
SUBSTITUTE HOUSE BILL 1135

State of Washington

52nd Legislature

1991 Regular Session

By House Committee on Transportation (originally sponsored by Representatives Haugen, Wilson, R. Fisher, G. Fisher, Prince, Ferguson, Spanel, Hine, Tate, Hargrove, Dorn, Wood, Jones, Zellinsky, Brough, Bray, Ludwig, Rayburn and Betrozoff).

Read first time March 6, 1991.

1 AN ACT Relating to responsibility for city streets; amending RCW
2 47.24.020; and creating a new section.

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

4 **Sec. 1.** RCW 47.24.020 and 1987 c 68 s 1 are each amended to read
5 as follows:

6 The jurisdiction, control, and duty of the state and city or town
7 with respect to such streets shall be as follows:

8 (1) The department has no authority to change or establish any
9 grade of any such street without approval of the governing body of such
10 city or town, except with respect to limited access facilities
11 established by the commission;

12 (2) The city or town shall exercise full responsibility for and
13 control over any such street beyond the curbs and if no curb is
14 installed, beyond that portion of the highway used for highway
15 purposes. However, within incorporated cities and towns the title to

1 a state limited access highway vests in the state, and, notwithstanding
2 any other provision of this section, the department shall exercise full
3 jurisdiction, responsibility, and control to and over such facility as
4 provided in chapter 47.52 RCW;

5 (3) The department has authority to prohibit the suspension of
6 signs, banners, or decorations above the portion of such street between
7 the curbs or portion used for highway purposes up to a vertical height
8 of twenty feet above the surface of the roadway;

9 (4) The city or town shall at its own expense maintain all
10 underground facilities in such streets, and has the right to construct
11 such additional underground facilities as may be necessary in such
12 streets;

13 (5) The city or town has the right to grant the privilege to open
14 the surface of any such street, but all damage occasioned thereby shall
15 promptly be repaired either by the city or town itself or at its
16 direction;

17 (6) The city or town at its own expense shall provide street
18 illumination and shall clean all such streets, including storm sewer
19 inlets and catch basins, and remove all snow, except that the state
20 shall when necessary plow the snow on the roadway. In cities and towns
21 having a population of fifteen thousand or less according to the latest
22 determination of population by the office of financial management, the
23 state, when necessary for public safety, shall assume, at its expense,
24 responsibility for the stability of the slopes of cuts and fills and
25 the embankments within the right of way to protect the roadway itself.
26 When the population of a city or town reaches fifteen thousand after
27 January 1, 1990, the state shall retain the responsibility for the
28 stability of slopes of cuts and fills and the embankments within the
29 right of way to protect the road itself until the legislature acts upon
30 the findings of the task force created in section 2 of this act. The

1 state shall install, maintain, and operate all illuminating facilities
2 on any limited access facility, together with its interchanges, located
3 within the corporate limits of any city or town, and shall assume and
4 pay the costs of all such installation, maintenance, and operation
5 incurred after November 1, 1954;

6 (7) The department has the right to use all storm sewers on such
7 highways without cost; and if new storm sewer facilities are necessary
8 in construction of new streets by the department, the cost of the
9 facilities shall be borne by the state and/or city as may be mutually
10 agreed upon between the department and the governing body of the city
11 or town;

12 (8) Cities and towns have exclusive right to grant franchises not
13 in conflict with state laws, over, beneath, and upon such streets, but
14 the department is authorized to enforce in an action brought in the
15 name of the state any condition of any franchise which a city or town
16 has granted on such street. No franchise for transportation of
17 passengers in motor vehicles may be granted on such streets without the
18 approval of the department, but the department shall not refuse to
19 approve such franchise unless another street conveniently located and
20 of strength of construction to sustain travel of such vehicles is
21 accessible;

22 (9) Every franchise or permit granted any person by a city or town
23 for use of any portion of such street by a public utility shall require
24 the grantee or permittee to restore, repair, and replace to its
25 original condition any portion of the street damaged or injured by it;

26 (10) The city or town has the right to issue overload or overwidth
27 permits for vehicles to operate on such streets or roads subject to
28 regulations printed and distributed to the cities and towns by the
29 department;

1 (11) Cities and towns shall regulate and enforce all traffic and
2 parking restrictions on such streets, but all regulations adopted by a
3 city or town relating to speed, parking, and traffic control devices on
4 such streets not identical to state law relating thereto are subject to
5 the approval of the department before becoming effective. All
6 regulations pertaining to speed, parking, and traffic control devices
7 relating to such streets heretofore adopted by a city or town not
8 identical with state laws shall become null and void unless approved by
9 the department heretofore or within one year after March 21, 1963;

10 (12) The department shall erect, control, and maintain at state
11 expense all route markers and directional signs, except street signs,
12 on such streets;

13 (13) The department shall install, operate, maintain, and control
14 at state expense all traffic control signals, signs, and traffic
15 control devices for the purpose of regulating both pedestrian and motor
16 vehicular traffic on, entering upon, or leaving state highways in
17 cities and towns having a population of fifteen thousand or less
18 according to the latest determination of population by the office of
19 financial management. Such cities and towns may submit to the
20 department a plan for traffic control signals, signs, and traffic
21 control devices desired by them, indicating the location, nature of
22 installation, or type thereof, or a proposed amendment to such an
23 existing plan or installation, and the department shall consult with
24 the cities or towns concerning the plan before installing such signals,
25 signs, or devices. Cities and towns having a population in excess of
26 fifteen thousand according to the latest determination of population by
27 the office of financial management shall install, maintain, operate,
28 and control such signals, signs, and devices at their own expense,
29 subject to approval of the department for the installation and type
30 only. When the population of a city or town reaches fifteen thousand

1 after January 1, 1990, the state shall retain the responsibility for
2 installing, operating, maintaining, and controlling such signals,
3 signs, and devices until the legislature acts upon the findings of the
4 task force created in section 2 of this act. For the purpose of this
5 subsection, striping, lane marking, and channelization are considered
6 traffic control devices;

7 (14) All revenue from parking meters placed on such streets belongs
8 to the city or town;

9 (15) Rights of way for such streets shall be acquired by either the
10 city or town or by the state as shall be mutually agreed upon. Costs of
11 acquiring rights of way may be at the sole expense of the state or at
12 the expense of the city or town or at the expense of the state and the
13 city or town as may be mutually agreed upon. Title to all such rights
14 of way so acquired shall vest in the city or town: PROVIDED, That no
15 vacation, sale, rental, or any other nontransportation use of any
16 unused portion of any such street may be made by the city or town
17 without the prior written approval of the department; and all revenue
18 derived from sale, vacation, rental, or any nontransportation use of
19 such rights of way shall be shared by the city or town and the state in
20 the same proportion as the purchase costs were shared;

21 (16) If any city or town fails to perform any of its obligations as
22 set forth in this section or in any cooperative agreement entered into
23 with the department for the maintenance of a city or town street
24 forming part of the route of a state highway, the department may notify
25 the mayor of the city or town to perform the necessary maintenance
26 within thirty days. If the city or town within the thirty days fails
27 to perform the maintenance or fails to authorize the department to
28 perform the maintenance as provided by RCW 47.24.050, the department
29 may perform the maintenance, the cost of which is to be deducted from

1 any sums in the motor vehicle fund credited or to be credited to the
2 city or town.

3 NEW SECTION. **Sec. 2.** (1) A task force is created to examine
4 the population threshold at which cities and towns must assume
5 additional responsibility for their streets that are part of the state
6 highway system.

7 (2) The task force shall consist of eight members: (a) Four
8 representatives from the department of transportation, with the
9 assistant secretary for local programs acting as chair; (b) one
10 representative from the association of Washington cities; (c) three
11 city representatives selected by the association of Washington cities.

12 (3) The task force's study shall included, but is not limited to:

13 (a) Identifying the population threshold at which cities and towns
14 must assume responsibility for the stability of slopes of cuts and
15 fills, the embankments within the right of way, and traffic signals and
16 other control devices on their streets that are part of the state
17 highway system. The task force shall also determine whether the
18 transfer of responsibilities will be incremental or total.

19 (b) Assessing a city's ability, including its staffing and
20 technical capabilities, to assume responsibility for maintaining
21 traffic signals and other control devices on their streets that are
22 part of the state highway system.

23 (4) The task force must submit its findings and recommendations to
24 the legislative transportation committee by July 1, 1992.