

FINAL BILL REPORT

ESHB 2647

C 239 L 00

Synopsis as Enacted

Brief Description: Enhancing safety of flaggers.

Sponsors: By House Committee on Commerce & Labor (originally sponsored by Representatives Reardon, Scott, Cooper, Conway, Linville, Cairnes, Dunshee, Kagi, Campbell, Sullivan, Keiser, Kenney, Santos, Haigh and Hurst).

House Committee on Commerce & Labor
Senate Committee on Labor & Workforce Development

Background:

Under the Washington Industrial Safety and Health Act (WISHA), the director of the Department of Labor and Industries adopts rules governing workplace safety for all workplaces, including construction sites. These rules require the use of flaggers or other appropriate traffic control systems if signs and barricades do not provide necessary protection on a highway or street. The state's public highway laws have similar requirements during construction on, or adjacent to, public thoroughfares when that work interferes with traffic.

The WISHA rules determine the color and types of protective clothing that flaggers wear and the size, color, and lettering of flaggers' signs. When signs are used in the dark, the rules specify that the signs must have reflective material in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) as adopted by the Department of Transportation. Flaggers must be trained every three years in accordance with the MUTCD and must carry a valid certificate verifying the completion of training.

The Utilities and Transportation Commission also has rules governing signaling devices and flagging procedures. These rules establish certain minimum qualifications for flaggers, including that flaggers must be of at least average intelligence, be in good physical condition, and have a courteous but firm manner.

The WISHA rules require vehicles used in construction (other than passenger vehicles) to have a reverse signal alarm or have a signaler assigned to the truck. If an alarm is used, it must be audible above the surrounding noise level no fewer than 15 feet from the rear of the vehicle.

In October 1999, a flagger directing traffic was killed when struck by a dump truck backing up behind her. According to State Patrol officers investigating the accident, the dump truck's alarm was operating normally but was difficult to hear because of heavy winds.

Summary of Bill:

The Department of Labor and Industries, the Transportation Commission, and the Utilities and Transportation Commission (UTC) must adopt emergency rules that revise the safety standards governing flaggers. These emergency rules must take effect by June 1, 2000, and remain in effect until March 1, 2001, or until permanent rules are adopted, whichever is earlier.

The permanent rules must take effect by March 1, 2001, and must address flagger safety, ensure that flaggers have visual warning of objects approaching from behind, and, with respect to the UTC rules, update employment qualifications for flaggers. The agencies must coordinate and make their permanent rules consistent to the extent possible.

By September 15, 2000, the agencies must report to specified legislative committees on the emergency rules, and must report to the committee on the permanent rules by April 22, 2001.

Technical amendments are made, including eliminating gender-specific references in statutes referring to flaggers.

The act is named the "Kim Vendl Worker Safety Act."

Votes on Final Passage:

House 92 5
Senate 39 6 (Senate amended)
House (House refused to concur)
Senate 41 3 (Senate amended)
House 98 0 (House concurred)

Effective: March 31, 2000 (Sections 1 and 2)
June 8, 2000