

# SENATE BILL REPORT

## ESB 5953

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As Passed Senate, March 12, 2003

**Title:** An act relating to the disruption of traffic by pedestrians.

**Brief Description:** Penalizing disruption of traffic by pedestrians.

**Sponsors:** Senators Finkbeiner, Esser, Horn, Stevens, Rossi and Honeyford.

**Brief History:**

**Committee Activity:** Highways & Transportation: 3/6/03 [DPS, DNP].

Passed Senate: 3/12/03, 27-22.

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### SENATE COMMITTEE ON HIGHWAYS & TRANSPORTATION

**Majority Report:** That Substitute Senate Bill No. 5953 be substituted therefor, and the substitute bill do pass.

Signed by Senators Horn, Chair; Benton, Vice Chair; Swecker, Vice Chair; Esser, Finkbeiner, Mulliken and Oke.

**Minority Report:** Do not pass.

Signed by Senators Haugen, Jacobsen, Prentice and Spanel.

**Staff:** Kelly Simpson (786-7403)

**Background:** Under current law, the Department of Transportation (DOT) and local authorities may prohibit the use of limited access highways under their jurisdictions by pedestrians and other nonmotorized traffic. DOT has adopted a rule prohibiting all nonmotorized traffic on state highways established as fully controlled limited access facilities. A violation of this provision is a traffic infraction. Additionally, pedestrians disrupting traffic may be subject to disorderly conduct, public nuisance, and criminal trespass charges.

The crime of disorderly conduct includes intentionally obstructing vehicular or pedestrian traffic without lawful authority. Disorderly conduct is a misdemeanor.

The crime of public nuisance includes any act that unlawfully interferes with or renders dangerous for passage a street, alley, or highway. Public nuisance is a misdemeanor.

The crime of criminal trespass in the second degree includes entering and remaining unlawfully upon the premises of another, if not a building. Criminal trespass in the second degree is a misdemeanor.

**Summary of Bill:** Pedestrians who unlawfully and intentionally impede or otherwise disrupt the flow of traffic on a highway of statewide significance are guilty of a gross misdemeanor. The maximum penalty for a gross misdemeanor is a jail term of one year and/or a fine of

\$5,000. Additionally, defendants must reimburse law enforcement and emergency personnel for any costs incurred as a result of responding to the traffic disruption.

**Appropriation:** None.

**Fiscal Note:** Requested on March 6, 2003.

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

**Testimony For:** The bill is necessary because current penalties for individuals who disrupt traffic on highways are not severe enough. When demonstrators disrupt traffic on busy highways, commuters lose time with their families, public safety is jeopardized, and in some cases people have died due to the inability of ambulances to get through.

**Testimony Against:** This bill is not necessary as current law provides potential criminal penalties for disrupting traffic on a highway. Prosecuting offenders under this bill would place a significant financial burden on local governments. The Constitution guarantees a right to free speech and assembly, and this bill would be directed at individuals exercising those rights.

**Testified:** Senator Finkbeiner (pro); Richard Ward (pro); Andrew Schwarz, WA Assoc. of Criminal Defense Lawyers (con); Mike Ryherd, Teamsters (con); Robby Stern, WA State Labor Council (con); Glen Cramer, WA State Patrol (neutral).