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**SENATE BILL 5673**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** Senators Braun, Dozier, Gildon, Liias, Mullet, Muzzall, Randall, Van De Wege, and J. Wilson

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1 AN ACT Relating to installing signs on or near bridges to provide  
2 information to deter jumping; amending RCW 36.86.040, 47.42.040, and  
3 81.36.100; adding a new section to chapter 35.21 RCW; adding a new  
4 section to chapter 47.04 RCW; adding a new section to chapter 47.36  
5 RCW; adding a new section to chapter 53.08 RCW; adding a new section  
6 to chapter 77.12 RCW; adding a new section to chapter 79.10 RCW;  
7 adding a new section to chapter 79A.05 RCW; and creating new  
8 sections.

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

10 NEW SECTION. **Sec. 1.** This act may be known and cited as "Zack's  
11 law."

12 NEW SECTION. **Sec. 2.** (1) The legislature intends state and  
13 local agencies to install signs on or near bridges to warn people of  
14 the dangers of diving or jumping off the bridge.

15 (2) This law is enacted at the request of family and friends of  
16 Zachary Lee Rager and the Chehalis community in the expectation that  
17 better information on bridges will prevent future deaths. On March  
18 23, 2021, Zachary Lee Rager jumped off a bridge in a location he had  
19 jumped from many times before during the summer months.

1 Unfortunately, the colder water and conditions were different earlier  
2 in the year, and he did not survive.

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

13 (4) The legislature recognizes that state agencies and local  
14 governments currently may install informational signs pursuant to RCW  
15 47.42.050. This act creates a pathway so that governments may work  
16 with individuals and communities to provide more signs with location  
17 appropriate information in the expectation that more information will  
18 prevent future deaths.

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

31 NEW SECTION. **Sec. 3.** On or before January 1, 2023, the  
32 Washington state parks and recreation commission must install a sign  
33 in memory of Zachary Lee Rager on or near the bridge on the Willapa  
34 trail that crosses the Chehalis river near old highway 603 providing  
35 information about the hazards of cold-water shock related to diving  
36 or jumping off the bridge.

37 NEW SECTION. **Sec. 4.** A new section is added to chapter 35.21  
38 RCW to read as follows:

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

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

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

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

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

27           (2) This section applies prospectively.

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

33           **Sec. 5.** RCW 36.86.040 and 1984 c 7 s 40 are each amended to read  
34 as follows:

35           The county legislative authority shall erect and maintain upon  
36 the county roads such suitable and proper signs, signals, signboards,  
37 and guideposts and appropriate stop, caution, warning, restrictive,  
38 and directional signs and markings as it deems necessary or as may be  
39 required by law. This includes informational signs to address jumping

1 from bridges as authorized in section 8 of this act. All such  
2 markings shall be in accordance with the uniform state standard of  
3 color, design, erection, and location adopted and designed by the  
4 Washington state department of transportation. In respect to existing  
5 and future railroad grade crossings over county roads the legislative  
6 authority shall install and maintain standard, nonmechanical railroad  
7 approach warning signs on both sides of the railroad upon the  
8 approaches of the county road. All such signs shall be located a  
9 sufficient distance from the crossing to give adequate warning to  
10 persons traveling on county roads.

11 NEW SECTION. **Sec. 6.** A new section is added to chapter 47.04  
12 RCW to read as follows:

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

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

31 **Sec. 7.** RCW 47.42.040 and 2001 c 107 s 1 are each amended to  
32 read as follows:

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

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

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

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

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

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

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

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

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

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

40 (c) Contain no other message;

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

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

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

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

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

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

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

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

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

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

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

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

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

1        NEW SECTION.    **Sec. 8.**    A new section is added to chapter 47.36  
2    RCW to read as follows:

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

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

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

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

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

31        (2) This section applies prospectively.

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

37        NEW SECTION.    **Sec. 9.**    A new section is added to chapter 53.08  
38    RCW to read as follows:

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

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

18 NEW SECTION. **Sec. 10.** A new section is added to chapter 77.12  
19 RCW to read as follows:

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

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

36 NEW SECTION. **Sec. 11.** A new section is added to chapter 79.10  
37 RCW to read as follows:



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

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

18 NEW SECTION. **Sec. 12.** A new section is added to chapter 79A.05  
19 RCW to read as follows:

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

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

1       **Sec. 13.**     RCW 81.36.100 and 1961 c 14 s 81.36.100 are each  
2 amended to read as follows:

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

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

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

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