Traffic and Transportation Safety for Agriculture Industry

Fatal Event: In September 2008 a farmworker was killed and four others were seriously injured as a result of a traffic accident on N.C. Highway 11.

Investigative Findings: The farmworkers, the majority of whom were H-2A workers, were passengers in a farm truck and were being transported from tobacco barns to work in a tobacco field when the crash occurred. The farm truck was also towing two empty tobacco trailers. The driver of the farm truck, a local resident with a North Carolina driver’s license, turned from a state road onto Highway 11, traveling north.

An 18-wheel tractor-trailer driven by a North Carolina resident with a North Carolina driver’s license was also traveling north on Highway 11 and came up behind the farm truck. As the driver of the farm truck continued on Highway 11, he moved to turn left. At the same time, the tractor-trailer crossed over the double yellow lines into the opposite lane of travel on the two-lane road while attempting to pass the farm truck. The tractor-trailer crashed into the farm truck. Five passengers riding in the truck bed were thrown from the vehicle on impact. One farm worker was killed instantly, and four others were seriously injured and airlifted to area hospitals. The three employees in the cab of the farm truck, including the driver, sustained minor injuries. The N.C. Highway Patrol investigated the crash and considered citations for the driver of the tractor-trailer for improper passing.

In reviewing the crash, the N.C. Department of Labor noted that seat belts were not provided in the bed of the farm truck, nor were seats secured to the floor of the truck bed. The Migrant and Seasonal Agricultural Worker Protection Act (MSPA) (29 CFR 500), enforced by the Wage and Hour Division of the U.S. Department of Labor, requires that all those transporting farmworkers be aware of and be in compliance with provisions governing transportation of farmworkers. H-2A workers are exempt from the protections of MSPA.

Recommendations:
The N.C. Department of Labor recommends that all agricultural businesses re-evaluate their current methods of transporting employees to ensure that passengers are adequately protected.

1. NCDOL recommends using MSPA transportation requirements as a guideline. These recommendations cover buses, passenger automobiles, multipurpose passenger vehicles, pick-up trucks, vans, trailers, semi-trailers, truck tractors and low speed vehicles. They include, but are not limited to, the following:
   - If used to transport workers, the vehicle must be provided with seats that are bolted securely to the floor.
   - Seat belts must be available for all riders.
To ensure the safety of farmworkers, look for these signs and proceed with caution when traveling through rural areas.

- Pick-up trucks subject to DOT standards are not allowed to tow trailers while transporting workers.
- It is the responsibility of the vehicle owner/operator to ensure that the vehicle used to transport workers is properly insured against liability for damage against people and property.
- The minimum age of a farm vehicle driver transporting passengers is 21.
- Brake lights and turn signals must be visible.
- Use flashing lights if slow moving. See MSPA regulations for more specific guidelines on coverage.

2. NCDOL recommends that slow moving vehicle signs be placed on all farm equipment whose speed does not exceed 25 mph and are driven on state roads (29 CFR 1910.145(d)(10)).

3. NCDOL recommends that farm employees driving farm equipment have a valid North Carolina driver’s license and comply with all traffic laws.

- Employers need to maintain all farm equipment and ensure that it is working properly in accordance with the manufacturer’s guidelines.
- All licensed farm vehicles need to be maintained and inspected annually by a certified North Carolina inspector to ensure proper operation.
- All farm vehicle brakes, brake lights, head lights and signals need to be in proper working order.

4. NCDOL recommends agricultural cargo be contained, immobilized or secured to prevent shifting within the vehicle to such an extent that the vehicle’s stability or maneuverability is adversely affected (49 CFR 393.100).

Documents referenced can be obtained by phoning the Agricultural Safety and Health office at (919) 807-2923 or by referencing the following Internet sites:

www.osha.gov
www.nclabor.com
www.dol.gov/ESA/WHD/mspa/index.htm

Drive safely in rural areas and stay alert near moving farm machinery.