



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: Department of Labor and Industries

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

Statutes authorizing the agency to adopt rules on this subject: RCW 49.17.010, RCW 49.17.040, RCW 49.17.050, RCW 49.17.060

Reasons why rules on this subject may be needed and what they might accomplish: DOSH is initiating rulemaking in response to a public petition received January 13, 2016 requesting that L&I/DOSH change the requirements found in WAC 296-155-428 relating to the minimum clearance distance of vehicular or mechanical equipment when working around energized trolley lines.

Historically, numerous employers performing work near energized trolley lines have had to request variances from DOSH to perform aspects of the work regulated under WAC 296-155-428, its subsections, and other sections within Chapter 296-155 WAC related to working near energized lines, which has resulted in a considerable administrative burden on all parties involved. As DOSH recognizes that there are industry-wide controls that are widely accepted and effective at keeping workers safe in practice, and DOSH has a number of options to address alternative protections for workers, it is the goal of the agency to work with stakeholders to determine and implement practical changes to chapter 296-155 WAC language that will minimize the administrative burden of the variance process for all parties while continuing to keep workers safe and remaining as effective as OSHA or greater.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:
None

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

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

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.

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

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

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DATE
March 22, 2016

NAME (TYPE OR PRINT)
Joel Sacks

SIGNATURE

TITLE
Director

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