
SUBSTITUTE SENATE BILL 5825

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Fairley and Kohl)

Read first time 02/23/95.

1 AN ACT Relating to bicycle and pedestrian transportation; amending
2 RCW 36.79.010, 36.79.020, 36.79.050, 36.79.060, 36.79.080, 36.79.090,
3 36.79.120, 47.26.080, 47.26.086, 47.26.270, and 47.26.305; repealing
4 RCW 47.26.084; providing an effective date; and declaring an emergency.

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

6 **Sec. 1.** RCW 36.79.010 and 1988 c 26 s 1 are each amended to read
7 as follows:

8 The definitions set forth in this section apply throughout this
9 chapter unless the context clearly requires otherwise.

10 (1) "Rural arterial program" means improvement projects on those
11 two systems of county roads in rural areas classified as major
12 collectors and minor collectors in accordance with the federal
13 functional classification system, pedestrian and bicycle facilities
14 that supplement rural major and minor collectors, and the construction
15 of replacement bridges funded by the federal bridge replacement program
16 on access roads in rural areas. Pedestrian and bicycle facilities may
17 be sited away from county roads.

18 (2) "Rural area" means every area of the state outside of areas
19 designated as urban areas by the state transportation commission with

1 the approval of the secretary of the United States department of
2 transportation in accordance with federal law.

3 (3) "Board" means the county road administration board created by
4 RCW 36.78.030.

5 **Sec. 2.** RCW 36.79.020 and 1988 c 26 s 2 are each amended to read
6 as follows:

7 There is created in the motor vehicle fund the rural arterial trust
8 account. All moneys deposited in the motor vehicle fund to be credited
9 to the rural arterial trust account shall be expended for (1) the
10 construction and improvement of county major and minor collectors in
11 rural areas, (2) pedestrian and bicycle facilities in rural areas, (3)
12 the construction of replacement bridges funded by the federal bridge
13 replacement program on access roads in rural areas, and (~~(+3)~~) (4) for
14 those expenses of the board associated with the administration of the
15 rural arterial program.

16 **Sec. 3.** RCW 36.79.050 and 1988 c 26 s 3 are each amended to read
17 as follows:

18 At the beginning of each fiscal biennium, the board shall establish
19 apportionment percentages for the five regions defined in RCW 36.79.030
20 in the manner prescribed in RCW 36.79.040 for that biennium. The
21 apportionment percentages shall be used once each calendar quarter by
22 the board to apportion funds credited to the rural arterial trust
23 account that are available for expenditure for rural major and minor
24 collector projects, pedestrian and bicycle facilities in rural areas,
25 and for construction of replacement bridges funded by the federal
26 bridge replacement program on access roads in rural areas. The funds
27 so apportioned shall remain apportioned until expended on construction
28 projects in accordance with rules of the board. Within each region,
29 funds shall be allocated by the board to counties for the construction
30 of specific rural arterial projects on major and minor collectors,
31 pedestrian and bicycle facilities, and construction of replacement
32 bridges funded by the federal bridge replacement program on access
33 roads in rural areas in accordance with the procedures set forth in
34 this chapter.

35 **Sec. 4.** RCW 36.79.060 and 1988 c 26 s 4 are each amended to read
36 as follows:

1 The board shall:

2 (1) Adopt rules necessary to implement the provisions of this
3 chapter relating to the allocation of funds in the rural arterial trust
4 account to counties;

5 (2) Adopt reasonably uniform design standards for county major and
6 minor collectors that meet the requirements for trucks transporting
7 commodities;

8 (3) Adopt criteria and procedures for awarding funds for pedestrian
9 or bicycle facilities;

10 (4) Report biennially on the first day of November of the even-
11 numbered years to the legislative transportation committee and the
12 house and senate transportation committees regarding the progress of
13 counties in developing plans for their rural major and minor collector
14 construction programs, pedestrian and bicycle facilities, and the
15 construction of replacement bridges funded by the federal bridge
16 replacement program on access roads in rural areas and the allocation
17 of rural arterial trust funds to the counties.

18 **Sec. 5.** RCW 36.79.080 and 1983 1st ex.s. c 49 s 8 are each amended
19 to read as follows:

20 In preparing their respective six-year programs relating to rural
21 arterial improvements, counties shall select specific priority
22 improvement projects for each functional class of arterial based on the
23 rating of each arterial section proposed to be improved in relation to
24 other arterial sections within the same functional class, taking into
25 account the following:

26 (1) Its structural ability to carry loads imposed upon it;

27 (2) Its capacity to move traffic at reasonable speeds;

28 (3) Its adequacy of alignment and related geometrics;

29 (4) Its accident experience; (~~and~~)

30 (5) Its fatal accident experience;

31 (6) Public support for the project; and

32 (7) A finding that no reasonable alternative to construction, such
33 as access management or transportation system management, is possible.

34 The six-year construction programs shall remain flexible and
35 subject to annual revision as provided in RCW 36.81.121.

36 **Sec. 6.** RCW 36.79.090 and 1988 c 26 s 5 are each amended to read
37 as follows:

1 Upon receipt of a county's revised six-year program, the board as
2 soon as practicable shall review and may revise the construction
3 program as it relates to rural arterials, rural pedestrian facilities,
4 rural bicycle facilities, and the construction of replacement bridges
5 funded by the federal bridge replacement program on access roads in
6 rural areas for which rural arterial trust account moneys are requested
7 as necessary to conform to (1) the priority rating of the proposed
8 project, based upon the factors in RCW 36.79.080, in relation to
9 proposed projects in all other rural arterial construction programs
10 submitted by the counties and within each region; and (2) the amount of
11 rural arterial trust account funds that the board estimates will be
12 apportioned to the region.

13 **Sec. 7.** RCW 36.79.120 and 1988 c 26 s 6 are each amended to read
14 as follows:

15 Counties receiving funds from the rural arterial trust account for
16 construction of arterials, rural pedestrian facilities, rural bicycle
17 facilities, and the construction of replacement bridges funded by the
18 federal bridge replacement program on access roads in rural areas shall
19 provide such matching funds as established by rules recommended by the
20 board, subject to review, revision, and final approval by the state
21 transportation commission. Matching requirements shall be established
22 after appropriate studies by the board, taking into account financial
23 resources available to counties to meet arterial needs.

24 **Sec. 8.** RCW 47.26.080 and 1994 c 179 s 8 are each amended to read
25 as follows:

26 There is hereby created in the motor vehicle fund the urban
27 arterial trust account. The intent of the urban arterial trust account
28 program is to improve the urban arterial street system and related
29 bicycle and pedestrian facilities of the state by improving mobility
30 and safety while supporting an environment essential to the quality of
31 life of the citizens of the state of Washington. To be eligible to
32 receive these funds, a project must be consistent with the Growth
33 Management Act, the Clean Air Act including conformity, and the Commute
34 Trip Reduction Law. (~~The project shall consider~~) Before the board
35 approves funding for a project, the board must be assured that
36 alternatives to construction have been considered including, but not
37 limited to, access management, transportation system management, and

1 demand management. The board shall also determine that the community
2 has had adequate opportunity to review and comment on the proposed
3 project and alternatives to the project. Criteria for project
4 selection must also include safety, mobility, and physical
5 characteristics of the roadway; and ((must be partially funded))
6 funding contributions by local government. Bicycle and pedestrian
7 facilities may be funded in conjunction with an urban arterial project
8 or separately. Bicycle and pedestrian facilities may be sited away
9 from arterials or highways.

10 All moneys deposited in the motor vehicle fund to be credited to
11 the urban arterial trust account shall be expended for the construction
12 and improvement of city arterial streets and county arterial roads
13 within urban areas, for bicycle facilities within urban areas, for
14 pedestrian walkways within urban areas, for expenses of the
15 transportation improvement board in accordance with RCW 47.26.140, or
16 for the payment of principal or interest on bonds issued for the
17 purpose of constructing or improving city arterial streets and county
18 arterial roads within urban areas, or for reimbursement to the state,
19 counties, cities, and towns in accordance with RCW 47.26.4252 and
20 47.26.4254, the amount of any payments made on principal or interest on
21 urban arterial trust account bonds from motor vehicle or special fuel
22 tax revenues which were distributable to the state, counties, cities,
23 and towns.

24 The board shall not allocate funds, nor make payments of the funds
25 under RCW 47.26.260, to any county, city, or town identified by the
26 governor under RCW 36.70A.340.

27 **Sec. 9.** RCW 47.26.086 and 1994 c 179 s 11 are each amended to read
28 as follows:

29 Transportation improvement account projects selected for funding
30 programs after fiscal year 1995 are governed by the requirements of
31 this section.

32 The board shall allocate funds from the account by June 30th of
33 each year for the ensuing fiscal year to urban counties, cities with a
34 population of five thousand and over, and to transportation benefit
35 districts. Projects may include, but are not limited to, multi-agency
36 projects ((and)), arterial improvement projects in fast-growing areas,
37 pedestrian facilities, and bicycle facilities. Pedestrian or bicycle
38 facilities may be sited away from arterials and highways. The board

1 shall endeavor to provide geographical diversity in selecting
2 improvement projects to be funded from the account.

3 The intent of the program is to improve mobility of people and
4 goods in Washington state by supporting economic development and
5 environmentally responsive solutions to our state-wide transportation
6 system needs.

7 To be eligible to receive these funds, a project must be consistent
8 with the Growth Management Act, the Clean Air Act including conformity,
9 and the Commute Trip Reduction Law and consideration must have been
10 given to the project's relationship, both actual and potential, with
11 the state-wide rail passenger program and rapid mass transit. Projects
12 must be consistent with any adopted high capacity transportation plan,
13 must consider existing or reasonably foreseeable congestion levels
14 attributable to economic development or growth and all modes of
15 transportation and safety, and must be partially funded by local
16 government or private contributions, or a combination of such
17 contributions. Before the board approves funding for a project, the
18 board must be assured that alternatives to construction have been
19 considered including but not limited to access management,
20 transportation demand management, and transportation systems
21 management. The board shall also determine that the community has had
22 adequate opportunity to review and comment on the proposed project and
23 alternatives to the project. Priority consideration shall be given to
24 those projects with the greatest percentage of local or private
25 contribution, or both.

26 Within one year after board approval of an application for funding,
27 the lead agency shall provide written certification to the board of the
28 pledged local and private funding for the phase of the project
29 approved. Funds allocated to an applicant that does not certify its
30 funding within one year after approval may be reallocated by the board.

31 **Sec. 10.** RCW 47.26.270 and 1994 c 179 s 20 are each amended to
32 read as follows:

33 Counties, cities, towns, and transportation benefit districts
34 receiving funds from the board shall provide such matching funds as
35 established by rules adopted by the transportation improvement board.
36 When determining matching requirements, the board shall consider (1)
37 financial resources available to counties and cities to meet arterial,
38 pedestrian, and bicycle needs, (2) the amounts and percentages of funds

1 available for road or street construction traditionally expended by
2 counties and cities on arterials, (3) in the case of counties, the
3 relative needs of arterials lying outside urban areas, and (4) the
4 requirements necessary to avoid diversion of funds traditionally
5 expended for arterial construction to other street or road purposes or
6 to nonhighway purposes.

7 **Sec. 11.** RCW 47.26.305 and 1994 c 179 s 21 are each amended to
8 read as follows:

9 Bicycle routes (~~(shall, when established in accordance with RCW~~
10 ~~47.06.100 be))~~ are eligible for establishment, improvement, and
11 upgrading with board funds. The board shall adopt rules and procedures
12 that will encourage the development of a system of bicycle routes
13 within counties, cities, and towns.

14 NEW SECTION. **Sec. 12.** RCW 47.26.084 and 1994 c 179 s 10 & 1988 c
15 167 s 2 are each repealed.

16 NEW SECTION. **Sec. 13.** Section 12 of this act is necessary for the
17 immediate preservation of the public peace, health, or safety, or
18 support of the state government and its existing public institutions,
19 and shall take effect July 1, 1995.

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