

SENATE BILL REPORT

SB 5478

As Reported by Senate Committee On:
Transportation, February 2, 2023

Title: An act relating to installing signs on or near bridges to provide information to deter jumping.

Brief Description: Installing signs on or near bridges to provide information to deter jumping.

Sponsors: Senators Braun, Warnick, Lovelett, Nguyen and Randall.

Brief History:

Committee Activity: Transportation: 1/26/23, 2/02/23 [DP].

Brief Summary of Bill

- Requires the Washington State Parks and Recreation Commission to install a sign in memory of Zachary Lee Rager.
- Authorizes counties, cities, towns, and state agencies to erect informational signs near or attached to bridges providing location-specific information about the hazards of jumping.
- Requires port districts, railroad corporations, and certain state agencies to consider whether to require the installation of informational signs as part of a contract for the construction or replacement of a bridge.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass.

Signed by Senators Lias, Chair; Lovick, Vice Chair; Shewmake, Vice Chair; King, Ranking Member; Holy, Assistant Ranking Member; Cleveland, Fortunato, Hawkins, Lovelett, MacEwen, Nobles, Padden, Valdez, Wilson, C. and Wilson, J..

Staff: Daniel Masterson (786-7454)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background: The Washington State Department of Transportation (WSDOT) erects and maintains signs, signals, signboards, guideposts, and other traffic devices on state highways according to the adopted and designated state standard of design, erection, and location.

WSDOT sets specifications for a uniform system of traffic control signals for use on public highways within the state. This uniform system is required to conform as much as possible to the system approved by the American Association of State Highway Officials and as set out in the *Manual of Uniform Traffic Control Devices* (MUTCD) for streets and highways, published by the United States Department of Transportation's Federal Highway Administration.

No signs visible from the main traveled way of the interstate system, primary system, or scenic system may be erected or maintained unless required or authorized by state or federal law.

Local authorities place and maintain traffic devices on public highways under their jurisdiction as necessary to carry out the provisions of the law or local traffic ordinances or to regulate, warn, or guide traffic.

The Washington Department of Fish and Wildlife (WSDFW) is tasked with preserving, protecting, perpetuating, and managing the wildlife and food fish, game fish, and shellfish in state and offshore waters.

The Washington Department of Natural Resources (DNR) manages state trust land.

The Washington State Parks and Recreation Commission (Washington State Parks) is tasked with the care, charge, control and supervision of all parks and parkways acquired or set aside by the state for park or parkway purposes.

Summary of Bill: This act may be known and cited as "Zack's law." The stated legislative intent is that state and local agencies install signs on or near bridges to warn people of the dangers of diving or jumping off the bridge, and to provide location-appropriate information to prevent future deaths from cold-water shock drowning.

By January 1, 2024, the Washington State Parks is required to install a sign in memory of Zachary Lee Rager on or near the bridge where he lost his life as a result of cold-water shock.

Cold-water shock signs authorized in the bill must comply with WSDOT's uniform state sign standards.

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 authorize erection of informational signs near or attached to bridges providing location-specific information

about the hazards of jumping where people might otherwise think a location is safe for swimming. Signs may include the statewide 988 suicide prevention hotline. Counties, cities, towns, and state agencies responsible for the repair, replacement, and maintenance of bridges are encouraged to create a process for individuals to request installation of such informational signs.

These signs are prohibited from conflicting with provisions of the *Manual of Uniform Traffic Control Devices*, or existing state law related to the placement and design of signs placed along transportation corridors. If a sign is to be located along a state highway or the interstate system, WSDOT must approve the sign and location, but no permit or fee is necessary.

State and local government agencies may accept gifts and donations to pay for the creation, installation, or maintenance of these informational signs.

Before entering into a contract for the construction or replacement of a bridge, WSDOT, WSDFW, DNR, Washington State Parks, and port districts must consider whether to require the installation of these informational signs as part of the contract. This requirement does not apply to replacements of culverts that are barriers to fish passage by WSDOT.

Private railroad companies must also consider whether to require the installation of these informational signs as part of the contract for the construction or replacement of a bridge by the state or its subdivisions as a property owner.

This bill's authorizations to erect informational signs, and requirements to consider whether to require the installation of informational signs as part of a bridge construction or replacement contract do not create a private right of action by, or a legal duty to, any party, and may not be used to impose liability on public agencies and property owners if a sign has or has not been erected. 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.

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: Most people are unaware of the dangers of cold-water shock, as Zach was when he jumped off of the bridge. Cold water shock can occur in waters 59 degrees or less, which accounts for a majority of the bodies of water in our state, many of which are fed by glaciers. Cold water shock limits bodily functions

including the ability to think clearly and sense of direction. Cold water shock forces you to gasp for breath and makes all blood rush to the body's core, making normal movement difficult or impossible. It only takes a quarter cup of water for a human to drown. Hypothermia is caused by prolonged exposure to cold; but cold water shock happens immediately. Attention to drownings need to be a priority, just like the zero deaths by 2030 traffic goal. Zach was the 18th victim at the bridge, and since he died two more people have died there. I'd never heard of cold water shock until this happened to our family. Zach was very athletic and a good swimmer. He and his friends had jumped from the bridge many times before, but they didn't know how cold and quick the water was that day. I think if any of them had known about the risk of cold water shock they wouldn't have done it. If one person doesn't jump because of the sign, it was worth it. Zach had a promising and bright future, he was the life of any situation. He was 39 days shy of 19th birthday. He wasn't new to playing in rivers. He grew up on the river. I believe if he and his friends truly knew the dangers we would not be where we are today. People need to be aware of the dangers.

OTHER: Railroads often have no trespassing signs, but these often do not deter people from accessing them. In many rivers in this state, cold water shock is a deadly risk 9 months out of the year. Informative signage needs to address the deadly dangers that being on railroad bridges presents.

Persons Testifying: PRO: Kimberly Hines; Bonnie Smilonich; Lee Hines; Curtis King, WA State Senate.

OTHER: Herb Krohn, SMART Transp. Division/United Transportation Union.

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