if the contractor provided all required information and documents (specifically in area of safety).
 2. Request For Proposal (Issued June 22, 2012)
 - A. Verify that important documents/information required in RFP were received and verified (specifically as it relates to safety);
 - B. Review Metro’s safety related forms that are required to be completed by contractors for areas of clarification and enhancement;
 - C. Review contractor’s safety plan and the responses provided on safety forms for consistency and adherence to contract requirements; and

- D. Verify that contractor's key personnel were vetted and that written confirmation of key personnel was received by Metro.
-
- 3. Amendment #8 for Best and Final Offers (Issued February 22, 2013)
 - A. Review criteria used for final selection; and
 - B. Review additional documents and information provided during this phase.
-
- III. The Draft report will be prepared and then reviewed by OIG's management. The report will cover OIG's assessment as to whether government regulations and Metro's policies and procedures were adhered to throughout the procurement process. The OIG goal is to complete this review and issue a report to the Board in or about September 2015.