

UNITED STATES
DEPARTMENT OF LABOR
MINE SAFETY AND HEALTH ADMINISTRATION

REPORT OF INVESTIGATION

Surface
(Crushed Limestone)

Fatal Powered Haulage Accident
August 3, 2021

Bridgeport Stone Plant
TXI Operations LP
Bridgeport, Wise County, Texas
ID No. 41-00007

Accident Investigator

Ty Fisher
Mine Safety and Health Specialist

Originating Office
Mine Safety and Health Administration
Dallas District
1100 Commerce Street
Dallas, Texas 75242
William O'Dell, District Manager

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OVERVIEW

On August 3, 2021, at 5:14 a.m., Reyes Lovington Jr., a 62 year-old utility worker with approximately 15 years of mining experience, died when a tractor-trailer operated by a mine customer struck him while he walked to his assigned work area.

The accident occurred because the mine operator did not: 1) establish and follow rules to provide for the safe movement of self-propelled mobile equipment where a change to the traffic pattern occurred, and 2) provide site-specific hazard awareness training to alert truck drivers of the hazards associated with a change to the traffic pattern.

GENERAL INFORMATION

Martin Marietta Materials Inc. owns TXI Operations LP, which operates the Bridgeport Stone Plant mine. This mine is a surface crushed limestone mine located in Bridgeport, Wise County, Texas. Bridgeport Stone Plant employs 83 miners and operates 24 hours per day, five days per week and a partial day on Saturday. The shift schedule varies depending on occupation. The mine operator drills and blasts limestone in an open pit and transports the material by haul truck and belt conveyor to on-site processing facilities, where the material is crushed, washed, and sized before it is stockpiled for sale and distribution.

The principal management officials at TXI Operations LP at the time of the accident were:

Judsen Adams
Justin Webster

Area Production Manager
Supervisor

The Mine Safety and Health Administration (MSHA) completed the last regular safety and health inspection at this mine on February 24, 2021. The 2020 non-fatal days lost incident rate for Bridgeport Stone Plant was zero, compared to the national average of 0.02 for mines of this type.

DESCRIPTION OF THE ACCIDENT

On August 3, 2021, at approximately 4:00 a.m., the mine operator began loading and shipping activities for the day. At that time, activities for a customer appreciation day event that provided breakfast to customers, contractors, and mine employees were also underway. The mine operator stationed the food service and event activities in front of the mine office.

The following information is based on interviews with miners, conducted during the investigation. At 4:53 a.m., Reyes Lovington Jr., Utility Worker, arrived on-site and began his shift. From 5:00 a.m. to 5:10 a.m., Lovington participated in the shift-change daily plan meeting in the training room with mine management.

At 5:04 a.m., Jose Gutierrez-Olivas, Truck Driver for mine customer Rivas Transport, arrived at mine plant scale No. 2 to weigh his truck before loading. At this time, Gutierrez-Olivas was informed about the customer appreciation breakfast event. At 5:05 a.m., Gutierrez-Olivas traveled to the South Belt stockpile where Jennifer Elam, Front-End Loader Operator, loaded his truck. At 5:12 a.m., Gutierrez-Olivas left the stockpile location. Also around this time, Lovington began his normal practice of walking from the training room to his work area. According to video footage, at 5:14 a.m., Gutierrez-Olivas traveled past the posted stop sign on the main mine road without stopping, made a right-hand turn in front of the main office building, and struck Lovington as he crossed the roadway.

Elizabeth Martinez, Administration Supervisor, and Todd Bradshaw, Quality Control Supervisor, both working at the customer appreciation tent, heard the collision, looked over, and saw that Lovington had been struck by a truck. Both immediately went to assist. Justin Webster, Supervisor, and Ryan Bayless, Front-End Loader Operator, also noticed the accident and went to the scene to provide assistance. Martinez called 911 at 5:15 a.m.

Between 5:15 a.m. and 5:18 a.m., Gutierrez-Olivas continued to travel after striking Lovington, made a U-turn, parked his truck, and proceeded to the customer appreciation tent for breakfast. In efforts to control the accident scene, the mine operator restricted all personnel from accessing the area. Upon hearing that the area was restricted, Gutierrez-Olivas returned to his truck and left the area. At 5:19 a.m., video surveillance cameras at the outbound scale No. 2 showed Gutierrez-Olivas receiving his load documentation and leaving the mine.

At 5:15 a.m., Wise County Emergency Medical Service (EMS) received the 911 call from Martinez. At 5:28 a.m., the EMS unit arrived at the Bridgeport Stone Plant and found Lovington unresponsive. EMS rendered medical aid and began cardiopulmonary resuscitation. EMS transported Lovington to Wise County Medical Center at 5:50 a.m., where Douglas Lewis, Doctor of Medicine, pronounced him dead at 6:16 a.m.

INVESTIGATION OF THE ACCIDENT

On August 3, 2021, at 5:23 a.m., William Rodriguez, North Texas/Oklahoma District Safety Director, called the Department of Labor National Contact Center (DOLNCC). The DOLNCC contacted Homer Pricer, Supervisory Mine Safety and Health Inspector. Pricer notified Nickolas Gutierrez, Assistant District Manager, who sent William Clark, Mine Safety and Health Specialist, to the mine.

Clark arrived at the mine site at 6:50 a.m. and issued an order under the provisions of Section 103(k) of the Mine Act to assure the safety of the miners and preservation of evidence. Clark began gathering information in preparation for the accident investigation team leader's arrival. Gutierrez assigned Ty Fisher, Mine Safety and Health Specialist, as the accident investigation team leader. Fisher arrived at the site at 10:40 a.m. MSHA's accident investigation team conducted an examination of the scene, interviewed mine management, miners, and the owner of the customer truck involved in the accident. MSHA also reviewed conditions, policies, training records, work procedures, and video surveillance relevant to the accident. See Appendix A for a list of persons who participated in the investigation.

DISCUSSION

Location of the Accident

The accident occurred on the roadway in the area between the main office and the Reynolds stockpile (see Appendix B).

Equipment Involved

The mine customer's tractor-trailer was a 2006 Peterbilt commercial over-the-road haul truck owned by Rivas Transport, which was pulling an end dump trailer (see Appendix C). The truck was loaded with a net product volume of 26.6 tons of manufactured sand. The gross vehicle weight of the truck was 41.37 tons. The Gross Vehicle Weight Rating (GVWR) for the tractor is 52,000 lbs. (26 tons) and the GVWR for the trailer is 68,000 lbs. (34 tons), for a total GVWR of 120,000 lbs. (60 tons). Investigators determined that the tractor-trailer was not overloaded.

A Komatsu WA900 front-end loader with an onboard video camera system was parked on the fleet equipment line, 226 feet south of the accident scene. The loader was parked facing the accident scene and the video camera recorded the accident. The video footage showed that Gutierrez-Olivas traveled past the posted stop sign on the main mine road without stopping, made a right-hand turn in front of the main office building, and struck Lovington as he crossed the roadway (see Appendix D).

Weather and Illumination

The weather at the time of the accident was 72 degrees Fahrenheit with clear skies and a NNE breeze of 5.5 miles per hour. Although it was dark at the time of the accident, the illumination in the area of the accident was adequate to illuminate pedestrian traffic. Lovington was also wearing high visibility clothing, as required and provided by the mine operator. Investigators determined that weather and illumination did not contribute to the accident.

Work Practices

Investigators learned through interviews that the mine operator was aware that Lovington walked to and from his work area on a regular basis. This practice subjected Lovington to daily exposure to mobile equipment along haulage roadways while crossing roadways, and along stockpiles where mine customer tractor-trailers were loaded.

On the day of the accident, the mine operator altered traffic flow patterns to accommodate the customer appreciation event. Under normal traffic patterns, Gutierrez-Olivas would have continued straight to the outbound scales to exit the mine site. Investigators determined that Gutierrez-Olivas altered his path to participate in the event.

Training and Experience

Lovington had approximately 15 years of mining experience with almost 13 years of experience as a utility worker at the Bridgeport Stone Plant mine (two separate terms of employment). Mark Lipe, Mine Safety and Health Training Specialist, examined the mine's training plan, including Lovington's training records. Lovington was rehired as an experienced miner on March 13, 2012, and his last recorded annual refresher training was in January 2021. All training and records were in accordance with MSHA Part 46 training regulations.

Gutierrez-Olivas had two years of truck driving experience and approximately nine months of experience as a truck driver for Rivas Transport. Gutierrez-Olivas drove the Peterbilt truck involved in the accident for his entire employment at Rivas Transport. Usbaldo Rivas, Owner of Rivas Transport, stated that Gutierrez-Olivas had been driving trucks to Bridgeport Stone Plant for over a year prior to being employed at Rivas Transport. Investigators found no evidence to support that the mine operator provided Gutierrez-Olivas with Part 46 site-specific hazard awareness training that addressed the hazards where the traffic pattern had been changed for the customer appreciation event.

Workplace Examinations

Based on interview statements and a review of examination records, investigators determined that workplace examinations conducted at the beginning of the shift and records from the previous shift did not identify any hazards or safety concerns pertaining to the accident location. Investigators determined that workplace examinations were adequate and did not contribute to the accident.

Rivas Transport did not identify or record any defects for the truck involved in the accident. The Texas Department of Public Safety conducted an examination of the truck and shared the report with MSHA investigators, who determined that the defects found in this report did not contribute to the accident.

Police Involvement

The Wise County Sheriff's Department investigated this accident. On August 3, 2021, Gutierrez-Olivas was indicted for "accident involving death," a second-degree felony.

ROOT CAUSE ANALYSIS

The accident investigation team conducted an analysis to identify the underlying causes of the accident. The team identified the following root causes, and the mine operator implemented the corresponding corrective actions to prevent a recurrence.

1. Root Cause: The mine operator did not establish and follow rules to provide for the safe movement of self-propelled mobile equipment where a change to the traffic pattern occurred.

Corrective Action: The mine operator conducted a traffic flow assessment and established rules to provide for the safe movement of self-propelled mobile equipment. The mine operator trained all miners and drivers on the rules. Additionally, the mine operator now transports all miners to their assigned work areas.

2. Root Cause: The mine operator did not provide site-specific hazard awareness training to alert truck drivers of the hazards associated with a change to the traffic pattern.

Corrective Action: The mine operator provided site-specific hazard awareness training for the truck drivers.

CONCLUSION

On August 3, 2021, at 5:14 a.m., Reyes Lovington Jr., a 62 year-old utility worker with approximately 15 years of mining experience, died when a tractor-trailer operated by a mine customer struck him while he walked to his assigned work area.

The accident occurred because the mine operator did not: 1) establish and follow rules to provide for the safe movement of self-propelled mobile equipment where a change to the traffic pattern occurred, and 2) provide site-specific hazard awareness training to alert truck drivers of the hazards associated with a change to the traffic pattern.

Approved By:

William O'Dell
District Manager

Date

ENFORCEMENT ACTIONS

1. A 103(k) order was issued to TXI Operations LP on August 3, 2021.

A fatal accident occurred on August 3, 2021, at 5:14 a.m. This order is being issued under the authority of the Federal Mine Safety and Health Act of 1977, under Section 103(k) to insure the safety of all persons at the mine, and requires the operator to obtain the approval of an authorized representative of MSHA of any plan to recover any person in the mine or to recover the mine or affected area. This order prohibits any activity in the affected area. The operator is reminded of the obligation to preserve all evidence that would aid in investigating the cause or causes of the accident in accordance with 30 CFR 50.12.

2. A 104(a) citation was issued to TXI Operations LP for a violation of 30 CFR 56.9100(a).

On August 3, 2021, at 5:14 a.m., a fatal accident occurred at this mine when a miner was struck by a mine customer-operated tractor-trailer truck while walking across a roadway to his assigned work area. The truck traveled past the posted stop sign on the main mine road without stopping. The mine operator changed the traffic pattern for a customer appreciation event, but did not establish and follow rules to provide for the safe movement of self-propelled mobile equipment in that area. The victim was crossing the haul road in the area where traffic patterns had changed at the time of the accident.

3. A 104(a) citation was issued to TXI Operations LP for a violation of 30 CFR 46.11(a).

On August 3, 2021, at 5:14 a.m., a fatal accident occurred at this mine when a miner was struck by a mine customer-operated tractor-trailer truck while walking across a roadway to his assigned work area. The mine operator did not provide site-specific hazard awareness to the truck driver and changed the traffic pattern for a customer appreciation event, but did not alert the truck driver of the hazards associated with the change to the traffic pattern.

APPENDIX A – Persons Participating in the Investigation

TXI Operations LP

Michael Hunt	Vice President of Safety and Health
Robert Frazier	North Texas/Oklahoma District General Manager
William Rodriguez	North Texas/Oklahoma District Safety Director
Jeffrey Cross	North Texas/Oklahoma District Safety Manager
Judsen Adams	Area Production Manager
Karen Johnston	Attorney, Jackson Kelly PLLC
J. Malcolm Cox	Assistant General Counsel-Litigation
Elizabeth Martinez	Administration Supervisor
Todd Bradshaw	Quality Control Supervisor
Justin Webster	Supervisor
Ryan Bayless	Front-End Loader Operator
Jennifer Elam	Front-End Loader Operator

Rivas Transport

Usbaldo Rivas	Owner
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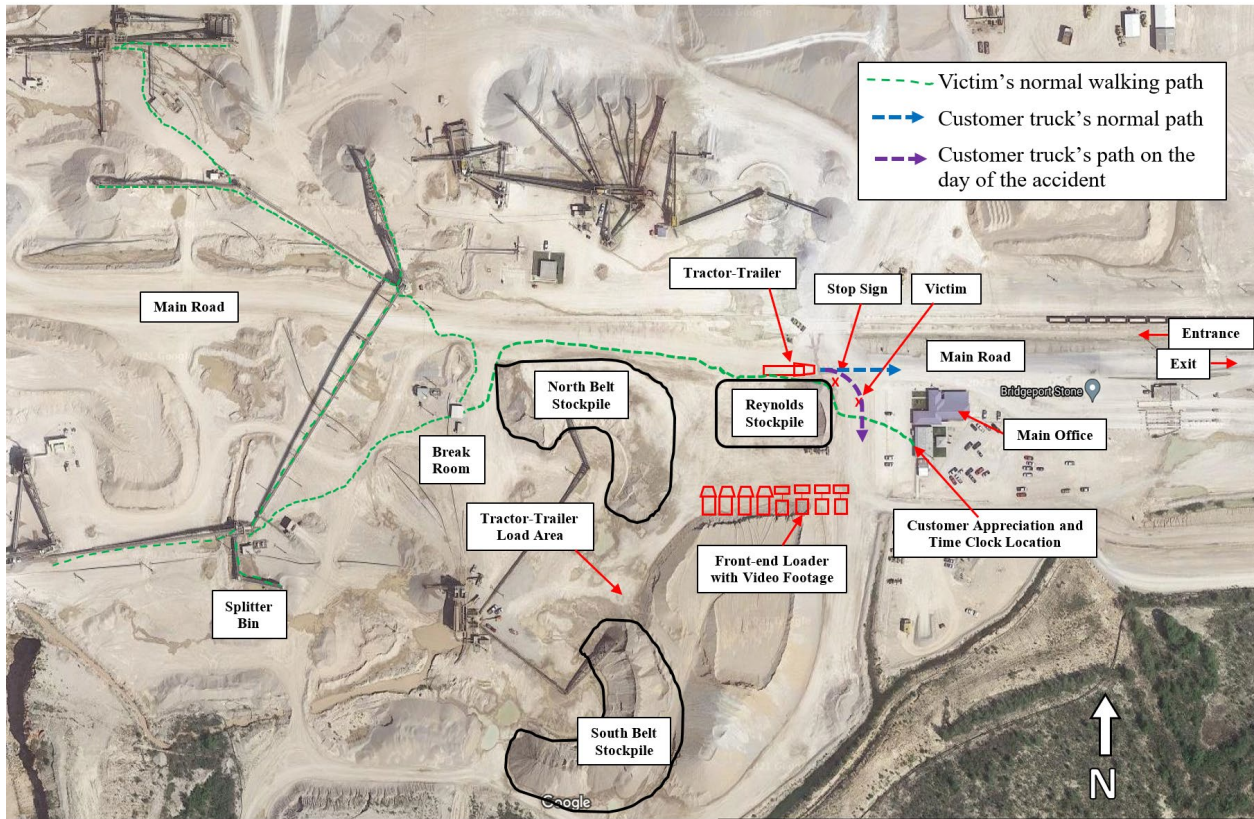
Wise County Sheriff's Department

Michael Neagle	Chief Investigator
Liberty Houston	Deputy
Erica Bartholomew	Sergeant

Mine Safety and Health Administration

Nickolas Gutierrez	Assistant District Manager
Homer Pricer	Supervisory Mine Safety and Health Inspector
William Clark	Mine Safety and Health Specialist
Ty Fisher	Mine Safety and Health Specialist
Mark Lipe	Mine Safety and Health Training Specialist

APPENDIX B – Aerial View of Bridgeport Stone Plant



APPENDIX C – Haul Truck Owned by Rivas Transport



APPENDIX D – Still Image from Video of Accident Scene

