

CHAPTER 144.

[House Bill No. 526.]

UNDERGROUND WORKERS—SAFETY PROVISIONS.

AN ACT relating to health and safety for underground workers; providing requirements for underground labor; and amending section 1, chapter 194, Laws of 1941 and RCW 49.24.080.

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

SECTION 1. Section 1, chapter 194, Laws of 1941 and RCW 49.24.080, are each amended to read as follows:

RCW 49.24.080 amended.

Every person, firm or corporation constructing, building or operating a tunnel, quarry, caisson or subway, excepting in connection with mines, with or without compressed air, shall in the employment of any labor comply with the following safety provisions:

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(1) A safety miner shall be selected by the crew on each shift who shall check the conditions necessary to make the working place safe; such as loose rock, faulty timbers, poor rails, lights, ladders, scaffolds, fan pipes and firing lines.

(2) Ventilating fans shall be installed from twenty-five to one hundred feet outside the portal.

(3) No employee shall be allowed to "bar down" without the assistance of another employee.

(4) No employee shall be permitted to return to the heading until at least thirty minutes after blasting.

(5) Whenever persons are employed in wet places, the employer shall furnish such persons with rubbers, boots, coats and hats. All boots if worn previously by an employee shall be sterilized before being furnished to another: *Provided*, That RCW 49.24.080 through 49.24.380 shall not apply to the operation of a railroad except that new construction of tunnels, caissons or subways in connection therewith

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shall be subject to the provisions of RCW 49.24.080 through 49.24.380: *Provided, further,* That in the event of repair work being done in a railroad tunnel, no men shall be compelled to perform labor until the air has been cleared of smoke, gas and fumes.

Passed the House March 8, 1965.

Passed the Senate March 10, 1965.

Approved by the Governor March 20, 1965, with the exception of a certain item in sub-section 5 of section 1 which was vetoed.

Veto message. **NOTE:** Governor's explanation of partial veto is as follows:

"Amendments to section 1 (5) achieve two results:

1. The deletion of certain language on page 1, lines 26 through 27 and page 2, line 1 and 2, appears to remove employees of a railroad who are constructing tunnels, caissons or subways from protection of certain safety standards set forth in RCW 49.24.080 through 49.24.380. Inasmuch as persons otherwise employed in such work are included within the protection of the safety standards, I believe it would be discriminatory to exclude railroad workers. It is my understanding that the proposed deletion was intended to remove a redundancy. I am not convinced that the language is redundant.
2. The deletion of the proviso on page 2, lines 2 through 5, completely removes the protection of certain safety standards for those working in a railroad tunnel. The regulations of the Department of Labor and Industries also provide protection to these workers, but I think it unwise to remove the protection from the statute.

I have therefore vetoed the deletion of the language in section 1 (5), thus restoring the original language."

DANIEL J. EVANS,
Governor.