

# FINAL BILL REPORT

## HB 2087

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Synopsis as Enacted

**Brief Description:** Concerning worker safety on roadways and roadsides.

**Sponsors:** Representatives Stambaugh, Riccelli, Orcutt, Hayes, Gregerson and Ormsby.

**House Committee on Transportation**  
**Senate Committee on Commerce, Labor & Sports**  
**Senate Committee on Transportation**

**Background:**

Emergency Zones.

Drivers of motor vehicles must follow the rules specified below when driving in emergency zones. "Emergency zones" are defined as the adjacent lanes of roadway 200 feet before and after:

1. a stationary authorized emergency vehicle that is making use of audible and/or visual signals that meet state emergency vehicle lighting equipment standards;
2. a tow truck that is making use of visual red lights that meet state tow truck lighting equipment standards;
3. other vehicles providing roadside assistance that are making use of warning lights with 360-degree visibility; or
4. a police vehicle properly and lawfully displaying a flashing, blinking, or alternating emergency light or lights.

When in an emergency zone on a highway with four or more lanes, at least two of which are for the use of traffic proceeding in the same direction as the driver's vehicle, a driver must proceed with caution, and, if reasonable, considering safety and traffic conditions, the driver must yield the right-of-way by making a lane change or moving away from the lane or shoulder occupied by the stationary authorized emergency or police vehicle.

When in an emergency zone on a highway with fewer than four lanes, a driver must proceed with caution, reduce the speed of the vehicle, and, if reasonable, considering safety and traffic conditions, a driver must yield the right-of-way by passing to the left and at a safe distance while yielding the right-of-way to all vehicles traveling in the correct direction on

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the highway. However, if changing lanes or moving away would be unreasonable or unsafe, the driver must proceed with caution and reduce the vehicle's speed.

A driver who violates these emergency zone driving restrictions, or who commits an infraction related to driving at a speed greater than the posted speed limit, must be assessed a monetary penalty that is twice the penalty assessed for a standard traffic infraction. The total in penalty and fines assessed for such an infraction currently ranges from \$153 to \$788, depending on the maximum speed limit for the zone and the amount by which a vehicle exceeds it.

A driver who operates a motor vehicle in an emergency zone in a manner that endangers or is likely to endanger any emergency zone worker or property is guilty of Reckless Endangerment of Emergency Zone Workers. This offense is a gross misdemeanor and is punishable by a fine that is set to \$1,000 and/or a sentence of up to 364 days in jail, as well as a mandatory driver's license suspension of 60 days.

#### Highway Construction and Maintenance.

The driver of a vehicle must yield the right-of-way to any authorized vehicle or pedestrian engaged in work on any portion of a highway that is identified by official traffic control devices as a highway construction or maintenance area, or when an authorized construction or maintenance vehicle displays flashing lights that meet state requirements for highway and maintenance vehicle lighting equipment. If a driver does not comply with this rule, the amount assessed in penalty and fees is \$136.

#### Roadway Construction Zones.

The Secretary of the Washington State Department of Transportation (WSDOT) is required to adopt standards and specifications for the use of traffic control devices in roadway construction zones on state highways. A "roadway construction zone" is defined as an area where construction, repair, or maintenance work is being conducted by public employees or private contractors on or adjacent to any public roadway.

It is unlawful to drive a vehicle in a roadway construction zone at a speed greater than that allowed by traffic control devices. A driver who commits an infraction related to speed restrictions in a roadway construction zone must be assessed a monetary penalty that is twice the penalty assessed for a standard traffic infraction. The total in penalty and fines assessed for such an infraction currently ranges from \$153 to \$788, depending on the set speed limit for the zone and the amount by which a vehicle exceeds it.

A driver who operates a motor vehicle in a roadway construction zone in a manner that endangers or is likely to endanger any persons or property, or who removes, evades, or intentionally strikes a traffic safety or control device, is guilty of Reckless Endangerment of Roadway Workers. This offense is a gross misdemeanor and is punishable by a fine that is currently set to \$1,000 and/or a sentence of up to 364 days in jail, as well as a mandatory driver's license suspension of 60 days.

#### **Summary:**

The traffic rules and offenses that apply to "emergency zones" are expanded to apply to work zones. "Emergency or work zone" is expanded to include adjacent lanes of the roadway 200 feet before and after the location of stationary or slow-moving highway construction vehicles, highway maintenance vehicles, solid waste vehicles, or utility service vehicles that display flashing lights that meet state requirements for highway and maintenance vehicle lighting equipment or that use warning lights with 360-degree visibility.

Clarification is provided that the restriction that a driver must yield the right-of-way to any authorized vehicle or pedestrian engaged in work on any portion of a highway in a designated construction or maintenance area, or near an authorized construction or maintenance vehicle that displays the required flashing lights, includes a requirement that a driver yield the right-of-way to highway construction workers, highway maintenance workers, and flaggers.

**Votes on Final Passage:**

House	96	0
House	98	0
Senate	49	0

**Effective:** June 7, 2018