

# SENATE BILL REPORT

## SB 5841

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As Passed Senate, January 24, 2018

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

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

**Sponsors:** Senators Cleveland and Conway.

**Brief History:**

**Committee Activity:** Transportation: 1/15/18, 1/17/18 [DP].

**Floor Activity:**

Passed Senate: 1/24/18, 49-0.

**Brief Summary of Bill**

- Expands the current emergency zone rules of the road and associated offenses to include work zones.

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass.

Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase, Cleveland, Dhingra, Fortunato, McCoy, Sheldon, Takko, Walsh, Wellman and Zeiger.

**Staff:** Kim Johnson (786-7472)

**Background:** Emergency Zones. Various laws apply to driving a motor vehicle in emergency zones. An emergency zone is comprised of the adjacent lanes of a roadway 200 feet before and after certain emergency vehicles, which include:

- stationary emergency vehicles that are making use of audible and/or visual signals;
- tow trucks that are making use of visual red lights;
- other vehicles providing roadside assistance that are making use of warning lights with 360-degree visibility; and
- police vehicles that are displaying a flashing, blinking, or alternating emergency light or lights.

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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.*

Upon approaching an emergency zone on certain highways with four or more lanes, drivers must proceed with caution and, if reasonable, yield the right-of-way by making a lane change or moving away from the lane or shoulder occupied by the emergency vehicle.

On a highway with fewer than four lanes, drivers must proceed with caution, reduce speed, and, if reasonable, yield the right-of-way by passing to the left at a safe distance while yielding the right-of-way to all vehicles traveling the proper direction.

If changing lanes or moving away would be unreasonable or unsafe, drivers must proceed with due caution and reduce the speed of their vehicles.

Monetary penalties are doubled for drivers who violate emergency zone driving restrictions and for drivers who commit speed-related infractions in emergency zones. The total 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 the 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, which is a gross misdemeanor and punishable by a fine of \$1,000 and/or a sentence of up to 364 days in jail and a mandatory, 60-day drivers' license suspension.

Highway Maintenance and Construction. Drivers must yield the right-of-way to any authorized vehicle or pedestrian engaged in work on a highway within any highway construction or maintenance area indicated by official traffic control devices. Drivers must yield the right-of-way to any authorized vehicle obviously and actually engaged in work upon a highway whenever such vehicle displays flashing lights in accordance with state law.

Roadway Construction Zones. A roadway construction zone is an area where construction, repair, or maintenance work is being conducted by public employees or private contractors on or adjacent to any public roadway. No person may drive a vehicle at a speed that exceeds that allowed by traffic control devices. The Secretary of Transportation adopts standards and specifications for the use of traffic control devices in roadway construction zones on state highways.

Monetary penalties are doubled for drivers who commit infractions related to speed restrictions in a roadway construction zone. The total 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 the 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, which is a gross misdemeanor and is punishable by a fine of \$1,000 and/or a sentence of up to 364 days in jail and a mandatory, 60-day drivers' license suspension.

**Summary of Bill:** The traffic laws and associated offenses that apply to emergency zones are expanded to apply to work zones. A work zone is comprised of the adjacent lanes of a

roadway 200 feet before and after certain work vehicles when they display flashing lights or use warning lights, which include:

- stationary or slow-moving highway construction vehicles;
- highway maintenance vehicles;
- solid waste vehicles; and
- utility service vehicles.

A driver must yield the right-of-way in a highway construction or maintenance area to highway construction vehicles, highway maintenance workers, and flaggers.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill is about the safety of our workers that are out on our roads. More than 100 highway and street utility workers are killed every year on the job and 20,000 are injured. This bill will help to ensure that there is a lane of traffic between our workers and the traffic travelling down the highway. We have been advocates for distracted driving legislation and have partnered with many other stakeholders. We appreciate the legal clarification of the application of these laws to all workers who do work on the highway. We also appreciate the consistent application of fines and the protection of our roadway workers that these laws are meant to highlight. Over 400 of our employees are out on the road during peak construction season every year. Our personal safety and the safety of our crew is our priority. We know this job involves risk. We do not work behind protective barriers. This legislation will result in drivers changing their behavior and often times consequences are the only way to get people to change their behavior. I am responsible for the lives of at least 26 people out on the road every day. I am responsible for my crewmembers lives every day. We frequently see drivers that are texting or speeding with no regard for anyone else's safety. This bill is important to roadway workers like me and my family. This bill applies to our utility workers too. With all the storms recently, we have had many of our people out on the road. This bill will protect utility workers and all others that work on the roads.

**Persons Testifying:** PRO: Senator Annette Cleveland, Prime Sponsor; Shaunie Jacqueline Wheeler, IBEW 77; Teri Kannor, IBEW 77; Kyle Kingston, IBEW 77; Calvin Beyer, Lakeside Industries, Inc.; Mike Shute, Lakeside Industries, Inc.; Shaun White, Lakeside Industries, Inc.

**Persons Signed In To Testify But Not Testifying:** No one.