CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1004**

68th Legislature

2023 Regular Session

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| Passed by the House March 7, 2023  Yeas 95 Nays 0  **Speaker of the House of Representatives**  Passed by the Senate March 31, 2023  Yeas 48 Nays 0  **President of the Senate** | CERTIFICATE  I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1004** as passed by the House of Representatives and the Senate on the dates hereon set forth.  Chief Clerk |
| Approved |  |
| **Governor of the State of Washington** | **Secretary of State**  **State of Washington** |

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**HOUSE BILL 1004**

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Passed Legislature - 2023 Regular Session

**State of Washington 68th Legislature 2023 Regular Session**

**By** Representatives Abbarno, Orcutt, Berry, Simmons, Graham, Schmidt, Christian, Lekanoff, Griffey, Dye, Klicker, Wylie, Cheney, Davis, and Riccelli

AN ACT Relating to installing signs on or near bridges to provide information to deter jumping; amending RCW 36.86.040, 47.36.030, 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, 2024, 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 on 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 approve the sign and location prior to erecting the sign, but no permit or fee 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) This section does not create a private right of action by, or a legal duty to, any party, and may not be used to impose liability on the city or town if a sign has or has not been erected on its property. The state of Washington, including all of its agencies, subdivisions, employees, and agents, shall not be liable in tort for any violation of this act, notwithstanding any other provision of law.

**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) Signs created under this section for placement within the right-of-way of the state highway system may not conflict with provisions of the manual on uniform traffic control devices or existing state laws related to placement and design of signs that are placed along transportation corridors.

(3) This section does not create a private right of action by, or a legal duty to, 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. The state of Washington, including all of its agencies, subdivisions, employees, and agents, shall not be liable in tort for any violation of this act, notwithstanding any other provision of law.

**Sec.**  RCW 47.36.030 and 2005 c 398 s 1 are each amended to read as follows:

(1) The secretary of transportation shall have the power and it shall be its duty to adopt and designate a uniform state standard for the manufacture, display, erection, and location of all signs, signals, signboards, guideposts, and other traffic devices erected or to be erected upon the state highways of the state of Washington for the purpose of furnishing information to persons traveling upon such state highways regarding traffic regulations, directions, distances, points of danger, and conditions requiring caution, and for the purpose of imposing restrictions upon persons operating vehicles thereon. Such signs shall conform as nearly as practicable to the manual of specifications for the manufacture, display, and erection of uniform traffic control devices for streets and highways and all amendments, corrections, and additions thereto.

(2) The department of transportation shall prepare plans and specifications of the uniform state standard of traffic devices so adopted and designated, showing the materials, colors, and designs thereof, and shall upon the issuance of any such plans and specifications or revisions thereof and upon request, furnish to the boards of county commissioners and the governing body of any incorporated city or town, a copy thereof. Signs, signals, signboards, guideposts, and other traffic devices erected on county roads shall conform in all respects to the specifications of color, design, and location approved by the secretary. Traffic devices hereafter erected within incorporated cities and towns shall conform to such uniform state standard of traffic devices so far as is practicable. The uniform system must allow local transit authority bus shelters located within the right-of-way of the state highway system to display and maintain commercial advertisements subject to applicable federal regulations, if any.

(3) The uniform system adopted by the secretary under this section may allow signs, banners, or decorations over a highway that:

(a) Are in unincorporated areas;

(b) Are at least ((~~twenty~~)) 20 vertical feet above a highway; and

(c) Do not interfere with or obstruct the view of any traffic control device.

The department shall adopt rules regulating signs, banners, or decorations installed under this subsection (3).

(4) Cold water shock signs authorized in this act are subject to the provisions of this section.

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, subject to approval by the department pursuant to (d) of this subsection, 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 on 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 must approve the sign and location prior to erecting the sign, but no permit or fee 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) This section does not create a private right of action by, or a legal duty to, 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 erected on its property. The state of Washington, including all of its agencies, subdivisions, employees, and agents, shall not be liable in tort for any violation of this act, notwithstanding any other provision of law.

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) Signs created under this section for placement within the right-of-way of the state highway system may not conflict with provisions of the manual on uniform traffic control devices or existing state laws related to placement and design of signs that are placed along transportation corridors.

(3) This section does not create a private right of action by, or a legal duty to, 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. The state of Washington, including all of its agencies, subdivisions, employees, and agents, shall not be liable in tort for any violation of this act, notwithstanding any other provision of law.

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) Signs created under this section for placement within the right-of-way of the state highway system may not conflict with provisions of the manual on uniform traffic control devices or existing state laws related to placement and design of signs that are placed along transportation corridors.

(3) This section does not create a private right of action by, or a legal duty to, 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. The state of Washington, including all of its agencies, subdivisions, employees, and agents, shall not be liable in tort for any violation of this act, notwithstanding any other provision of law.

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) Signs created under this section for placement within the right-of-way of the state highway system may not conflict with provisions of the manual on uniform traffic control devices or existing state laws related to placement and design of signs that are placed along transportation corridors.

(3) This section does not create a private right of action by, or a legal duty to, 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. The state of Washington, including all of its agencies, subdivisions, employees, and agents, shall not be liable in tort for any violation of this act, notwithstanding any other provision of law.

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 commission, 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) Signs created under this section for placement within the right-of-way of the state highway system may not conflict with provisions of the manual on uniform traffic control devices or existing state laws related to placement and design of signs that are placed along transportation corridors.

(3) This section does not create a private right of action by, or a legal duty to, any party, and may not be used to impose liability on the commission if a sign has or has not been erected on its property. The state of Washington, including all of its agencies, subdivisions, employees, and agents, shall not be liable in tort for any violation of this act, notwithstanding any other provision of law.

**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) This section does not create a private right of action by, or a legal duty to, any party, and may not be used to impose liability on the property owner if a sign has or has not been erected on its property. The state of Washington, including all of its agencies, subdivisions, employees, and agents, shall not be liable in tort for any violation of this act, notwithstanding any other provision of law.

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