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**HOUSE BILL 1595**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Representatives Abbarno, Leavitt, Orwall, Chase, Eslick, Shewmake, Ryu, Dye, Hoff, Barkis, Boehnke, Graham, Valdez, Callan, Davis, Kraft, Jacobsen, Orcutt, Rule, Simmons, Wylie, Sullivan, Pollet, Griffey, Riccelli, and Young

AN ACT Relating to installing signs on or near bridges to provide information to deter jumping; amending RCW 36.86.040, 47.42.040, and 81.36.100; adding a new section to chapter 35.21 RCW; adding a new section to chapter 47.04 RCW; adding a new section to chapter 47.36 RCW; adding a new section to chapter 53.08 RCW; adding a new section to chapter 77.12 RCW; adding a new section to chapter 79.10 RCW; adding a new section to chapter 79A.05 RCW; and creating new sections.

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

NEW SECTION. **Sec.**  This act may be known and cited as "Zack's law."

NEW SECTION. **Sec.**  (1) The legislature intends state and local agencies to install signs on or near bridges to warn people of the dangers of diving or jumping off the bridge.

(2) This law is enacted at the request of family and friends of Zachary Lee Rager and the Chehalis community in the expectation that better information on bridges will prevent future deaths. On March 23, 2021, Zachary Lee Rager jumped off a bridge in a location he had jumped from many times before during the summer months. Unfortunately, the colder water and conditions were different earlier in the year, and he did not survive.

(3) The legislature finds that cold-water shock drowning can occur when the water temperature is below 70 degrees Fahrenheit. The temperature difference when a body is submerged in the colder water leads to involuntary gasping, inhalation of water, loss of mobility, and loss of consciousness. The ability to hold one's breath is substantially reduced to seconds rather than minutes. Many people may underestimate the conditions on a sunny and warm day, like Zachary Lee Rager did, and a sign that waters may still be too cold for swimming and facts about cold-water shock drowning could prevent future deaths.

(4) The legislature recognizes that state agencies and local governments currently may install informational signs pursuant to RCW 47.42.050. This act creates a pathway so that governments may work with individuals and communities to provide more signs with location appropriate information in the expectation that more information will prevent future deaths.

(5) Lastly, the legislature is directing state and local governments to consider installing informational signs about the hazards of diving or jumping under this act when they construct new bridges or replace existing infrastructure. The legislature recognizes that not every bridge will need such signs. The choice to install a sign is going to be specific to the location and an assessment of many different factors, including the size of the waterway, the height of the bridge, the communities' level of interest in having such signs, the physical layout of the bridge and surrounding terrain, the resources provided to pay for the bridge, and the likelihood of individuals to use that particular location to dive or jump.

NEW SECTION. **Sec.**  On or before January 1, 2023, the Washington state parks and recreation commission must install a sign in memory of Zachary Lee Rager on or near the bridge on the Willapa trail that crosses the Chehalis river near old highway 603 providing information about the hazards of cold-water shock related to diving or jumping off the bridge.

NEW SECTION. **Sec.**  A new section is added to chapter 35.21 RCW to read as follows:

(1)(a) The executive officer, or a designated employee, with control of operations and maintenance of a bridge of any city or town may authorize the erection of informational signs near or attached to bridges providing location-specific information about the hazards of jumping with the goal of preventing future deaths. These signs are meant to provide more information than just a "no jumping" sign so that people can better understand the hazards related to a particular location. Signs providing information on the hazards of cold-water shock that leads to drowning may be erected in locations where people might otherwise think a location is safe for swimming. Signs may include the statewide 988 suicide prevention hotline.

(b) Any city or town responsible for the repair, replacement, and maintenance of bridges is encouraged to create a process where individuals may request the installation of an informational sign to address jumping off a bridge in locations that do not have such signs installed.

(c) Signs created under this section may not conflict with provisions of the manual of uniform traffic control devices or existing state laws related to placement and design of signs that are placed along transportation corridors.

(d) If a sign is to be located along a state highway or the interstate system, the department of transportation must be notified of the location prior to erecting the sign, but no permit is necessary.

(e) Cities and towns may accept gifts or donations to pay for the creation, installation, or maintenance of signs under this section.

(2) This section applies prospectively.

(3) Nothing contained in this section confers a right of action in cases where no right of action exists independent of this section. This section does not create a private right of action by any party and may not be used to impose liability on the city or town if a sign has or has not been posted on its property.

**Sec.**  RCW 36.86.040 and 1984 c 7 s 40 are each amended to read as follows:

The county legislative authority shall erect and maintain upon the county roads such suitable and proper signs, signals, signboards, and guideposts and appropriate stop, caution, warning, restrictive, and directional signs and markings as it deems necessary or as may be required by law. This includes informational signs to address jumping from bridges as authorized in section 8 of this act. All such markings shall be in accordance with the uniform state standard of color, design, erection, and location adopted and designed by the Washington state department of transportation. In respect to existing and future railroad grade crossings over county roads the legislative authority shall install and maintain standard, nonmechanical railroad approach warning signs on both sides of the railroad upon the approaches of the county road. All such signs shall be located a sufficient distance from the crossing to give adequate warning to persons traveling on county roads.

NEW SECTION. **Sec.**  A new section is added to chapter 47.04 RCW to read as follows:

(1) Before entering into any contract for the construction of or replacement of any bridge, excluding bridges that are replacing culverts that are barriers to fish passage, the secretary, or a designated employee, must consider whether to require the installation of informational signs that address the hazards of diving or jumping off the bridge as part of the contract. These signs are meant to provide more information than just a "no jumping" sign so that people can better understand the hazards related to a particular location. Signs with information on the hazards of cold-water shock that leads to drowning are encouraged to be installed in locations where people might otherwise think a location is safe for swimming. Signs under this section may include the statewide 988 suicide prevention hotline.

(2) Nothing contained in this section confers a right of action in cases where no right of action exists independent of this section. This section does not create a private right of action by any party and may not be used to impose liability on the department if a sign has or has not been posted pursuant to this section.

**Sec.**  RCW 47.42.040 and 2001 c 107 s 1 are each amended to read as follows:

It is declared to be the policy of the state that no signs which are visible from the main traveled way of the interstate system, primary system, or scenic system shall be erected or maintained except the following types:

(1) Directional or other official signs or notices that are required or authorized by law including signs with the Crime Stoppers name, logo, and telephone number;

(2) Signs advertising the sale or lease of the property upon which they are located;

(3) Signs advertising activities conducted on the property on which they are located;

(4) Signs, not inconsistent with the policy of this chapter and the national policy set forth in section 131 of title 23, United States Code as codified and enacted by Public Law 85‑767 and amended only by section 106, Public Law 86‑342, and the national standards promulgated thereunder by the secretary of commerce or the secretary of transportation, advertising activities being conducted at a location within twelve miles of the point at which such signs are located: PROVIDED, That no sign lawfully erected pursuant to this subsection adjacent to the interstate system and outside commercial and industrial areas shall be maintained by any person after three years from May 10, 1971;

(5) Signs, not inconsistent with the policy of this chapter and the national policy set forth in section 131 of title 23, United States Code as codified and enacted by Public Law 85‑767 and amended only by section 106, Public Law 86‑342, and the regulations promulgated thereunder by the secretary of commerce or the secretary of transportation, designed to give information in the specific interest of the traveling public: PROVIDED, That no sign lawfully erected pursuant to this subsection adjacent to the interstate system and outside commercial and industrial areas shall be maintained by any person after three years from May 10, 1971;

(6) Signs lawfully in existence on October 22, 1965, determined by the commission, subject to the approval of the United States secretary of transportation, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purposes of this chapter ((~~47.42 RCW~~));

(7) Public service signs, located on school bus stop shelters, which:

(a) Identify the donor, sponsor, or contributor of said shelters;

(b) Contain safety slogans or messages which occupy not less than sixty percent of the area of the sign;

(c) Contain no other message;

(d) Are located on school bus shelters which are authorized or approved by city, county, or state law, regulation, or ordinance, and at places approved by the city, county, or state agency controlling the highway involved; and

(e) Do not exceed thirty-two square feet in area. Not more than one sign on each shelter may face in any one direction.

Subsection (7) of this section notwithstanding, the department of transportation shall adopt regulations relating to the appearance of school bus shelters, the placement, size, and public service content of public service signs located thereon, and the prominence of the identification of the donors, sponsors, or contributors of the shelters;

(8) Temporary agricultural directional signs, with the following restrictions:

(a) Signs shall be posted only during the period of time the seasonal agricultural product is being sold;

(b) Signs shall not be placed adjacent to the interstate highway system unless the sign qualifies as an ((~~on-premise [on~~‑~~premises]~~)) on-premises sign;

(c) Signs shall not be placed within an incorporated city or town;

(d) Premises on which the seasonal agricultural products are sold must be within fifteen miles of the state highway, and necessary supplemental signing on local roads must be provided before the installation of the signs on the state highway;

(e) Signs must be located so as not to restrict sight distances on approaches to intersections;

(f) The department shall establish a permit system and fee schedule and rules for the manufacturing, installation, and maintenance of these signs in accordance with the policy of this chapter;

(g) Signs in violation of these provisions shall be removed in accordance with the procedures in RCW 47.42.080;

(9) Signs on or near bridges in accordance with section 8 of this act so long as they do not conflict with federal requirements.

Only signs of types 1, 2, 3, 7, ((~~and~~)) 8, and 9 may be erected or maintained within view of the scenic system. Signs of types 7 ((~~and~~)), 8, and 9 may also be erected or maintained within view of the federal aid primary system.

NEW SECTION. **Sec.**  A new section is added to chapter 47.36 RCW to read as follows:

(1)(a) The executive officer, or a designated employee, with control of operations and maintenance of a bridge of any county, city, town, or state agency may erect informational signs near or attached to bridges providing location-specific information about the hazards of diving or jumping from the location with the goal of preventing future deaths. These signs are meant to provide more information than just a "no jumping" sign so that people can better understand the hazards related to a particular location. Signs providing information on the hazard of cold-water shock that leads to drowning may be erected in locations where people might otherwise think a location is safe for swimming. Signs may include the statewide 988 suicide prevention hotline.

(b) Any county, city, town, or state agency responsible for the repair, replacement, and maintenance of bridges are encouraged to create a process where individuals may request the installation of an informational sign pursuant to this section in locations that do not have such signs erected.

(c) Signs created under this section may not conflict with provisions of the manual of uniform traffic control devices or existing state laws related to placement and design of signs that are placed along transportation corridors.

(d) If a sign is to be located along a state highway or the interstate system, the department of transportation must be notified of the location prior to erecting the sign, but no permit is necessary.

(e) State and local government agencies are authorized to accept gifts or donations to pay for the erection of signs under this section.

(2) This section applies prospectively.

(3) Nothing contained in this section confers a right of action in cases where no right of action exists independent of this section. This section does not create a private right of action by any party and may not be used to impose liability on the owner of a government facility if a sign has or has not been posted on its property.

NEW SECTION. **Sec.**  A new section is added to chapter 53.08 RCW to read as follows:

(1) Before entering into any contract for the construction of or replacement of any bridge on port controlled land, the port's executive officer must consider whether to require the installation of informational signs that address the hazards of diving or jumping off the bridge as part of the contract. These signs are meant to provide more information than just a "no jumping" sign so that people can better understand the hazards related to a particular location. Signs with information on the hazard of cold-water shock that leads to drowning are encouraged to be installed in locations where people might otherwise think a location is safe for swimming. Signs under this section may include the statewide 988 suicide prevention hotline.

(2) Nothing contained in this section confers a right of action in cases where no right of action exists independent of this section. This section does not create a private right of action by any party and may not be used to impose liability on the port if a sign has or has not been erected on its property.

NEW SECTION. **Sec.**  A new section is added to chapter 77.12 RCW to read as follows:

(1) Before entering into any contract for the construction of or replacement of any bridge on department controlled land, the director must consider whether to require the installation of informational signs that address the hazards of diving or jumping off the bridge as part of the contract. These signs are meant to provide more information than just a "no jumping" sign so that people can better understand the hazards related to a particular location. Signs with information on the hazard of cold-water shock that leads to drowning are encouraged to be installed in locations where people might otherwise think a location is safe for swimming. Signs under this section may include the statewide 988 suicide prevention hotline.

(2) Nothing contained in this section confers a right of action in cases where no right of action exists independent of this section. This section does not create a private right of action by any party and may not be used to impose liability on the department if a sign has or has not been erected on its property.

NEW SECTION. **Sec.**  A new section is added to chapter 79.10 RCW to read as follows:

(1) Before entering into any contract for the construction of or replacement of any bridge on department controlled land, the commissioner must consider whether to require the installation of informational signs that address the hazard of diving or jumping off the bridge as part of the contract. These signs are meant to provide more information than just a "no jumping" sign so that people can better understand the hazards related to a particular location. Signs with information on the hazard of cold-water shock that leads to drowning are encouraged to be installed in locations where people might otherwise think a location is safe for swimming. Signs under this section may include the statewide 988 suicide prevention hotline.

 (2) Nothing contained in this section confers a right of action in cases where no right of action exists independent of this section. This section does not create a private right of action by any party and may not be used to impose liability on the department if a sign has or has not been posted on its property.

NEW SECTION. **Sec.**  A new section is added to chapter 79A.05 RCW to read as follows:

(1) Before entering into any contract for the construction of or replacement of any bridge on land controlled by the Washington state parks and recreation commission, the director of the state parks and recreation commission must consider whether to require the installation of informational signs that address the hazards of diving or jumping off the bridge as part of the contract. These signs are meant to provide more information than just a "no jumping" sign so that people can better understand the hazards related to a particular location. Signs with information on the hazard of cold-water shock that leads to drowning are encouraged to be installed in locations where people might otherwise think a location is safe for swimming. Signs under this section may include the statewide 988 suicide prevention hotline.

(2) Nothing contained in this section confers a right of action in cases where no right of action exists independent of this section. This section does not create a private right of action by any party and may not be used to impose liability on the Washington state parks and recreation commission if a sign has or has not been erected on its property.

**Sec.**  RCW 81.36.100 and 1961 c 14 s 81.36.100 are each amended to read as follows:

(1) Any railroad corporation heretofore duly incorporated and organized under the laws of this state or of the territory of Washington, or which may hereafter be duly incorporated and organized under the laws of this state, or heretofore or hereafter incorporated and organized under the laws of any other state or territory of the United States, and authorized to do business in this state and to construct and operate railroads therein, shall have and hereby is given the right to construct bridges across the navigable streams within this state over which the projected line or lines of railway of said railroad corporations will run: PROVIDED, That said bridges are constructed in good faith for the purpose of being made a part of the constructed line of said railroad: AND PROVIDED, That they shall be constructed in the course of the construction of said railroad or thereafter for the more convenient operation thereof: AND PROVIDED FURTHER, That such bridges shall be so constructed as not to interfere with, impede or obstruct the navigation of such streams.

(2)(a) Before entering into any contract for the construction of or replacement of any bridge by the state or its subdivisions as a property owner, the executive officer responsible for the contract must consider whether to require the installation of informational signs that address the hazard of diving or jumping off the bridge as part of the contract. These signs are meant to provide more information than just a "no jumping" sign so that people can better understand the hazards related to a particular location. Signs with information on the hazard of cold-water shock that leads to drowning are encouraged to be installed in locations where people might otherwise think a location is safe for swimming. Signs under this section may include the statewide 988 suicide prevention hotline.

(b) Nothing contained in this subsection (2) confers a right of action in cases where no right of action exists independent of this section. This section does not create a private right of action by any party and may not be used to impose liability on the property owner if a sign has or has not been posted on its property.

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