

# SENATE BILL REPORT

## HB 2087

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As Passed Senate, March 1, 2018

**Title:** An act relating to worker safety on roadways and roadsides.

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

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

**Brief History:** Passed House: 2/27/17, 96-0; 1/11/18, 98-0.

**Committee Activity:** Commerce, Labor & Sports: 3/22/17 [DP].

Transportation: 2/22/18, 2/26/18 [DP].

**Floor Activity:**

Passed Senate: 3/01/18, 49-0.

### Brief Summary of Bill

- Expands the current emergency zone rules of the road and associated offences to include work zones.

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### SENATE COMMITTEE ON COMMERCE, LABOR & SPORTS

**Majority Report:** Do pass.

Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway, Hasegawa, Rossi, Saldaña and Wilson.

**Staff:** Jarrett Sacks (786-7448)

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass.

Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase, Cleveland, Dhingra, Fortunato, Lias, McCoy, Sheldon, Takko, Walsh, Wellman and Zeiger.

**Staff:** Kim Johnson (786-7472)

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

**Background:** Emergency Zones. Various laws apply to driving a motor vehicle in emergency zones. An emergency zone is comprised of the adjacent lanes of a roadway 200 feet before and after certain emergency vehicles, which include:

- stationary emergency vehicles that are making use of audible and/or visual signals;
- tow trucks that are making use of visual red lights;
- other vehicles providing roadside assistance that are making use of warning lights with 360-degree visibility; and
- police vehicles that are displaying a flashing, blinking, or alternating emergency light or lights.

Upon approaching an emergency zone on certain highways with four or more lanes, drivers must proceed with caution and, if reasonable, yield the right-of-way by making a lane change or moving away from the lane or shoulder occupied by the emergency vehicle.

On a highway with fewer than four lanes, drivers must proceed with caution, reduce speed, and, if reasonable, yield the right-of-way by passing to the left at a safe distance while yielding the right-of-way to all vehicles traveling the proper direction.

If changing lanes or moving away would be unreasonable or unsafe, drivers must proceed with due caution and reduce the speed of their vehicles.

Monetary penalties are doubled for drivers who violate emergency zone driving restrictions and for drivers who commit speed-related infractions in emergency zones. The total 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 the 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, which is a gross misdemeanor and punishable by a fine of \$1,000 and/or a sentence of up to 364 days in jail and a mandatory, 60-day drivers' license suspension.

Highway Maintenance and Construction. Drivers must yield the right-of-way to any authorized vehicle or pedestrian engaged in work on a highway within any highway construction or maintenance area indicated by official traffic control devices. Drivers must yield the right-of-way to any authorized vehicle obviously and actually engaged in work upon a highway whenever such vehicle displays flashing lights in accordance with state law.

Roadway Construction Zones. A roadway construction zone is an area where construction, repair, or maintenance work is being conducted by public employees or private contractors on or adjacent to any public roadway. No person may drive a vehicle at a speed that exceeds that allowed by traffic control devices. The Secretary of Transportation adopts standards and specifications for the use of traffic control devices in roadway construction zones on state highways.

Monetary penalties are doubled for drivers who commit infractions related to speed restrictions in a roadway construction zone. The total 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 the 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, which is a gross misdemeanor and is punishable by a fine of \$1,000 and/or a sentence of up to 364 days in jail and a mandatory, 60-day drivers' license suspension.

**Summary of Bill:** The traffic laws and associated offences that apply to emergency zones are expanded to apply to work zones. A work zone is comprised of the adjacent lanes of a roadway 200 feet before and after certain work vehicles when they display flashing lights or use warning lights, which include the following:

- stationary or slow-moving highway construction vehicles;
- highway maintenance vehicles;
- solid waste vehicles; and
- utility service vehicles.

A driver must yield the right-of-way in a highway construction or maintenance area to highway construction vehicles, highway maintenance workers, and flaggers.

**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 (Commerce, Labor & Sports):** *Testimony from 2017 Regular Session.* PRO: This bill expands the restrictions on driving in an emergency zone to work zones as well. The bill protects roadside workers and ensures they get home safely.

**Persons Testifying (Commerce, Labor & Sports):** PRO: Representative Melanie Stambaugh, Prime Sponsor.

**Persons Signed In To Testify But Not Testifying (Commerce, Labor & Sports):** PRO: Shaunie Wheeler, Political Director, IBEW 77; Chris Henning, IBEW 77; Steve Barnard, IBEW 77; Cody James, IBEW 77; Jason Trotter, IBEW 77; Wes Tygerson.

**Staff Summary of Public Testimony (Transportation):** PRO: This bill would expand that definition to include work zones, protecting highway construction and maintenance workers and flaggers. As a result of passing the Connecting Washington package in 2015, there will be more construction work in the future, which means there will be more workers working on these projects who are put at risk. This bill will also help our utility and line workers be safe while they are making repairs to get our power back on after big storms.

There are many young people working in traffic every day and this bill will help them get home safely each day.

**Persons Testifying (Transportation):** PRO: Representative Melanie Stambaugh, Prime Sponsor; Shaunie Wheeler, IBEW 77; Cody James, IBEW 77; Teri Kannor, citizen; Calvin Beyer, Lakeside Industries, Inc.

**Persons Signed In To Testify But Not Testifying (Transportation):** No one.