

# HOUSE BILL REPORT

## HB 2009

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**As Reported by House Committee On:**  
State Government & Tribal Affairs

**Title:** An act relating to trench excavations on public works projects.

**Brief Description:** Modifying trench excavations on public works projects provisions.

**Sponsors:** Representatives Haigh, Hunt, Ericks, Conway, Hasegawa and Ormsby.

**Brief History:**

**Committee Activity:**

State Government & Tribal Affairs: 2/23/07, 2/27/07 [DP].

**Brief Summary of Bill**

- Removes the requirement that an adequate safety system for a trench excavation be included in the cost estimates and bidding forms as a separate item.

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### HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

**Majority Report:** Do pass. Signed by 9 members: Representatives Hunt, Chair; Appleton, Vice Chair; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green, Kretz, McDermott, Miloscia and Ormsby.

**Staff:** Alison Hellberg (786-7152).

**Background:**

A number of different laws establish procedures for state agencies to award contracts for public works projects and to purchase materials, supplies, equipment, and services. The Washington Industrial Safety and Health Act (WISHA) applies to most workplaces in Washington. The WISHA is administered and enforced by the Department of Labor and Industries, which adopts rules governing safety and health standards for covered workplaces.

A trench is generally defined as a narrow underground excavation that is deeper than it is wide, and no wider than 15 feet. On a public works project where a trench excavation will exceed a depth of 4 feet, the contract for the project must require adequate safety systems and meet the requirements of the WISHA. This requirement must be included in the cost

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estimates and bidding forms as a separate item. The costs of trench safety systems shall not be considered as incidental to any other contract item, and any attempt to include the trench safety systems as an incidental cost is prohibited.

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**Summary of Bill:**

The prohibition against including trench safety systems as an incidental cost is removed. The requirement that an adequate safety system for a trench excavation be included in the cost estimates and bidding forms as a separate item is removed.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill came out of negotiations of the Capital Projects Advisory Review Board and fixes a fairly minor issue in the bidding procedure. Under current law, every bidding form requires this line whether or not there is a trench involved in the project. This was very difficult for contractors at the beginning and now is a roadblock for new bidders. It is pointless and creates confusion. This bill would simplify the bidding process.

(Opposed) None.

**Persons Testifying:** Representative Haigh, prime sponsor; and John Lynch, General Administration.

**Persons Signed In To Testify But Not Testifying:** None.