

Department of Labor, Licensing and Regulation

Division Of Labor and Industry
Maryland Occupational Safety and Health
10946 Golden West Drive - Suite 160
Hunt Valley, MD 21031
Phone: (410) 527-4499 FAX: (410) 527-4481



Citation and Notification of Penalty

To:
Maryland Transit Administration
P.O. Box 8755, BWI Airport
Baltimore, MD 21240

Inspection Number: 314408428
Inspection Date(s): 10/07/2010 - 11/09/2010
Issuance Date: 12/09/2010
Case No.: C995400210

Inspection Site:
344 West North Avenue
Baltimore, MD 21217

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This is an official charging document which has specific deadlines for actions and is known as a Citation and Notification of Penalty (this Citation) which describes violations of the Maryland Occupational Safety and Health Act (Labor & Employment Article, Titles 1, 2 and 5) and Regulations. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties, unless within 15 working days (excluding weekends and State holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the Commissioner at the address shown above. Issuance of this citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this citation becomes a final order of the Commissioner.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation, must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and State holidays), whichever is longer. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

Types of Violations - Violations are characterized as follows: (1) Willful - a violation where either: (a) the employer committed an intentional and knowing violation of the Act or Regulations or (b) though the employer was not intentionally violating the Act or regulations, he or she acted with plain indifference to or in careless disregard of employer responsibilities under the Act; (2) Serious - a violation where there is a substantial probability that death or serious physical harm could result, unless the employer did not know and could not know through the exercise of reasonable diligence, the existence of the violation; (3) Other - a violation that has a direct relationship to job safety and health, but which is not a serious violation; (4) Repeated - a violation of the same or similar standard for which an employer has been previously cited and which has become a final order; and (5) Failure to Correct - a violation for which a citation has been issued and the employer has failed to correct the violation within the permitted period for its correction.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one during the 15 working day contest period. During such an informal conference you may present evidence concerning abatement or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time prior to the expiration of your contest period. Please keep in mind that a written letter of intent to contest must be submitted to the Commissioner within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post page 4 (Notice to Employees) next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, the agency may settle this matter without litigation or contest.

Right to Contest - You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Commissioner in writing that you intend to contest the citation(s) and/or penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Commissioner.

Penalty Payment - Penalties are due within 15 working days of receipt of this notification unless contested. Make your check or money order payable to "Division of Labor & Industry/MOSH". Please indicate the Case No. on the remittance.

MOSH does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the Commissioner at the address shown above.

Contest By Employees - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the Commissioner at the address shown above and postmarked within 15 working days (excluding weekends and State holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Notification of Corrective Action - For violations which you do not contest, you **must** notify the Commissioner promptly by letter or the enclosed Abatement Verification Response form that you have taken appropriate corrective action within the time frame set forth on this Citation. Please inform the Commissioner in writing of the abatement steps you have taken and of their dates, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc. An additional citation, possibly with a penalty, maybe issued if abatement verification/documentation is not received.

Inspection Activity Data - You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation, but not sooner than 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at WWW.OSHA.GOV. If you have any dispute with the accuracy of the information displayed, please contact this office.

**Department of Labor, Licensing and Regulation
Division of Labor and Industry**

Maryland Occupational Safety and Health
10946 Golden West Drive - Suite 160
Hunt Valley, MD 21031
Phone: (410) 527-4499 FAX: (410) 527-4481



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with **MOSH** to discuss the citation(s) issued on 12/09/2010. The conference will be held at: _____
(location)

_____ on _____ at _____ am/pm.
(Date) (Time)

Employees and/or representatives of employees have a right to attend an informal conference.

NOTICE TO EMPLOYEES - Any Employee or representative of employees who believes that any period of time fixed in this Citation for the correction of a violation is unreasonable has the right to contest such time for correction by submitting a letter to the Commissioner at the address shown above within 15 work days (excluding weekends and state holidays) of the issuance of this citation.

EMPLOYER DISCRIMINATION UNLAWFUL - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under the Maryland Occupational Safety and Health Act. An employee who believes that he or she has been discriminated against may file a complaint with the Commissioner at the address shown above no later than 30 days after the discrimination.

Dept. of Labor, Licensing and Regulation

Division of Labor and Industry
Occupational Safety and Health

Inspection Number: 314408428

Inspection Dates: 10/07/2010-11/09/2010

Issuance Date: 12/09/2010



Citation and Notification of Penalty

Company Name: Maryland Transit Administration

Inspection Site: 344 West North Avenue, Baltimore, MD 21217

Citation 1 Item 1 Type of Violation: **Other**

29 CFR 1904.30(a): The employer did not keep a separate OSHA 300 Log for each establishment that was expected to be in operation for one year or longer.

- (a) **Date of Violation:** 10/07/10
- Condition:** The employer maintained one OSHA 300 Log for all light rail car maintenance facilities for each of the years 2007, 2008, 2009, and 2010.

| | |
|--|------------------|
| Date By Which Violation Must be Abated: | Corrected |
| Proposed Penalty: | \$ 0.00 |

Eric Uttenreither
Commissioner or Authorized Representative

SUMMARY OF PROPOSED PENALTIES

Summary of Penalties for Inspection Number 314408428

| | | |
|---------------------------------|-------------|-------------|
| Citation 1, Other | = \$ | 0.00 |
| TOTAL PROPOSED PENALTIES | = \$ | 0.00 |

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

RETURN TO:

MARYLAND OCCUPATIONAL SAFETY AND HEALTH
10946 Golden West Drive, Suite 160, Hunt Valley, MD 21031

Thu Dec 9 2010

* A B A T E M E N T V E R I F I C A T I O N *
* R E S P O N S E *

Maryland Transit Administration
P.O. Box 8755, BWI Airport
Baltimore, MD 21240

Case No. : C995400210
Control No.: 314408428

Gentlemen:

As a result of the inspection/investigation conducted at your establishment, certain alleged hazards/violations were disclosed as indicated in the enclosed CITATION(s). YOU ARE OBLIGATED BY LAW to correct hazardous conditions or practices in your workplace.

Please complete this ABATEMENT VERIFICATION RESPONSE and return it to the Agency at the above address within 10 calendar days of the last abatement date by indicating what actions you have taken to correct the violation(s) and dates corrections were made within the time frame set forth.

USE ADDITIONAL PAPER AS NECESSARY

| CIT# | ITM# | DESCRIPTION | TYPE | ACTION DATE | DESCRIBE ACTION TAKEN TO CORRECT VIOLATION | DATE CORRECTED |
|------|------|-------------|------|-------------|--|----------------|
| 01 | 001 | 19040030 a | OTS | Corrected | | |

Affected employees and their representatives were informed on _____ of abatement steps taken.
Date

I certify that the above statements are true and correct.

Company Representative Title

Legal Name Verification

From: **Cristina Campbell**

Date: **10/7/10**


Case #: **C9954-002-11**

Inspection #: **314408428**

- Employer completed legal name verification form (attached)
- Charter Services (attached)
Through the state of Maryland
- Business License (attached)
- Phone call to the company:
Company Officer Name: **Dennis Rafferty**
Title: **Occupational Safety and Health Manager**
Legal Name Given: **Maryland Transit Administration**
- Other (explain):

Explain any discrepancies/reconciliations:

Name Card/ Letterhead:

| | |
|--|--|
|  | Maryland Transit Administration Maryland Department of Transportation |
| Dennis J. Rafferty, Sr. Manager – Occupational Safety and Health Office of Safety, Quality Assurance, & Risk Management | |
| 1515 Washington Blvd., Ste. 2200 B • Baltimore, Maryland 21230 410-454-7143 • FAX 410-454-7138 • CELL 410-428-9838 E-MAIL drafferty@mtamaryland.com | |

Maryland Occupational Safety & Health

1131 Belair Rd, LL1
Bel Air, MD 21014
Fax: (410) 803-8652

In order for our records to be accurate, this form must be filled out completely, signed, and returned to our office no later than 24 hours from time of receipt. Use the fax number or the address listed above.

Legal Name of Company: MARYLAND TRANSIT ADMINISTRATION
(Include correct grammar, abbreviations, and capitalization)

Mailing Address:

OFFICE OF SAFETY - ATTN: DENNIS RAFFERTY SR.
1515 WASHINGTON BLVD
SUITE 2200
BALTIMORE, MD 21230

Street Address (if different from above):

7390 BALTIMORE ANNAPOLIS BLVD
GLEN BURNIE, MD 21061

Telephone #: (410) 454-7143

Fax # (410) 454-7138

Email address (no web pages please): _____

Federal Tax ID # or SSN if none: 522-6002033

Total # of Employees Company wide: 3200

The company is a: - Corporation
(Check only One) - Partnership (Please list names and addresses on separate paper)
- Sole Owner: _____ (name)
- STATE GOVERNMENT

If the following box is checked please submit the following:

- Log 300 (Log of Injuries and Illnesses) Form for the last three full years and the current year's partial list.

I, DENNIS RAFFERTY SR, certify that the above information is true and correct to the best of my knowledge.

Dennis Rafferty Sr
Signature

Mgr - OSH
Title

10/7/10
Date

CASE # 09054-002-11

INSPECTION# 314408428

Strategic Plans for Maryland

| | |
|--|--|
| | |
|--|--|

Entered By (Ints.) | Date

- Construction (Sic 1500-1799)
- Manufacturing (NAICS 310000-330000)
- Trade, Transportation, Utilities (NAICS 220000 & 420000-490000)
- Public Sector

Local Emphasis Programs for Maryland (LEP's)

| | |
|--|--|
| | |
|--|--|

Entered By (Ints.) | Date

- Fall Hazards in Construction
- Struck by/Crushed by Hazards in Construction
- Electrical Hazards in Construction
- High Hazard Industries in Maryland FFY 2010
- Accident

National Emphasis Programs (NEP's)

| | |
|--|--|
| | |
|--|--|

Entered By (Ints.) | Date

- AMPUTATE-Reducing Machine Hazards Leading to Amputations
- DI2009NR-FY2009 Data Initiative Non-Responders
- DUSTEXPL-Combustible Dust
- FIELDSAN-Field Sanitation
- LEAD-Potential Exposure to Lead in All Industries
- NURSING-Insp. in Nursing and Personal Care Facilities
- PETRO-Petro Chemical
- POULTRY-Compliance Insps in Poultry Processing Industry
- PSMPQV-Process Safety Management
- REFINERY-PSM Insps./Visits Haz Chem-Petrochem Refineries
- SILICA-Insp-Presence of Crystalline Silica/Silicates
- SSTARG10-Year 2011 Site Specific Insp. Targeting Plan
- TRENCH-Trenching and Excavation

Last Updated 09/24/10

Copy in case

Copy to Supervisors

CASE# _____ INSPECTION# _____

| | |
|--|--|
| | |
|--|--|

OSHA – 1 Field 42: Optional Information Codes

Entered By (Ints)/ Date

National Codes – Applicable to MOSH

Note: These codes are most often or most likely to be used, however there are other codes which may apply

- | | |
|----------------|---|
| N-01 | Multi Employer Inspection Number |
| N-02-ABRASIVE | Silica related abrasive blasting activities |
| N-02-BLOOD | Blood Borne Pathogen Related Inspection |
| N-06-##### | Programmed Construction Targeting (Enter Dodge Number) |
| N-10-IMMLANG-Y | Immigrant and or Hispanic worker was involved in accident |
| N-10-IMMLANG-N | Immigrant and or Hispanic worker was NOT involved in accident |
| N-11-PORTLAND | Construction Sites Where Portland Cement in Use |
| N-14-FOCUS,C,# | Focused – Main Contractor & No. of Contractors |
| N-14-FOCUS,S | Focused – Subcontractor Issued a Citation |
| N-16-ASBESTOS | Asbestos Involved Inspection |
| N-16-COMTOWER | Communication Tower Construction Inspection |
| N-16-FORM | Formaldehyde Involved Inspection |
| N-16-LEAD | Lead Involved Inspection |
| N-16-PWRPRESS | Mechanical Power Press Related Inspection |
| N-16-RESCON | Construction of Low Rise Residents (4 or fewer floors) |
| N-16-SINGFAM | Construction of Single Family Houses |

State Codes Currently In Use

Type ID Optional Information

| | | |
|---|----|--|
| S | 05 | Enter email address of company OR if email address is not available enter Email NONE |
| S | 06 | Enter month & year case was transmitted . Example: October 2009 |
| S | 09 | Original Case Number for follow-up Inspection |
| S | 10 | Final Order Date |
| S | 13 | Crane NIC for new crane related regulations |
| S | 13 | Crane IC for a crane related inspection with no violations of the new crane related regulations |
| <i>The S-15 Code is for smoking in an enclosed workplace or not posting an enclosed workplace</i> | | |
| S | 15 | NIC Letter for 1 st offenders |
| S | 15 | NIC for repeat offenders |
| S | 15 | IC Unprogrammed for smoking/posting related complaints/referrals |

Last Updated 09/24/10