

# SENATE BILL REPORT

## ESHB 2647

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As Reported By Senate Committee On:  
Labor & Workforce Development, February 24, 2000

**Title:** An act relating to safety devices for flaggers.

**Brief Description:** Requiring safety devices for flaggers.

**Sponsors:** 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).

**Brief History:**

**Committee Activity:** Labor & Workforce Development: 2/22/2000, 2/24/2000 [DPA].

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### SENATE COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

**Majority Report:** Do pass as amended.

Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline, Oke and Wojahn.

**Staff:** Jill Reinmuth (786-7452)

**Background:** Under the Washington Industrial Safety and Health Act, the director of the Department of Labor and Industries adopts rules establishing safety standards for construction work.

These rules require that flaggers or other appropriate traffic controls be provided if signs and barricades do not provide the necessary protection in construction on or adjacent to roads. Flaggers must use sign paddles, wear protective clothing, and receive training, all in accordance with specific safety standards.

These rules also require that motor vehicles used in construction (other than passenger vehicles) have a reverse signal alarm audible above the surrounding noise level no less than 15 feet from the rear of the vehicle. Alternatively, such vehicles must have an observer that signals that it is safe to back up.

There are concerns that these safety standards are not adequate.

**Summary of Amended Bill:** The Department of Labor and Industries, the Transportation Commission, and the Utilities and Transportation Commission must adopt emergency rules revising safety standards for flaggers. Emergency rules must take effect no later than June 1, 2000. Reports to legislative committees on emergency rules must be made by September 15, 2000.

The Department of Labor and Industries, the Transportation Commission, and the Utilities and Transportation Commission must adopt permanent rules revising safety standards for

flaggers. The Transportation Commission and the Utilities and Transportation Commission also must adopt permanent rules revising employment qualifications for flaggers. These agencies must make permanent rules coordinated and consistent, to the extent possible. These permanent rules must take effect no later than March 1, 2001. Reports to legislative committees on permanent rules must be made by April 22, 2001.

Gender-specific terms are eliminated and minor technical corrections are made.

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

**Amended Bill Compared to Substitute Bill:** The agencies directed to make rules are broadened to include the Transportation Commission and the Utilities and Transportation Commission.

The subjects of rule-making are modified. The Department of Labor and Industries, the Transportation Commission, and the Utilities and Transportation Commission are directed to revise safety standards for flaggers. In addition, the Transportation Commission and the Utilities and Transportation Commission are directed to revise employment qualifications for flaggers.

The timing of rule-making is modified. Emergency rules on safety standards must be adopted no later than June 1, 2000. Permanent rules on safety standards and employment qualifications must be adopted no later than March 1, 2001.

Gender-specific terms are eliminated and minor technical corrections are made.

**Appropriation:** None.

**Fiscal Note:** Requested on February 16, 2000.

**Effective Date:** Ninety days after adjournment of session in which bill is passed, except for Sections 1 and 2, relating to rule-making, which take effect immediately.

**Testimony For:** Each year in the United States, 800 flaggers are killed on the job. In the past 20 years, working conditions have changed, but safety standards have not. New safety standards are necessary to prevent future injuries and deaths. New safety standards will be developed by labor, business, and interested agencies. Legislation is necessary to ensure that new safety standards are developed and adopted before the next construction season.

No other state has adopted more stringent safety standards for flaggers. New safety standards will break new ground. It may be difficult to develop and adopt new safety standards by July 1, 2000.

**Testimony Against:** None.

**Testified:** PRO: Representative Aaron Reardon, prime sponsor; Richard Vendl; Chuck Jewell, Joint Council of Teamsters, Local 38; Bob Dilger, Washington State Building and Construction Trades Council; Dan O'Connor, Laborers International Union, Local 292;

Larry Archer, International Union of Operating Engineers, Local 612; PRO With Concerns:  
Dan McMurdie, Department of Labor and Industries.