

# HOUSE BILL REPORT

## ESSB 5995

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As Reported By House Committee On:  
Transportation

**Title:** An act relating to reckless endangerment of highway workers.

**Brief Description:** Penalizing reckless endangerment of highway workers.

**Sponsors:** Senate Committee on Transportation (originally sponsored by Senators Skratek, Erwin, Vognild, Drew, Winsley, Sheldon, Pelz, Nelson, McAuliffe and M. Rasmussen).

**Brief History:**

Reported by House Committee on:  
Transportation, February 16, 1994, DP.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass. Signed by 19 members: Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Backlund; Brough; Brumsickle; Cothorn; Eide; Forner; Hansen; J. Kohl; Quall; Romero; Sheldon; Shin; Wood and Zellinsky.

**Staff:** Jeff Doyle (786-7322).

**Background:** In 1992 approximately 900 accidents reported by the Washington State Patrol occurred within highway work zones in District 1. Recently, an employee of the Department of Transportation was struck and killed while working on a highway construction project.

A Work Zone Safety Task Force was convened during the interim to study the problem. Drivers speeding through work zones were found to create a substantial risk of injury or death to flaggers and other construction crew within highway work zones.

Under current law, no distinction is made between persons who speed near work zones and persons speeding on other areas of the highway. Speeding is a violation of RCW 46.61.400, and a traffic infraction ranging anywhere from \$25 to \$165 may be imposed, depending on the speed of the vehicle.

In addition to the monetary penalty, the State Patrol may issue a ticket for reckless driving, which is a gross misdemeanor punishable by imprisonment of not more than one year and by a fine of no more than \$5,000. Any person convicted of reckless driving has his or her license suspended for at least 30 days. However, to convict a driver of reckless driving, the state must prove the person was driving with willful or wanton disregard for the safety of others.

**Summary of Bill:** Persons who speed in construction zones on any public roadway are subject to double fines that cannot be reduced, suspended or waived. Persons who drive negligently in construction zones or who remove, evade or purposely strike safety devices are guilty of "endangerment of roadway workers," punished as a class C felony and a license suspension of 60 days.

**Fiscal Note:** Not requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** Department of Transportation crews performing maintenance and construction work along state highways are exposed to increasingly dangerous situations, as much of the highway maintenance work is done at night. Several roadway flaggers and workers have been struck by persons speeding through the work zones.

**Testimony Against:** None.

**Witnesses:** Joe Daniels, International Federation of Professional and Technical Engineers; Tammy Malone, citizen; Patrick Forinash, Department of Transportation; Vince Oliveri, International Federation of Professional and Technical Engineers; John Conrad, Department of Transportation; Dave Peach, Department of Transportation; and Greg Devereux, Washington Federation of State Employees.