

HOUSE BILL REPORT

HB 1595

As Reported by House Committee On:
Transportation

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: Representatives Abbarno, Leavitt, Orwall, Chase, Eslick, Shewmake, Ryu, Dye, Hoff, Barkis, Boehnke, Graham, Valdez, Callan, Davis, Kraft, Jacobsen, Orcutt, Rule, Simmons, Wylie, Sullivan, Pollet, Griffey, Riccelli and Young.

Brief History:

Committee Activity:

Transportation: 1/13/22, 2/1/22 [DPS].

Brief Summary of Substitute Bill

- Authorizes cities, towns, and counties to erect informational signs near or attached to bridges providing location-specific information about the hazards of jumping.
- Requires the following entities to consider, before entering into a contract for the construction or replacement of a bridge, whether to require the installation of these informational signs as part of the contract: the Washington State Department of Transportation, the Washington Department of Fish and Wildlife, the Washington State Department of Natural Resources, the Washington State Parks and Recreation Commission, port districts, and private railroad companies when a party to the construction contract is the state or a local jurisdiction with a property interest.
- Requires the Washington State Parks to install a sign in memory of Zachary Lee Rager prior to January 1, 2023.

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.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 29 members: Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry, Chapman, Dent, Donaghy, Duerr, Entenman, Goehner, Griffey, Hackney, Klicker, McCaslin, Orcutt, Paul, Ramel, Riccelli, Slatter, Sutherland, Taylor, Valdez, Walsh and Wicks.

Staff: Jennifer Harris (786-7143).

Background:

No signs visible from the main traveled way of the interstate system, primary system, or scenic system may be erected or maintained unless they are directional or other official signs or notices required or authorized by law.

The Washington State Department of Transportation (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.

The 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.

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. Cities and towns with a population of over 15,000 are required to adequately equip streets that are designated as forming a part of the route of a primary or secondary state highway and streets that constitute connecting roads and secondary state highways to these cities and towns with traffic devices under the direction of the WSDOT.

The Washington Department of Fish and Wildlife (WDFW) 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 Substitute Bill:

Signs on or near bridges that provide location-specific information on the hazards of jumping may be visible from the main traveled way of the interstate system, primary system, or scenic system, as long as they do not conflict with federal requirements.

A city's, town's, or county's executive officer or city, town, or county staff overseeing bridge operations and maintenance may authorize the 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. Cities and towns responsible for the repair, replacement, and maintenance of bridges are encouraged to create a process for individuals to request the installation of such informational signs.

These signs are prohibited from conflicting with provisions of the MUTCD 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, the WSDOT must be notified of the location, but no permit is required from the WSDOT.

Cities, towns, and counties 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, the WSDOT, WDFW, 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 the WSDOT. Before entering into a contract for the construction or replacement of a bridge when a party to the construction contract is the state or a local jurisdiction that is a party as the result of a property interest, private railroad companies must also consider whether to require the installation of these informational signs as part of the contract.

The WSDOT must grant approval of a sign to be located along a state highway or the interstate system. Signs posted within the right of way of the state highway system are prohibited from conflicting with provisions of the MUTCD or state law related to the placement and design of signs placed along transportation corridors. Signs erected on state highways must conform to any state standards established by the WSDOT for the signs' manufacture, display, erection, and location.

These provisions do not create a private right of action by, or a legal duty to, any party, and may not be used to impose liability if a sign has or has not been erected. The State of Washington, including all of its agencies, subdivisions, employees, and agents, are not liable in tort for any violation of these provisions.

By January 1, 2023, 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.

The stated legislative intent is to create a pathway so that governments may work with individuals and communities to erect more signs with location-appropriate information to prevent future deaths from cold-water shock drowning.

Substitute Bill Compared to Original Bill:

The substitute bill requires approval by the WSDOT if a sign is to be located along a state highway or the interstate system. It prohibits signs posted within the right of way of the state highway system from conflicting with provisions of the MUTCD or state law related to the placement and design of signs placed along transportation corridors. It also requires signs erected on state highways to conform to any state standards established by the WSDOT for the signs' manufacture, display, erection, and location.

In addition, the substitute bill clarifies the protections afforded to government entities and certain property owners by the liability protection provisions that apply if a sign has or has not been erected.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Zach Rager, a strong young man, drowned in the Chehalis River on a sunny, warm day in March. These types of incidents are common along the state and are the result of cold water shock, one of the biggest jolts that the body can experience. Cold water shock can result in the loss of breathing control; heart and blood pressure problems; and changes to mental state, such as disorientation and lethargy. Many lakes in Washington may cause cold water shock 10 months out of the year. There are signs that warn of hidden dangers, such as rip tides and undertows. The state has a shared responsibility to warn the public of these dangers.

Signs where bridges are located that warn of the risks of cold water shock will cause people to think twice about jumping in a river or lake, and can save other families from experiencing the loss of a loved one. People often are not aware of the risks of cold water drowning.

(Opposed) None.

(Other) It is common to use signs to alert the public to potential risks and signs warning about the danger of cold water shock could be worthwhile, but this program should be modeled on the WSDOT's Memorial Sign Program, which has standardized signs prepared. The bill's liability language may need to be strengthened. Memorials, such as the one in the bill, are uncommon, but an approach could be worked on to address this issue.

Persons Testifying: (In support) Representative Peter Abbarno, prime sponsor; Kimberly Hines; Bonnie Smilonich; and Lee Hines.

(Other) Mike Dornfeld, Washington State Department of Transportation; and Owen Rowe, Washington State Parks and Recreation Commission.

Persons Signed In To Testify But Not Testifying: None.