



Presented by: **Alliant**

# PUBLIC SAFETY IN AND AROUND CONSTRUCTION SITES

## (Attractive Nuisance)

We typically think about the safety of subcontractor's personnel on construction sites, but what about safety of the public on adjacent streets or sidewalks, or across the fence in a school yard, or even across an intersection? In addition, vacant sites or an active site after-hours can draw trespassers. If anyone trespasses on-site due to unsatisfactory public safety protocols, the general contractor on the site can be held liable for any injuries they sustain.

Construction sites have an abundance of attractive nuisance hazards, including unstable walls and surfaces, heavy equipment and man-made excavations that could present a falling hazard. Here's how to prevent entrance onto your property and discourage trespassers from getting hurt.

### Liability

If working on a site, whether or not you own the property, you may be responsible for taking steps to ensure that anyone who enters, whether welcome or unwelcome, stays safe from injury. It is important to find additional ways of protecting the worksite.

- Secure the perimeter. Consider putting up fences and gates that will keep the site safe and keep trespassers out.
- Ensure gates are secured and fences are not easily climbed. Be careful that fence base stanchions don't create trip and fall hazards in general public right of ways.
- Adequately cover or protect any conditions, including trenches/excavations, walls or other man-made physical features that might present a hazard.
- Consider installing a surveillance system.
- Signs that alert any potential trespassers that the site is being monitored, may deter individuals out of fear of getting caught and arrested.
- Lock away as many pieces of valuable equipment as possible. In addition, all safety equipment, such as hard hats, respirators and safety clothing, should be stored and locked at the end of each shift to avoid trespasser tampering.

### Keeping Up the Premises

Contractors may also be liable for the maintenance and security that the property needs so that it remains safe for all visitors. This could include:

- Fixing cracks or gaps in walkways to avoid slip and fall dangers.
- Locking all hazardous tools, equipment and chemicals away from the public.
- Ensuring that employees can conduct work duties without the risk of injury.
- Installing lighting in areas with low visibility.
- Taking steps to install wireless electronic alarms or security doors and screens.
- Installing rescue equipment.

In attractive nuisance cases, negligence means that the contractor was aware that someone could be injured on the property and did nothing to prevent it. By taking all necessary precautions to prevent injury on-site, you are less likely to be found negligent in a premise liability suit.

**Construction sites must account for both the safety of employees and the safety of the public.**



This flyer is for general informational purposes only, and is not intended as medical or legal advice.

To stay up to date on the latest COVID- 19 information, frequently check the [OSHA](#) and [CDC](#) COVID-19 websites for updates. Check the Alliant [COVID-19 Resources page](#) for checklists, the latest webinars and COVID-19 briefings and updates.



**The More Rewarding  
Way to Manage Risk**