

# SENATE BILL REPORT

## SB 5673

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As Reported by Senate Committee On:  
Transportation, January 27, 2022

**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:** Senators Braun, Dozier, Gildon, Lias, Mullet, Muzzall, Randall, Van De Wege and Wilson, J..

**Brief History:**

**Committee Activity:** Transportation: 1/20/22, 1/27/22 [DPS].

### Brief Summary of First Substitute Bill

- Requires the Washington State Parks and Recreation Commission to install a sign in memory of Zachary Lee Rager.
- Authorizes counties, cities, towns, and state agencies to erect informational signs near or attached to bridges providing location-specific information about the hazards of jumping.
- Requires port districts, railroad corporations, and certain state agencies to consider whether to require the installation of informational signs as part of a contract for the construction or replacement of a bridge.

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## SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** That Substitute Senate Bill No. 5673 be substituted therefor, and the substitute bill do pass.

Signed by Senators Lias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland, Das, Fortunato, Hawkins, Holy, Lovelett, Lovick, Nguyen, Nobles, Randall, Sheldon, Wilson, C. and Wilson, J.

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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 part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Daniel Masterson (786-7454)

**Background:** The Washington State Department of Transportation (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.

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.

No signs visible from the main traveled way of the interstate system, primary system, or scenic system may be erected or maintained unless required or authorized by state or federal law.

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.

The Washington Department of Fish and Wildlife (WSDFW) 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 Bill (First Substitute):** This act may be known and cited as "Zack's law." The stated legislative intent is that state and local agencies install signs on or near bridges to warn people of the dangers of diving or jumping off the bridge, and to provide location-appropriate information to prevent future deaths from cold-water shock drowning.

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.

Cold water shock signs authorized in the bill must comply with WSDOT's uniform state sign standards.

The executive officer, or a designated employee, with control of operations and

maintenance of a bridge, of any county, city, town, or state agency 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. Counties, cities, towns and state agencies that are 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 *Manual of Uniform Traffic Control Devices* 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, WSDOT must approve the sign and location, but no permit or fee is required from WSDOT.

State and local government agencies 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, WSDOT, WSDFW, 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 WSDOT.

Private railroad companies must also consider whether to require the installation of these informational signs as part of the contract for the construction or replacement of a bridge by the state or its subdivisions as a property owner.

This bill's authorizations to erect informational signs and requirements to consider whether to require the installation of informational signs as part of a bridge construction or replacement contract do not create a private right of action by, or a legal duty to, any party, and may not be used to impose liability on public agencies and property owners if a sign has or has not been erected. The state of Washington, including all of its agencies, subdivisions, employees, and agents, shall not be liable in tort for any violation of this act, notwithstanding any other provision of law.

**EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (First Substitute):**

- Requires WSDOT to approve informational signs to be located along a state highway or the interstate system before being erected by a county, city, town, or state agency, but no permit or fee is necessary.
- Clarifies that informational signs under this act erected as part of a contract for the construction of or replacement of any bridge within the right-of-way of the state highway system by WSDOT, port districts, State Parks, DNR, or the Department of

Fish and Wildlife may not conflict with provisions of the manual on uniform traffic control devices or existing state laws related to placement and design of signs that are placed along transportation corridors.

- Removes the exemption for these informational signs from the requirement that no signs which are visible from the main traveled way of the interstate system, primary system, or scenic system shall be erected.
- Clarifies that signs authorized in the bill are subject to WSDOT's uniform state standard for the manufacture, display, erection, and location of all signs, signals, signboards, guideposts, and other traffic devices erected or to be erected upon the state highways of the state.
- States that 1) the authorization of counties, cities, towns and state agencies to erect informational signs and 2) the requirement that WSDOT, port districts, State Parks, DNR, or the Department of Fish and Wildlife consider erecting signs as part of a contract for the construction of or replacement of any bridge do not create a legal duty to any party.
- States that the state of Washington, including all of its agencies, subdivisions, employees, and agents, shall not be liable in tort for any violation of this act, notwithstanding any other provision of law.

**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 on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: This is not a big bill, but I think it's an important bill. Sadly we lost Zachary Rager last March after he jumped off a railroad trestle into the Chehalis river. I had never thought about this issue before. It is not an uncommon occurrence for young people to jump in the river. What they don't often think about is the risk. Zack was a good swimmer. It wasn't the result of anything you'd normally think about, but cold water shock is a real thing and can occur in water up to 77 degrees. In Washington this is a fairly common range, and presents a real risk. It's a simple solution, we put signs up to warn people thinking of jumping of the real risk. This bill is important to me because if we can save other families from this devastating loss that has happened to mine, then it's all worth it. Zachary and myself have grown up on rivers. And of course we all know the rivers are cold, everyone does. But we do not know about cold water shock. Cold water shock and the rivers being cold are two separate issues. Cold water shock is not common knowledge, nor is it something that's talked about. I had never heard of cold water shock until I lost my son. Had I or Zachary known about cold water shock, my son would still be with me today. I have talked with several Lewis County parents since Zack's death, and they have never heard of cold water shock. These tragic

deaths and near deaths can be prevented, we need signage on popular bridges and swim areas warning people of cold water shock's dangers. I believe it's especially important here in Washington. If we can get these signs in place and save even one person, then my Zachary didn't die in vain. I can't even put into words the suffering and the grief that our family feels at the loss of my grandson Zack. Before this happened, I didn't know anything about cold water shock drowning. I'm 66 years old and never heard of it. But now I'm all too familiar with it, and I'm positive that Zack and his friends didn't know anything about it either. My hope is that by having these signs erected, that it would save other lives and another family wouldn't have to go through the tragic loss of their loved one like my family has. The sudden lowering of the skin temperature due to immersion in cold water represents one of the most profound stimuli the body can encounter. Short of being hit by a bus or struck by lightning, cold water shock is one of the biggest jolts your body can encounter. There are three main factors to cold water shock. The first is gasping and uncontrollable breathing. The second factor is that at the same time that you're breathing goes out of control, the body sends all of its blood to the body's core to preserve the organs and the body. The third is the loss of mental and physical abilities. The body starts to become dizzy and faint, buzzing in the ears, cramps in hands and feet, reduced ability to complete familiar tasks, loss of consciousness, disorientation, fear, panic, inability to think, and lethargy. There's a lot of talk about people dying of hypothermia in cold water, but the truth is that unless you can survive past swim failure, you're going to drown before you become hypothermic. How many more people have to die at these swimming locations before we do something about it.

OTHER: WSDOT supports the concept of providing signs regarding colder water shock, but we have a couple of concerns with the bill as drafted, as well as a possible solution. The bill contains provisions that can be seen as authorizing parties other than WSDOT to authorize signs along highway rights of way and on bridges without permits or WSDOT approval. We are concerned about signs placed on WSDOT structures and on highway right of way because they must meet federal and state requirements. We believe the WSDOT memorial sign program may be an effective alternative to provide for cold water shock signs and would address our concerns. Memorial signs have a standard message and an agreement that covers fabrication and replacement of the signs, as well as a cost recovery mechanism.

**Persons Testifying:** PRO: Senator John Braun, Prime Sponsor; Kimberly Hines; Lee Hines; Bonnie Smilonich, Zack is my grandson.

OTHER: Mike Dornfeld, Washington State Department of Transportation.

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