



# PREPROPOSAL STATEMENT OF INQUIRY

(RCW 34.05.310)

CR-101 (7/22/01)

Do NOT use for expedited rule making

**Agency:** Department of Labor and Industries

**Subject of possible rule making:** Chapter 296-155 WAC, Safety Standards for Construction Work

**(a) Statutes authorizing the agency to adopt rules on this subject:**  
RCW 49.17.010, RCW 49.17.040, RCW 49.17.050, and RCW 49.17.060.

**(b) Reasons why rules on this subject may be needed and what they might accomplish:**  
After the department adopted rules protecting flaggers in construction sites in January 2001, we received requests from stakeholders to review the rules regulating protection of construction workers on the construction sites. There have been five fatalities since 1999 that could have been prevented with rules that are more protective of construction workers. This rulemaking would help reduce the number of serious injuries and fatalities by increasing worker protection from vehicular traffic on construction sites. In addition, the department will update references to the Washington State Department of Transportation's Manual of Uniform Traffic Control Devices.

**(c) Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**  
No other state or federal agencies (other than OSHA) are known that regulate this subject.

**(d) Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

The department must adopt rules identical to or at least as effective as OSHA rules as required by the OSHA/WISHA state plan agreement. Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

**(e) How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

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CODE REVISER USE ONLY

**WSR # 04-03-084**

**NAME**  
Paul Trause

**SIGNATURE**

**TITLE**  
Director

**DATE**  
January 20, 2004