

# SENATE BILL REPORT

## HB 2009

---

---

As Reported By Senate Committee On:  
Labor, Commerce, Research & Development, March 26, 2007

**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:** Passed House: 3/10/07, 97-0.

**Committee Activity:** Labor, Commerce, Research & Development: 3/20/07, 3/26/07 [DP].

---

### SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

**Majority Report:** Do pass.

Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Ranking Minority Member; Franklin, Holmquist, Murray and Prentice.

**Staff:** Kathleen Buchli (786-7488)

**Background:** The Washington Industrial Safety and Health Act (WISHA) is administered and enforced by the Department of Labor and Industries and 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 estimates and bidding forms as a separate item. The costs of trench safety systems must 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.

**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.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff Summary of Public Testimony:** PRO: This bill comes from negotiations of the Capital Projects Advisory Review Board. The bill will not have an impact on current safety requirements and will streamline the bidding process.

**Persons Testifying:** PRO: David Johnson, Washington State Building Trades.