

CERTIFICATION OF ENROLLMENT  
ENGROSSED SUBSTITUTE HOUSE BILL 2647

56th Legislature  
2000 Regular Session

Passed by the House March 8, 2000  
Yeas 98 Nays 0

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Speaker of the House of Representatives

\_\_\_\_\_  
Speaker of the House of Representatives

Passed by the Senate March 7, 2000  
Yeas 41 Nays 3

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President of the Senate

Approved

\_\_\_\_\_  
Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2647** as passed by the House of Representatives and the Senate on the dates hereon set forth.

\_\_\_\_\_  
Chief Clerk

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Chief Clerk

FILED

Secretary of State  
State of Washington

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ENGROSSED SUBSTITUTE HOUSE BILL 2647

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AS AMENDED BY THE SENATE

Passed Legislature - 2000 Regular Session

State of Washington

56th Legislature

2000 Regular Session

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)

Read first time 02/03/2000. Referred to Committee on .

1 AN ACT Relating to safety devices for flaggers; amending RCW  
2 9.91.020, 46.61.015, 46.61.190, 46.61.340, 46.61.355, and 47.36.220;  
3 creating new sections; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** EMERGENCY RULES. (1) The director of the  
6 department of labor and industries shall adopt emergency rules that  
7 take effect no later than June 1, 2000, revising any safety standards  
8 governing flaggers.

9 (2) The transportation commission shall adopt emergency rules that  
10 take effect no later than June 1, 2000, revising any safety standards  
11 governing flaggers.

12 (3) The utilities and transportation commission shall adopt  
13 emergency rules that take effect no later than June 1, 2000, revising  
14 any safety standards governing flaggers.

15 (4) Notwithstanding RCW 34.05.350, the emergency rules adopted  
16 pursuant to this section shall remain in effect or be adopted in  
17 sequence until March 1, 2001, or the effective date of the permanent  
18 rules adopted pursuant to section 2 of this act, whichever is earlier.

1 (5) The emergency rules adopted pursuant to this section shall be  
2 designed to improve options available to ensure the safety of flaggers,  
3 and ensure that flaggers have adequate visual warning of objects  
4 approaching from behind them.

5 (6) In developing emergency rules adopted pursuant to this section,  
6 state agencies and commissions shall consult with other persons with an  
7 interest in improving safety standards for flaggers. State agencies  
8 and commissions shall report, by September 15, 2000, to the senate  
9 labor and workforce development committee and the house of  
10 representatives commerce and labor committee on the emergency rules  
11 adopted pursuant to this section.

12 NEW SECTION. **Sec. 2.** PERMANENT RULES. (1) The director of the  
13 department of labor and industries shall adopt permanent rules that  
14 take effect no later than March 1, 2001, revising any safety standards  
15 governing flaggers.

16 (2) The transportation commission shall adopt permanent rules that  
17 take effect no later than March 1, 2001, revising any safety standards  
18 governing flaggers.

19 (3) The utilities and transportation commission shall adopt  
20 permanent rules that take effect no later than March 1, 2001, revising  
21 any safety standards and employment qualifications governing flaggers.

22 (4) The permanent rules adopted pursuant to this section shall be  
23 designed to improve options available to ensure the safety of flaggers,  
24 ensure that flaggers have adequate visual warning of objects  
25 approaching from behind them, and, with respect to the utilities and  
26 transportation commission rules, update employment qualifications for  
27 flaggers.

28 (5) In developing permanent rules adopted pursuant to this section,  
29 state agencies and commissions shall consult with other persons with an  
30 interest in improving safety standards and updating employment  
31 qualifications for flaggers. State agencies and commissions shall  
32 coordinate and make consistent, to the extent possible, permanent  
33 rules. State agencies and commissions shall report, by April 22, 2001,  
34 to the senate labor and workforce development committee and the house  
35 of representatives commerce and labor committee on the permanent rules  
36 adopted pursuant to this section.

1       **Sec. 3.** RCW 9.91.020 and 1915 c 165 s 2 are each amended to read  
2 as follows:

3       Every person who, being employed upon any railway, as engineer,  
4 motorman, gripman, conductor, switch tender, fireman, bridge tender,  
5 (~~flagman~~) flagger, or signalman, or having charge of stations,  
6 starting, regulating or running trains upon a railway, or being  
7 employed as captain, engineer or other officer of a vessel propelled by  
8 steam, or being the driver of any animal or vehicle upon any public  
9 highway, street, or other public place, (~~shall be~~) is intoxicated  
10 while engaged in the discharge of any such duties, shall be guilty of  
11 a gross misdemeanor.

12       **Sec. 4.** RCW 46.61.015 and 1995 c 50 s 1 are each amended to read  
13 as follows:

14       No person shall willfully fail or refuse to comply with any lawful  
15 order or direction of any duly authorized (~~flagman~~) flagger or any  
16 police officer or fire fighter invested by law with authority to  
17 direct, control, or regulate traffic.

18       A violation of this section is a misdemeanor.

19       **Sec. 5.** RCW 46.61.190 and 1975 c 62 s 27 are each amended to read  
20 as follows:

21       (1) Preferential right of way may be indicated by stop signs or  
22 yield signs as authorized in RCW 47.36.110.

23       (2) Except when directed to proceed by a duly authorized  
24 (~~flagman~~) flagger, or a police officer, or a fire fighter vested by  
25 law with authority to direct, control, or regulate traffic, every  
26 driver of a vehicle approaching a stop sign shall stop at a clearly  
27 marked stop line, but if none, before entering a marked crosswalk on  
28 the near side of the intersection or, if none, then at the point  
29 nearest the intersecting roadway where the driver has a view of  
30 approaching traffic on the intersecting roadway before entering the  
31 roadway, and after having stopped shall yield the right of way to any  
32 vehicle in the intersection or approaching on another roadway so  
33 closely as to constitute an immediate hazard during the time when such  
34 driver is moving across or within the intersection or junction of  
35 roadways.

36       (3) The driver of a vehicle approaching a yield sign shall in  
37 obedience to such sign slow down to a speed reasonable for the existing

1 conditions and if required for safety to stop, shall stop at a clearly  
2 marked stop line, but if none, before entering a marked crosswalk on  
3 the near side of the intersection or if none, then at the point nearest  
4 the intersecting roadway where the driver has a view of approaching  
5 traffic on the intersecting roadway before entering the roadway, and  
6 then after slowing or stopping, the driver shall yield the right of way  
7 to any vehicle in the intersection or approaching on another roadway so  
8 closely as to constitute an immediate hazard during the time such  
9 driver is moving across or within the intersection or junction of  
10 roadways: PROVIDED, That if such a driver is involved in a collision  
11 with a vehicle in the intersection or junction of roadways, after  
12 driving past a yield sign without stopping, such collision shall be  
13 deemed prima facie evidence of ((his)) the driver's failure to yield  
14 right of way.

15 **Sec. 6.** RCW 46.61.340 and 1965 ex.s. c 155 s 46 are each amended  
16 to read as follows:

17 (1) Whenever any person driving a vehicle approaches a railroad  
18 grade crossing under any of the circumstances stated in this section,  
19 the driver of such vehicle shall stop within fifty feet but not less  
20 than fifteen feet from the nearest rail of such railroad, and shall not  
21 proceed until ((he can do so)) the crossing can be made safely. The  
22 foregoing requirements shall apply when:

23 (a) A clearly visible electric or mechanical signal device gives  
24 warning of the immediate approach of a railroad train;

25 (b) A crossing gate is lowered or when a human ((flagman)) flagger  
26 gives or continues to give a signal of the approach or passage of a  
27 railroad train;

28 (c) An approaching railroad train is plainly visible and is in  
29 hazardous proximity to such crossing.

30 (2) No person shall drive any vehicle through, around or under any  
31 crossing gate or barrier at a railroad crossing while such gate or  
32 barrier is closed or is being opened or closed.

33 **Sec. 7.** RCW 46.61.355 and 1975 c 62 s 32 are each amended to read  
34 as follows:

35 (1) No person shall operate or move any crawler-type tractor, steam  
36 shovel, derrick, roller, or any equipment or structure having a normal  
37 operating speed of ten or less miles per hour or a vertical body or

1 load clearance of less than one-half inch per foot of the distance  
2 between any two adjacent axles or in any event of less than nine  
3 inches, measured above the level surface of a roadway, upon or across  
4 any tracks at a railroad grade crossing without first complying with  
5 this section.

6 (2) Notice of any such intended crossing shall be given to the  
7 station agent of such railroad located nearest the intended crossing  
8 sufficiently in advance to allow such railroad a reasonable time to  
9 prescribe proper protection for such crossing.

10 (3) Before making any such crossing the person operating or moving  
11 any such vehicle or equipment shall first stop the same not less than  
12 fifteen feet nor more than fifty feet from the nearest rail of such  
13 railroad and while so stopped shall listen and look in both directions  
14 along such track for any approaching train and for signals indicating  
15 the approach of a train, and shall not proceed until the crossing can  
16 be made safely.

17 (4) No such crossing shall be made when warning is given by  
18 automatic signal or crossing gates or a (~~flagman~~) flagger or  
19 otherwise of the immediate approach of a railroad train or car. If a  
20 (~~flagman~~) flagger is provided by the railroad, movement over the  
21 crossing shall be under (~~his~~) the flagger's direction.

22 **Sec. 8.** RCW 47.36.220 and 1961 c 13 s 47.36.220 are each amended  
23 to read as follows:

24 Each driver of a motor vehicle used in connection with such  
25 construction, repair, or maintenance work shall obey traffic signs  
26 posted for, and (~~flagman~~) flaggers stationed at such location in the  
27 same manner and under the same restrictions as is required for the  
28 driver of any other vehicle.

29 NEW SECTION. **Sec. 9.** Sections 1 and 2 of this act are necessary  
30 for the immediate preservation of the public peace, health, or safety,  
31 or support of the state government and its existing public  
32 institutions, and take effect immediately.

33 NEW SECTION. **Sec. 10.** Sections 1 and 2 of this act may be known  
34 and cited as the "Kim Vendl Worker Safety Act."

1        NEW SECTION.   **Sec. 11.**   Captions used in this act are not any part  
2 of the law.

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