

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1004

68th Legislature
2023 Regular Session

Passed by the House March 7, 2023
Yeas 95 Nays 0

**Speaker of the House of
Representatives**

Passed by the Senate March 31, 2023
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1004** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1004

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

2023 Regular Session

By Representatives Abbarno, Orcutt, Berry, Simmons, Graham, Schmidt, Christian, Lekanoff, Griffey, Dye, Klicker, Wylie, Cheney, Davis, and Riccelli

Prefiled 12/05/22. Read first time 01/09/23. Referred to Committee on Transportation.

1 AN ACT Relating to installing signs on or near bridges to provide
2 information to deter jumping; amending RCW 36.86.040, 47.36.030, and
3 81.36.100; adding a new section to chapter 35.21 RCW; adding a new
4 section to chapter 47.04 RCW; adding a new section to chapter 47.36
5 RCW; adding a new section to chapter 53.08 RCW; adding a new section
6 to chapter 77.12 RCW; adding a new section to chapter 79.10 RCW;
7 adding a new section to chapter 79A.05 RCW; and creating new
8 sections.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

10 NEW SECTION. **Sec. 1.** This act may be known and cited as "Zack's
11 law."

12 NEW SECTION. **Sec. 2.** (1) The legislature intends state and
13 local agencies to install signs on or near bridges to warn people of
14 the dangers of diving or jumping off the bridge.

15 (2) This law is enacted at the request of family and friends of
16 Zachary Lee Rager and the Chehalis community in the expectation that
17 better information on bridges will prevent future deaths. On March
18 23, 2021, Zachary Lee Rager jumped off a bridge in a location he had
19 jumped from many times before during the summer months.

1 Unfortunately, the colder water and conditions were different earlier
2 in the year, and he did not survive.

3 (3) The legislature finds that cold-water shock drowning can
4 occur when the water temperature is below 70 degrees Fahrenheit. The
5 temperature difference when a body is submerged in the colder water
6 leads to involuntary gasping, inhalation of water, loss of mobility,
7 and loss of consciousness. The ability to hold one's breath is
8 substantially reduced to seconds rather than minutes. Many people may
9 underestimate the conditions on a sunny and warm day, like Zachary
10 Lee Rager did, and a sign that waters may still be too cold for
11 swimming and facts about cold-water shock drowning could prevent
12 future deaths.

13 (4) The legislature recognizes that state agencies and local
14 governments currently may install informational signs pursuant to RCW
15 47.42.050. This act creates a pathway so that governments may work
16 with individuals and communities to provide more signs with location
17 appropriate information in the expectation that more information will
18 prevent future deaths.

19 (5) Lastly, the legislature is directing state and local
20 governments to consider installing informational signs about the
21 hazards of diving or jumping under this act when they construct new
22 bridges or replace existing infrastructure. The legislature
23 recognizes that not every bridge will need such signs. The choice to
24 install a sign is going to be specific to the location and an
25 assessment of many different factors, including the size of the
26 waterway, the height of the bridge, the communities' level of
27 interest in having such signs, the physical layout of the bridge and
28 surrounding terrain, the resources provided to pay for the bridge,
29 and the likelihood of individuals to use that particular location to
30 dive or jump.

31 NEW SECTION. **Sec. 3.** On or before January 1, 2024, the
32 Washington state parks and recreation commission must install a sign
33 in memory of Zachary Lee Rager on or near the bridge on the Willapa
34 trail that crosses the Chehalis river near old highway 603 providing
35 information about the hazards of cold-water shock related to diving
36 or jumping off the bridge.

37 NEW SECTION. **Sec. 4.** A new section is added to chapter 35.21
38 RCW to read as follows:

1 (1)(a) The executive officer, or a designated employee, with
2 control of operations and maintenance of a bridge of any city or town
3 may authorize the erection of informational signs near or attached to
4 bridges providing location-specific information about the hazards of
5 jumping with the goal of preventing future deaths. These signs are
6 meant to provide more information than just a "no jumping" sign so
7 that people can better understand the hazards related to a particular
8 location. Signs providing information on the hazards of cold-water
9 shock that leads to drowning may be erected in locations where people
10 might otherwise think a location is safe for swimming. Signs may
11 include the statewide 988 suicide prevention hotline.

12 (b) Any city or town responsible for the repair, replacement, and
13 maintenance of bridges is encouraged to create a process where
14 individuals may request the installation of an informational sign to
15 address jumping off a bridge in locations that do not have such signs
16 installed.

17 (c) Signs created under this section may not conflict with
18 provisions of the manual on uniform traffic control devices or
19 existing state laws related to placement and design of signs that are
20 placed along transportation corridors.

21 (d) If a sign is to be located along a state highway or the
22 interstate system, the department of transportation must approve the
23 sign and location prior to erecting the sign, but no permit or fee is
24 necessary.

25 (e) Cities and towns may accept gifts or donations to pay for the
26 creation, installation, or maintenance of signs under this section.

27 (2) This section applies prospectively.

28 (3) This section does not create a private right of action by, or
29 a legal duty to, any party, and may not be used to impose liability
30 on the city or town if a sign has or has not been erected on its
31 property. The state of Washington, including all of its agencies,
32 subdivisions, employees, and agents, shall not be liable in tort for
33 any violation of this act, notwithstanding any other provision of
34 law.

35 **Sec. 5.** RCW 36.86.040 and 1984 c 7 s 40 are each amended to read
36 as follows:

37 The county legislative authority shall erect and maintain upon
38 the county roads such suitable and proper signs, signals, signboards,
39 and guideposts and appropriate stop, caution, warning, restrictive,

1 and directional signs and markings as it deems necessary or as may be
2 required by law. This includes informational signs to address jumping
3 from bridges as authorized in section 8 of this act. All such
4 markings shall be in accordance with the uniform state standard of
5 color, design, erection, and location adopted and designed by the
6 Washington state department of transportation. In respect to existing
7 and future railroad grade crossings over county roads the legislative
8 authority shall install and maintain standard, nonmechanical railroad
9 approach warning signs on both sides of the railroad upon the
10 approaches of the county road. All such signs shall be located a
11 sufficient distance from the crossing to give adequate warning to
12 persons traveling on county roads.

13 NEW SECTION. **Sec. 6.** A new section is added to chapter 47.04
14 RCW to read as follows:

15 (1) Before entering into any contract for the construction of or
16 replacement of any bridge, excluding bridges that are replacing
17 culverts that are barriers to fish passage, the secretary, or a
18 designated employee, must consider whether to require the
19 installation of informational signs that address the hazards of
20 diving or jumping off the bridge as part of the contract. These signs
21 are meant to provide more information than just a "no jumping" sign
22 so that people can better understand the hazards related to a
23 particular location. Signs with information on the hazards of cold-
24 water shock that leads to drowning are encouraged to be installed in
25 locations where people might otherwise think a location is safe for
26 swimming. Signs under this section may include the statewide 988
27 suicide prevention hotline.

28 (2) Signs created under this section for placement within the
29 right-of-way of the state highway system may not conflict with
30 provisions of the manual on uniform traffic control devices or
31 existing state laws related to placement and design of signs that are
32 placed along transportation corridors.

33 (3) This section does not create a private right of action by, or
34 a legal duty to, any party, and may not be used to impose liability
35 on the department if a sign has or has not been erected on its
36 property. The state of Washington, including all of its agencies,
37 subdivisions, employees, and agents, shall not be liable in tort for
38 any violation of this act, notwithstanding any other provision of
39 law.

1 **Sec. 7.** RCW 47.36.030 and 2005 c 398 s 1 are each amended to
2 read as follows:

3 (1) The secretary of transportation shall have the power and it
4 shall be its duty to adopt and designate a uniform state standard for
5 the manufacture, display, erection, and location of all signs,
6 signals, signboards, guideposts, and other traffic devices erected or
7 to be erected upon the state highways of the state of Washington for
8 the purpose of furnishing information to persons traveling upon such
9 state highways regarding traffic regulations, directions, distances,
10 points of danger, and conditions requiring caution, and for the
11 purpose of imposing restrictions upon persons operating vehicles
12 thereon. Such signs shall conform as nearly as practicable to the
13 manual of specifications for the manufacture, display, and erection
14 of uniform traffic control devices for streets and highways and all
15 amendments, corrections, and additions thereto.

16 (2) The department of transportation shall prepare plans and
17 specifications of the uniform state standard of traffic devices so
18 adopted and designated, showing the materials, colors, and designs
19 thereof, and shall upon the issuance of any such plans and
20 specifications or revisions thereof and upon request, furnish to the
21 boards of county commissioners and the governing body of any
22 incorporated city or town, a copy thereof. Signs, signals,
23 signboards, guideposts, and other traffic devices erected on county
24 roads shall conform in all respects to the specifications of color,
25 design, and location approved by the secretary. Traffic devices
26 hereafter erected within incorporated cities and towns shall conform
27 to such uniform state standard of traffic devices so far as is
28 practicable. The uniform system must allow local transit authority
29 bus shelters located within the right-of-way of the state highway
30 system to display and maintain commercial advertisements subject to
31 applicable federal regulations, if any.

32 (3) The uniform system adopted by the secretary under this
33 section may allow signs, banners, or decorations over a highway that:

- 34 (a) Are in unincorporated areas;
35 (b) Are at least (~~twenty~~) 20 vertical feet above a highway; and
36 (c) Do not interfere with or obstruct the view of any traffic
37 control device.

38 The department shall adopt rules regulating signs, banners, or
39 decorations installed under this subsection (3).

1 (4) Cold water shock signs authorized in this act are subject to
2 the provisions of this section.

3 NEW SECTION. **Sec. 8.** A new section is added to chapter 47.36
4 RCW to read as follows:

5 (1)(a) The executive officer, or a designated employee, with
6 control of operations and maintenance of a bridge of any county,
7 city, town, or state agency, subject to approval by the department
8 pursuant to (d) of this subsection, may erect informational signs
9 near or attached to bridges providing location-specific information
10 about the hazards of diving or jumping from the location with the
11 goal of preventing future deaths. These signs are meant to provide
12 more information than just a "no jumping" sign so that people can
13 better understand the hazards related to a particular location. Signs
14 providing information on the hazard of cold-water shock that leads to
15 drowning may be erected in locations where people might otherwise
16 think a location is safe for swimming. Signs may include the
17 statewide 988 suicide prevention hotline.

18 (b) Any county, city, town, or state agency responsible for the
19 repair, replacement, and maintenance of bridges are encouraged to
20 create a process where individuals may request the installation of an
21 informational sign pursuant to this section in locations that do not
22 have such signs erected.

23 (c) Signs created under this section may not conflict with
24 provisions of the manual on uniform traffic control devices or
25 existing state laws related to placement and design of signs that are
26 placed along transportation corridors.

27 (d) If a sign is to be located along a state highway or the
28 interstate system, the department must approve the sign and location
29 prior to erecting the sign, but no permit or fee is necessary.

30 (e) State and local government agencies are authorized to accept
31 gifts or donations to pay for the erection of signs under this
32 section.

33 (2) This section applies prospectively.

34 (3) This section does not create a private right of action by, or
35 a legal duty to, any party, and may not be used to impose liability
36 on the owner of a government facility if a sign has or has not been
37 erected on its property. The state of Washington, including all of
38 its agencies, subdivisions, employees, and agents, shall not be

1 liable in tort for any violation of this act, notwithstanding any
2 other provision of law.

3 NEW SECTION. **Sec. 9.** A new section is added to chapter 53.08
4 RCW to read as follows:

5 (1) Before entering into any contract for the construction of or
6 replacement of any bridge on port controlled land, the port's
7 executive officer must consider whether to require the installation
8 of informational signs that address the hazards of diving or jumping
9 off the bridge as part of the contract. These signs are meant to
10 provide more information than just a "no jumping" sign so that people
11 can better understand the hazards related to a particular location.
12 Signs with information on the hazard of cold-water shock that leads
13 to drowning are encouraged to be installed in locations where people
14 might otherwise think a location is safe for swimming. Signs under
15 this section may include the statewide 988 suicide prevention
16 hotline.

17 (2) Signs created under this section for placement within the
18 right-of-way of the state highway system may not conflict with
19 provisions of the manual on uniform traffic control devices or
20 existing state laws related to placement and design of signs that are
21 placed along transportation corridors.

22 (3) This section does not create a private right of action by, or
23 a legal duty to, any party, and may not be used to impose liability
24 on the port if a sign has or has not been erected on its property.
25 The state of Washington, including all of its agencies, subdivisions,
26 employees, and agents, shall not be liable in tort for any violation
27 of this act, notwithstanding any other provision of law.

28 NEW SECTION. **Sec. 10.** A new section is added to chapter 77.12
29 RCW to read as follows:

30 (1) Before entering into any contract for the construction of or
31 replacement of any bridge on department controlled land, the director
32 must consider whether to require the installation of informational
33 signs that address the hazards of diving or jumping off the bridge as
34 part of the contract. These signs are meant to provide more
35 information than just a "no jumping" sign so that people can better
36 understand the hazards related to a particular location. Signs with
37 information on the hazard of cold-water shock that leads to drowning
38 are encouraged to be installed in locations where people might

1 otherwise think a location is safe for swimming. Signs under this
2 section may include the statewide 988 suicide prevention hotline.

3 (2) Signs created under this section for placement within the
4 right-of-way of the state highway system may not conflict with
5 provisions of the manual on uniform traffic control devices or
6 existing state laws related to placement and design of signs that are
7 placed along transportation corridors.

8 (3) This section does not create a private right of action by, or
9 a legal duty to, any party, and may not be used to impose liability
10 on the department if a sign has or has not been erected on its
11 property. The state of Washington, including all of its agencies,
12 subdivisions, employees, and agents, shall not be liable in tort for
13 any violation of this act, notwithstanding any other provision of
14 law.

15 NEW SECTION. **Sec. 11.** A new section is added to chapter 79.10
16 RCW to read as follows:

17 (1) Before entering into any contract for the construction of or
18 replacement of any bridge on department controlled land, the
19 commissioner must consider whether to require the installation of
20 informational signs that address the hazard of diving or jumping off
21 the bridge as part of the contract. These signs are meant to provide
22 more information than just a "no jumping" sign so that people can
23 better understand the hazards related to a particular location. Signs
24 with information on the hazard of cold-water shock that leads to
25 drowning are encouraged to be installed in locations where people
26 might otherwise think a location is safe for swimming. Signs under
27 this section may include the statewide 988 suicide prevention
28 hotline.

29 (2) Signs created under this section for placement within the
30 right-of-way of the state highway system may not conflict with
31 provisions of the manual on uniform traffic control devices or
32 existing state laws related to placement and design of signs that are
33 placed along transportation corridors.

34 (3) This section does not create a private right of action by, or
35 a legal duty to, any party, and may not be used to impose liability
36 on the department if a sign has or has not been erected on its
37 property. The state of Washington, including all of its agencies,
38 subdivisions, employees, and agents, shall not be liable in tort for

1 any violation of this act, notwithstanding any other provision of
2 law.

3 NEW SECTION. **Sec. 12.** A new section is added to chapter 79A.05
4 RCW to read as follows:

5 (1) Before entering into any contract for the construction of or
6 replacement of any bridge on land controlled by the commission, the
7 director must consider whether to require the installation of
8 informational signs that address the hazards of diving or jumping off
9 the bridge as part of the contract. These signs are meant to provide
10 more information than just a "no jumping" sign so that people can
11 better understand the hazards related to a particular location. Signs
12 with information on the hazard of cold-water shock that leads to
13 drowning are encouraged to be installed in locations where people
14 might otherwise think a location is safe for swimming. Signs under
15 this section may include the statewide 988 suicide prevention
16 hotline.

17 (2) Signs created under this section for placement within the
18 right-of-way of the state highway system may not conflict with
19 provisions of the manual on uniform traffic control devices or
20 existing state laws related to placement and design of signs that are
21 placed along transportation corridors.

22 (3) This section does not create a private right of action by, or
23 a legal duty to, any party, and may not be used to impose liability
24 on the commission if a sign has or has not been erected on its
25 property. The state of Washington, including all of its agencies,
26 subdivisions, employees, and agents, shall not be liable in tort for
27 any violation of this act, notwithstanding any other provision of
28 law.

29 **Sec. 13.** RCW 81.36.100 and 1961 c 14 s 81.36.100 are each
30 amended to read as follows:

31 (1) Any railroad corporation heretofore duly incorporated and
32 organized under the laws of this state or of the territory of
33 Washington, or which may hereafter be duly incorporated and organized
34 under the laws of this state, or heretofore or hereafter incorporated
35 and organized under the laws of any other state or territory of the
36 United States, and authorized to do business in this state and to
37 construct and operate railroads therein, shall have and hereby is
38 given the right to construct bridges across the navigable streams

1 within this state over which the projected line or lines of railway
2 of said railroad corporations will run: PROVIDED, That said bridges
3 are constructed in good faith for the purpose of being made a part of
4 the constructed line of said railroad: AND PROVIDED, That they shall
5 be constructed in the course of the construction of said railroad or
6 thereafter for the more convenient operation thereof: AND PROVIDED
7 FURTHER, That such bridges shall be so constructed as not to
8 interfere with, impede or obstruct the navigation of such streams.

9 (2) (a) Before entering into any contract for the construction of
10 or replacement of any bridge by the state or its subdivisions as a
11 property owner, the executive officer responsible for the contract
12 must consider whether to require the installation of informational
13 signs that address the hazard of diving or jumping off the bridge as
14 part of the contract. These signs are meant to provide more
15 information than just a "no jumping" sign so that people can better
16 understand the hazards related to a particular location. Signs with
17 information on the hazard of cold-water shock that leads to drowning
18 are encouraged to be installed in locations where people might
19 otherwise think a location is safe for swimming. Signs under this
20 section may include the statewide 988 suicide prevention hotline.

21 (b) This section does not create a private right of action by, or
22 a legal duty to, any party, and may not be used to impose liability
23 on the property owner if a sign has or has not been erected on its
24 property. The state of Washington, including all of its agencies,
25 subdivisions, employees, and agents, shall not be liable in tort for
26 any violation of this act, notwithstanding any other provision of
27 law.

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