
SENATE BILL 6252

State of Washington

53rd Legislature

1994 Regular Session

By Senators Vognild and Nelson; by request of Department of Transportation

Read first time 01/18/94. Referred to Committee on Transportation.

1 AN ACT Relating to state and local government; and adding new
2 sections to chapter 4.24 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature intends to reduce the cost
5 of civil tort claims while still ensuring that the public interest and
6 safety are being served.

7 The legislature recognizes that state and local governments cannot
8 economically and feasibly update all highways, roads, streets, bridges,
9 and other public facilities to meet current design requirements.
10 Sections 2 and 3 of this act will enable state and local governments to
11 meet the transportation and occupancy needs of our public facilities in
12 a systematic and cost-effective manner without facing the threat of
13 costly litigation caused by their inability to update existing
14 facilities to new standards. However, it will not relieve government
15 agencies, from meeting their public obligations to maintain safe
16 roadways and facilities, nor to respond to public notice of unsafe
17 conditions that can be remedied by routine maintenance or repair.

1 NEW SECTION. **Sec. 2.** No public agency or employee is civilly
2 liable for damages allegedly caused by or related to the planning or
3 design for construction or improvement of a highway, road, street, or
4 other public facility if the plan or design is prepared in substantial
5 conformity with the engineering or design standards in effect at the
6 time and approved for construction by the agency responsible for the
7 facility.

8 Notwithstanding notice that age or wear has rendered a public
9 facility out of conformity with its original plan or design, no public
10 employee or agency is liable for damages allegedly caused by such
11 nonconformity if there is substantial evidence that availability of
12 funds for the restoration of the public facility are governed by a
13 priority program that has not yet provided funds for restoration of the
14 facility.

15 This section does not prevent civil liability for failure to post
16 a sign warning of an allegedly defective condition of a public facility
17 if a warning sign could have prevented an accident. This section also
18 does not prevent liability if (1) deficient routine maintenance is the
19 principal cause of an accident and (2) a public agency or employee had
20 actual notice of the maintenance deficiency and failed to respond
21 within a reasonable time.

22 NEW SECTION. **Sec. 3.** The definitions in this section shall apply
23 throughout this chapter.

24 (1) "Public agency" means all public offices and agencies of the
25 state and municipal governments, including directors, officers,
26 employees, agents, and volunteers acting in an official capacity.

27 (2) "Public facility" includes state highways, city and county
28 roads and streets, state and local buildings, bridges, off-highway and
29 primitive roads, public use facilities, enterprise operations,
30 infrastructures, and marine/aircraft facilities.

31 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act are each
32 added to chapter 4.24 RCW.

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