

# A second look

**Christopher Machut** responds: Where there is no vision, people can perish.

A recent column in *American Cranes & Transport* titled “Opposing View,” by NBIS Vice President Bill Smith, requires a response. It demands to be read with the scrutiny of a lawyer, because it takes knowledge of the law to know the difference between what the law says, in contrast to how Mr. Smith presents it. I know Mr. Smith and I respect his knowledge of risk management as it pertains to the crane industry. Even though I oppose his viewpoint about the use of video cameras at construction sites, I welcome his opposition.

Mr. Smith’s argument against video cameras – that they are a liability – is a misinterpretation of the law and the facts. It is common knowledge that the construction industry is dangerous. A defendant may find it hard to convince a jury that he did not know, or that he could not have reasonably known, that his workers were at risk. Knowledge of danger is often proof of liability. It may be even harder for jurors to minimize the importance of what video cameras can do: Maximize the line of sight for crane operators, thereby lessening the likelihood of an accident resulting in injury or death. A defendant would be dumb to believe that a jury would be blind not to see the obvious, that he is liable.

## Seeing beyond

Mr. Smith’s other point is that video cameras do in fact help crane operators see better and farther than they or anyone else could see without them. Not even someone with the best eyesight – for instance, a fighter pilot on the clearest day, under the bluest sky, across the wild blue yonder – can see what a video camera can

reveal: blind spots, obstructions, people on the ground and even workers above the clouds.

Yet Mr. Smith does not support the use of cameras by crane operators.

My argument is this: If video cameras are a distraction, why not ban them altogether? Why have a doctor use a colonoscope when he can use an X-ray? Why have a surgeon use a camera when his hand has excellent muscle memory? Why not make an exemption for actors and directors who use cameras, but exclude anyone who is not a full-time cameraman or videographer?

If my questions sound unreasonable, it is because the premise of not using a camera in crane operation is unsound.

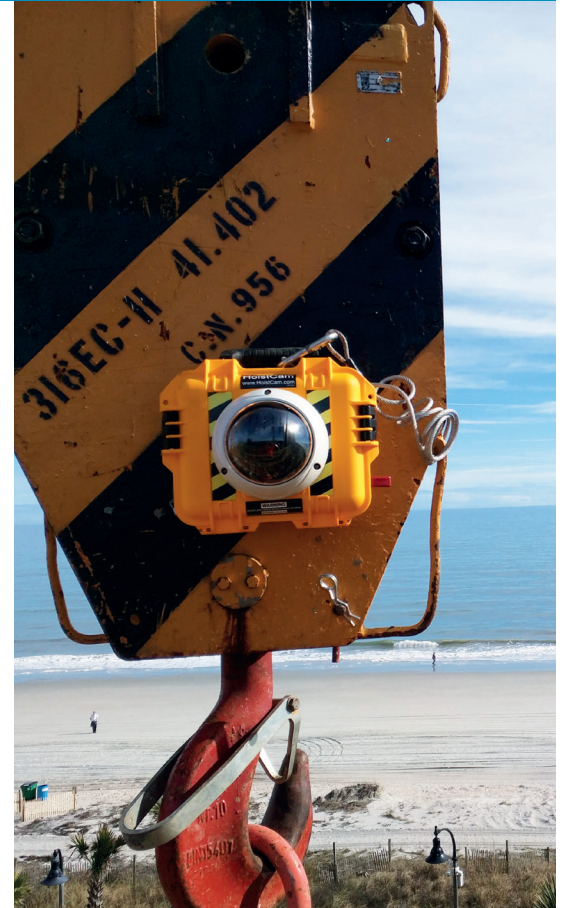
If video cameras are a distraction, why are automobile manufacturers making cars safer with backup cameras? When we drive a car, we must do two or three or even four things at once. If we didn’t, we would jeopardize our own safety and the safety of others on the roadways. Pedestrians and the driving public are all at risk when passing a car that does not have a video camera, as well as sensors that sound an alarm to an inattentive driver.

Perhaps Mr. Smith’s resistance to the use of video cameras is actually a resistance to change. Put another way, change is disruptive. It breeds contempt because it is unfamiliar; because it is uncomfortable to the powers that be; because it is a power that we can slow but not stop; because it is temporarily avoidable but ultimately inevitable.

While his opposition to crane cameras may reflect an aversion to change, it does not reflect the truth. Crane cameras make operations safer and more efficient. This opposition refracts the truth more than it reflects it. It distorts the spirit of the law, just as it darkens the letter – and the light – of the law to remake the law.

## Safe crane operations

In the meantime, juries read the law and review the evidence. Each case is different and not every verdict is the same – but a theme is discernible, a moral detectable.



**Crane cameras give operators a closer look.**

The point is unmistakable: Juries have found construction companies liable for accidents in which visibility was poor and workers were hampered without visual safety tools. The defendants knew the risks but put the jobsite in danger. The defendants in these cases chose not to see what their workers had a right to see for themselves: the dangers, the hazards and conditions that put workers in harm’s way.

The construction industry will continue to absorb these costs until it can no longer afford these costs. Crane cameras will become standard in crane cabs when the liability of not having one becomes greater than having one. But it will take time.

With respect, my view is simple. Let us view all that we should see. Let us see what we see and see what we can’t see with the use of a video camera. I hope you will take a second look at this issue. ■

## THE AUTHOR



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