
SENATE BILL 5721

State of Washington

52nd Legislature

1991 Regular Session

By Senators McDonald, Vognild and Patterson; by request of Department of Transportation and Department of General Administration.

Read first time February 18, 1991. 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
5 escalating cost of civil tort claims while still ensuring that the
6 public interest and safety are being served.

7 The legislature specifically recognizes that state and local
8 governments cannot economically and feasibly update all highways,
9 roads, streets, bridges, and other public facilities to meet current
10 design and signage requirements. Sections 2 and 3 of this act will
11 enable state and local governments to meet the transportation and
12 occupancy needs of our public facilities in a systematic and cost-
13 effective manner without facing the threat and expense of costly
14 litigation. However, it will not relieve government agencies, from

1 meeting their public obligations to maintain safe roadways and
2 facilities, nor to respond to public notice of unsafe conditions.

3 NEW SECTION. **Sec. 2.** No public agency or employee may be civilly
4 liable for damages caused by, or related to, the planning and design
5 for construction, improvement, or signing of a highway, road, street,
6 bridge, or other public facility, if the plan or design is prepared in
7 substantial conformance with the engineering or design standards in
8 effect at the time and approved for construction by the agency
9 responsible for the facility. This section does not apply to damages
10 caused by a defect in the highway, road, street, bridge, or other
11 public facility if (1) deficient maintenance is the principal cause of
12 the accident and (2) the public agency had actual notice of the effect
13 and failed to respond within a reasonable time period.

14 NEW SECTION. **Sec. 3.** The definitions in this section shall apply
15 throughout this chapter.

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

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

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