

# HOUSE BILL REPORT

## HB 2087

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**As Reported by House Committee On:**  
Transportation

**Title:** An act relating to worker safety on roadways and roadsides.

**Brief Description:** Concerning worker safety on roadways and roadsides.

**Sponsors:** Representatives Stambaugh, Riccelli, Orcutt, Hayes, Gregerson and Ormsby.

**Brief History:**

**Committee Activity:**

Transportation: 2/20/17, 2/21/17 [DP].

**Brief Summary of Bill**

- Expands the current emergency zone rules of the road and associated offenses related to the use of lanes, speed restrictions, and reckless endangerment to include work zones.
- Describes work zones as adjacent lanes 200 feet before and after stationary or slow-moving highway construction vehicles, highway maintenance vehicles, solid waste vehicles, or utility service vehicles that display specified flashing lights.
- Provides clarification that the restriction that a driver must yield the right-of-way to any authorized vehicle or pedestrian engaged in work in a designated construction or maintenance area, or near an authorized construction or maintenance vehicle with the specified flashing lights, includes a requirement that a driver yield the right-of-way to highway construction workers, highway maintenance workers, and flaggers.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass. Signed by 24 members: Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman, Gregerson, Hayes, Irwin, Kloba, Lovick, McBride, Morris, Ortiz-Self, Pellicciotti, Pike, Riccelli, Shea, Stambaugh, Tarleton, Van Werven and Young.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Jennifer Harris (786-7143).

## **Background:**

### Emergency Zones.

Drivers of motor vehicles must follow certain rules when driving in emergency zones. "Emergency zones" are defined as the adjacent lanes of roadway 200 feet before and after: (1) a stationary authorized emergency vehicle that is making use of audible and/or visual signals that meet state emergency vehicle lighting equipment standards; (2) a tow truck that is making use of visual red lights that meet state tow truck lighting equipment standards; (3) other vehicles providing roadside assistance that are making use of warning lights with 360-degree visibility; or (4) a police vehicle properly and lawfully displaying a flashing, blinking, or alternating emergency light or lights.

When in an emergency zone on a highway with four or more lanes, at least two of which are for the use of traffic proceeding in the same direction as the driver's vehicle, a driver must proceed with caution, and, if reasonable, considering safety and traffic conditions, the driver must yield the right-of-way by making a lane change or moving away from the lane or shoulder occupied by the stationary authorized emergency vehicle or police vehicle.

When in an emergency zone on a highway with fewer than four lanes, a driver must proceed with caution, reduce the speed of the vehicle, and, if reasonable, considering safety and traffic conditions, a driver must yield the right-of-way by passing to the left and at a safe distance while yielding the right-of-way to all vehicles traveling in the correct direction on the highway. However, if changing lanes or moving away would be unreasonable or unsafe, the driver must proceed with caution and reduce the vehicle's speed.

A driver who violates these emergency zone driving restrictions, or who commits an infraction related to driving at a speed greater than the posted speed limit, must be assessed a monetary penalty that is twice the penalty assessed for a standard traffic infraction. The total in penalty and fines assessed for such an infraction currently ranges from \$153 to \$788, depending on the maximum speed limit for the zone and the amount by which a vehicle exceeds it.

A driver who operates a motor vehicle in an emergency zone in a manner that endangers or is likely to endanger any emergency zone worker or property is guilty of Reckless Endangerment of Emergency Zone Workers. This is a gross misdemeanor and is punishable by a fine that is currently set at \$1,000 and/or a sentence of up to 364 days in jail, as well as mandatory driver's license suspension of 60 days.

### Highway Construction and Maintenance.

The driver of a vehicle must yield the right-of-way to any authorized vehicle or pedestrian engaged in work on any portion of a highway that is identified by official traffic control devices as a highway construction or maintenance area, or when an authorized construction or maintenance vehicle displays flashing lights that meet state requirements for highway and

maintenance vehicle lighting equipment. If a driver does not comply with this rule, the amount assessed in penalty and fees is \$136.

### Roadway Construction Zones.

The Secretary of the Washington State Department of Transportation (WSDOT) is required to adopt standards and specifications for the use of traffic control devices in roadway construction zones on state highways. A "roadway construction zone" is defined as an area where construction, repair, or maintenance work is being conducted by public employees or private contractors on or adjacent to any public roadway.

It is unlawful to drive a vehicle in a roadway construction zone at a speed greater than that allowed by traffic control devices. A driver who commits an infraction related to speed restrictions in a roadway construction zone must be assessed a monetary penalty that is twice the penalty assessed for a standard traffic infraction. The total in penalty and fines assessed for such an infraction currently ranges from \$153 to \$788, depending on the set speed limit for the zone and the amount by which a vehicle exceeds it.

A driver who operates a motor vehicle in a roadway construction zone in a manner that endangers or is likely to endanger any persons or property, or who removes, evades, or intentionally strikes a traffic safety or control device, is guilty of Reckless Endangerment of Roadway Workers. This is a gross misdemeanor and is punishable by a fine that is currently set at \$1,000 and/or a sentence of up to 364 days in jail, as well as mandatory driver's license suspension of 60 days.

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### **Summary of Bill:**

The traffic rules and offenses that apply to "emergency zones" are expanded to apply to work zones. "Emergency zone" is expanded to "emergency or work zone," which includes adjacent lanes of the roadway 200 feet before and after the location of stationary or slow-moving highway construction vehicles, highway maintenance vehicles, solid waste vehicles, or utility service vehicles that display flashing lights that meet state requirements for highway and maintenance vehicle lighting equipment or that use warning lights with 360-degree visibility.

Clarification is provided that the restriction that a driver must yield the right-of-way to any authorized vehicle or pedestrian engaged in work on any portion of a highway in a designated construction or maintenance area, or near an authorized construction or maintenance vehicle that displays the required flashing lights, requires that a driver yield the right-of-way to highway construction workers, highway maintenance workers, and flaggers.

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**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill expands current law. There are emergency zones that protect police vehicles and tow truck operators. This bill would expand that definition to include work zones, protecting highway construction and maintenance workers and flaggers. As a result of passing the Connecting Washington package in 2015, there will be more construction work in the future, which means there will be more workers working on these projects who are put at risk. It is important to protect roadside workers so they can return home to their families.

It is not uncommon during severe weather periods to see construction, maintenance, or utility trucks on the side of road. It is uncommon to see drivers slowing down or moving over for these workers. Washington completed a study in 2015 that found that vehicle incidents are one of the most common reasons for industrial and occupational fatalities. These incidents are very common. Flaggers often see these incidents on a daily basis. This bill will also help ensure that utility consumer needs continue to be met.

Utility crews who work on the side of the road with multiple other hazards to worry about during the day should not need to worry about traffic too. They have the right to be protected and recognized. Drivers slow down, but when they see the road is not blocked, they speed past workers. There is nothing the Washington State Patrol can do to better protect people working in work zones under current law.

(Opposed) None.

**Persons Testifying:** Representative Stambaugh, prime sponsor; and Shaunie Wheeler, Teri Kannor, and Chris Henning, International Brotherhood of Electrical Workers.

**Persons Signed In To Testify But Not Testifying:** None.