

(4) If the contract is so filed, it shall be binding on owners of record within the assessment area who are not party to the contract.

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. This act is intended to be prospective, not retroactive, in its application.

NEW SECTION. Sec. 18. Section captions used in this act do not constitute any part of the law.

NEW SECTION. Sec. 19. Sections 1 through 5 of this act constitute a new chapter in Title 39 RCW entitled "Local Transportation Act." Sections 8 through 11 of this act are added to chapter 35.43 RCW. Sections 12 through 15 of this act are added to chapter 36.88 RCW.

Passed the House March 10, 1988.

Passed the Senate March 10, 1988.

Approved by the Governor March 22, 1988.

Filed in Office of Secretary of State March 22, 1988.

CHAPTER 180

[Substitute Senate Bill No. 6670]

TRENCH EXCAVATION SAFETY SYSTEMS

AN ACT Relating to public works; and adding a new section to chapter 39.04 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 39.04 RCW to read as follows:

On public works projects in which trench excavation will exceed a depth of four feet, any contract therefor shall require adequate safety systems for the trench excavation that meet the requirements of the Washington industrial safety and health act, chapter 49.17 RCW. This requirement shall be included in the cost 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.

Passed the Senate March 8, 1988.

Passed the House March 6, 1988.

Approved by the Governor March 22, 1988.

Filed in Office of Secretary of State March 22, 1988.