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**HOUSE BILL 1004**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Representatives Abbarno and Orcutt

Prefiled 12/05/22.

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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